MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, SEPTEMBER 24, 2013
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CANCELLED – NO STUDY SESSION

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Dingwall

	P	P	P	P	P	P	A
ROLL CALL:	*Dingwall,*	*Posey,*	*Peterson,*	*Bixby,*	*Kalmick,*	*Franklin,*	*Pinchiff*

Commissioner Pinchiff was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY BIXBY, SECONDED BY PETERSON, TO APPROVE THE PLANNING COMMISSION AGENDA OF SEPTEMBER 24, 2013, BY THE FOLLOWING VOTE:

AYES: Dingwall, Peterson Bixby, Kalmick, Franklin,
NOES: None
ABSENT: Pinchiff
ABSTAIN: Posey

MOTION APPROVED

A. PUBLIC COMMENTS - NONE

B. PUBLIC HEARING ITEMS

B-1. APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF CONDITIONAL USE PERMIT NO. 13-018 (LOCAL BENCH GRILL ALCOHOL SALES) Applicant: Bulent Gundogar **Property Owner:** Jay Le Rue, Pierside Pavilion LLC **Appellant:** Planning Commissioner Dan Kalmick **Request:** To permit the establishment of beer and wine sales and consumption within the building interior of an approximately 1200 square foot restaurant. **Location:** 300 Pacific Coast Highway, Unit 107B (east side of Pacific Coast Highway, south of Main Street) **City Contact:** Hayden Beckman, Planning Aide

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 13-018 with suggested findings and conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Dingwall had no disclosures.
- Commissioner Posey had no disclosures.
- Vice-Chair Peterson had no disclosures.
- Chair Bixby has visited the site, spoken with staff, attended the Zoning Administrator meeting, and spoken with Kim Kramer.
- Commissioner Kalmick appealed the Zoning Administrator action on the project, has eaten at the restaurant, and spoken with staff.
- Commissioner Franklin had no disclosures.

Hayden Beckman, Planning Aide, gave the staff presentation and an overview of the project.

There was a brief discussion regarding the enforcement of conditions of approval.

THE PUBLIC HEARING WAS OPENED.

Richardson Gray, resident, spoke in opposition to Item No. B-1, due to the concentration of alcohol sales in the downtown area.

WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

There was a brief discussion regarding the requirement for food service with alcohol sales.

STRAW VOTE #1
A motion was made by Bixby, seconded by Peterson, to prohibit happy hour alcoholic beverage specials after 7:00 PM.

AYES:	**Dingwall, Posey, Peterson, Bixby, Kalmick, Franklin**
NOES:	**None**
ABSTAIN:	**None**
ABSENT:	**Pinchiff**

MOTION APPROVED

A MOTION WAS MADE BY DINGWALL, TO APPROVE CONDITIONAL USE PERMIT NO. 13-018 WITH FINDINGS AND AMENDED CONDITIONS OF APPROVAL.

MOTION WAS NOT SECONDED

STRAW VOTE #2
A motion was made by Peterson, seconded by Kalmick, to require ABC/ Responsible Beverage Service training for Local Bench Grill staff.

AYES: Dingwall, Posey, Peterson, Bixby, Kalmick, Franklin
NOES: None
ABSTAIN: None
ABSENT: Pinchiff

MOTION PASSED

Chair Bixby expressed concern with the requested hours for alcohol service and stated that alcohol service should end by 10:00 PM.

There was a brief discussion regarding the purview of the Planning Commission.

A MOTION WAS MADE BY PETERSON, SECONDED BY FRANKLIN, TO APPROVE CONDITIONAL USE PERMIT NO. 13-018 WITH FINDINGS AND AMENDED CONDITIONS OF APPROVAL TO INCLUDE STRAW VOTES MOTIONS, PROHIBIT MULTI-PERSON BEVERAGES, AND TO END ALCOHOL SERVICE BY 10:00 PM, BY THE FOLLOWING VOTE:

AYES: Posey, Peterson, Bixby, Kalmick, Franklin
NOES: Dingwall
ABSTAIN: None
ABSENT: Pinchiff

MOTION APPROVED

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1—*Existing Facilities*, because the project involves the operation and permitting of the existing development involving negligible expansion of an existing use.

FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 13-018:

1. Conditional Use Permit No. 13-018 to permit the sales, service, and consumption of alcoholic beverages (beer and wine) within an existing 1,276 sq. ft. restaurant will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed alcohol sales and service, as conditioned, will not generate noise, traffic, demand for parking or other impacts above that which currently exists or be inconsistent with the subject property's zoning. The restaurant will continue to serve food and beverages in conjunction with the proposed use.

2. The conditional use permit will be compatible with surrounding uses because the subject tenant suite is located within a Specific Plan area designated for mixed-use pedestrian-oriented development. The proposed restaurant is surrounded by commercial, office, and restaurant uses and therefore will be consistent with the existing land use pattern and compatible with adjacent properties. The use is required to comply with conditions of

approval pertaining to alcohol service and hours of operation to assure that any potential impacts to the surrounding properties is minimized.

3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it would be located. The proposed project as conditioned complies with the base district and other applicable provisions. There is no physical expansion that includes additional floor are to the existing building as a part of this request and the use will comply with all building occupancy/exiting requirements.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M->30-sp-pd (Mixed Use – >30 du/ac – specific plan overlay – pedestrian overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

   A. *Land Use Element*

   Goal LU 7: Achieve a diversity of land uses that sustain a City's economic viability, while maintaining the City's environmental resources and scale and character.

   Objective LU 7.1: Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding subregion, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

   Policy LU 7.1.1: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

   Goal LU 11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

   Policy LU 15.2.2: Require that uses in the Pedestrian Overlay District be sited and designed to enhance and stimulate pedestrian activity along the sidewalks. Assure that areas between building storefronts and public sidewalks are visually and physically accessible to pedestrians.

   The proposed project is consistent with the Land Use Density Schedules for the Downtown and increases the economic viability of the establishment by offering the sales and service of alcoholic beverages. The expansion of services captures and enhances visitor and tourist activity within the downtown. The site is located in a mixed-use district of the downtown area and within walking distance of several downtown-parking facility as well as residential uses, thus reducing the need for vehicular travel.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 13-018:

1. The site plan and floor plan received and dated June 6, 2013, shall be the conceptually approved layout.

2. The use shall comply with the following:

a. Restaurant hours of operation shall be limited to between 9:00 AM and 11:00 PM Monday through Thursday and between 9:00 AM and 12:00 AM Friday through Sunday. No alcohol shall be served after 10:00 PM, seven days a week. **(PC)**

b. Outdoor dining shall be limited to a maximum of 20% of the restaurant area per Downtown Specific Plan Section 3.2.24.4, unless otherwise permitted.

c. Alcohol service or consumption within any outdoor dining area shall be prohibited unless approval is obtained from the City.

d. Consumption of alcohol on the premises shall be limited to the conditions contained in the ABC Type 41 license (On Sale Eating Place – Beer and Wine). **(PD)**

e. To reduce the likelihood of alcoholic beverage consumption by minors, all alcoholic beverages shall be served in distinctive vessels, different than those containing non-alcoholic beverages. **(PD)**

f. The business will be located in a highly visible location along Pacific Coast Highway. To maintain a clean public image, no items shall be placed in the windows advertising the availability of alcoholic beverages, nor shall any displays or advertisements in the interior be directed to the exterior promoting the availability of alcoholic beverages. **(PD)**

g. No alcohol shall be served after 10:00 PM. **(PC)**

h. Alcohol sales are limited to purchases in conjunction with food. Purchases of alcohol only are prohibited. **(PD)**

i. Dancing and/or dance floor and/or live entertainment shall be prohibited unless a Conditional Use Permit and Entertainment Permit are approved by the City. **(Resolution No. 2011-16)**

j. A minimum of 70 percent of the net floor area of the establishment shall be designated as dining area excluding back of house areas (such as areas used for cooking, kitchen preparation, office, storage, and restrooms) and outdoor dining areas. **(Resolution No. 2011-16)**

k. To ensure the location maintains a restaurant atmosphere, full food service menus shall be served, at a minimum, until one (1) hour before closing, and a cook and food server shall be on duty during these times. **(Resolution No. 2011-16)**

l. Alcoholic drinks shall not be included in the price of admission to any establishment. **(Resolution No. 2011-16)**

m. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(Resolution No. 2011-16)**

n. All alcohol shall remain on the establishment's premises. **(Resolution No. 2011-16)**

o. An employee of the establishment must be present at all times in areas within the establishment where alcohol is served. **(Resolution No. 2011-16)**

p. All areas of the business that are accessible to patrons shall be illuminated to make easily discernable the appearance and conduct of all people in the business. **(Resolution No. 2011-16)**

q. Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited. **(Resolution No. 2011-16)**

r. The establishment shall follow all conditions of the alcohol license issued by the California Department of Alcoholic Beverage Control, as well as all other relevant portions of the Huntington Beach Zoning and Subdivision Ordinance and Huntington Beach Municipal Code. **(Resolution No. 2011-16)**

s. No Happy Hour alcoholic beverage specials shall be offered after 7:00 PM. **(PC)**

t. Mandatory Responsible Beverage Service (RBS) training and certification shall be required for new employees within 90 days of hire and for existing employees every 12 months. Training shall be provided by an ABC approved RBS trainer and records of the training must be maintained on-site for review. **(PC)**

u. Multi-serve alcoholic beverages (pitchers) shall be prohibited. **(PC)**

3. Conditional Use Permit No. 13-018 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date. **(HBZSO Section 241.16.A)**

4. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (http://www.usgbc.org/DisplayPage.aspx?CategoryID=19) or Build It Green's Green Building Guidelines and Rating Systems http://www.builditgreen.org/green-building-guidelines-rating).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

B-2. **ENTITLEMENT PLAN AMENDMENT NO. 12-012 (EVANGELICAL FREE CHURCH EXPANSION)** **Applicant/Property Owner:** Evangelical Free Church, Robert Derrick **Request:** To permit the expansion of an existing church and school facility by demolishing an approximately 2,863 sq. ft. youth ministry/classroom building and constructing an approximately 7,639 sq. ft. two-story office/classroom building and a 4,155 sq. ft. single-story multipurpose building. **Location:** 1912 Florida Street, 92648 (eastside, between Utica Avenue and Adams Avenue) **City Contact:** Ethan Edwards, Associate Planner

STAFF RECOMMENDATION: Motion to: "Approve Entitlement Plan Amendment No. 12-012 with suggested findings and conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Dingwall had no disclosures.
- Commissioner Posey had no disclosures.
- Vice-Chair Peterson had no disclosures.
- Chair Bixby has visited the site and spoken with staff.
- Commissioner Kalmick has visited the site and spoken with staff.
- Commissioner Franklin had no disclosures

Ethan Edwards, Associate Planner, gave the staff presentation and an overview of the project.

There was a brief discussion regarding a suggested revision from the Fire Department to address revised plans provided by the applicant.

THE PUBLIC HEARING WAS OPENED.

Wayne Derrick, applicant, spoke in support of Item No. B-2, briefly discussing the history of the church and noting that the project is meant to replace space lost in the sale of the church's adjacent site on Beach Boulevard.

WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

A MOTION WAS MADE BY FRANKLIN, SECONDED BY BIXBY, TO APPROVE ENTITLEMENT PLAN AMENDMENT NO. 12-012 WITH FINDINGS AND CONDITIONS OF APPROVAL INCLUDING SUGGESTED REVISION TO CONDITION NO. 3.C., BY THE FOLLOWING VOTE:

AYES:	**Dingwall, Posey, Peterson, Bixby, Kalmick, Franklin**
NOES:	**None**
ABSTAIN:	**None**
ABSENT:	**Pinchiff**

MOTION APPROVED

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is Categorically Exempt from the provisions of the California Environmental

Quality Act (CEQA) pursuant to Section 15332, Class 32—*In-Fill Development Projects*, because the project involves the expansion of an existing church facility that is consistent with applicable general plan policies and zoning regulations within an urban area with no significant effects to habitat, traffic, noise, air and water quality; and can be adequately served by all required utilities and public services.

FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 12-012:

1. Entitlement Plan Amendment No. 12-012 to permit the expansion of an existing church and school facility by demolishing an approximately 2,863 sq. ft. youth ministry/classroom building and constructing an approximately 7,639 sq. ft. two-story office/classroom building and a 4,155 sq. ft. single-story multipurpose building will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The expansion project will be compatible with surrounding residential and commercial office uses and designed to appear residential in architecture including pitched clay-tile roofs, stucco finish with wood lintels and stone veneer accents. The buildings are compatible with the development in the area in terms of massing and appearance and they will be painted to match the existing church and surrounding buildings. Adequate parking will be provided on-site and by the approved overflow parking area. The off-set days of the week between church administrative, multi-purpose assembly, and classroom uses on weekdays, and church assembly uses on Sunday will continue to ensure that adequate parking is provided. The project will not have a detrimental impact to the area due to the nature of the use, the design of the building, and its location within the site. The site has been operating as a church and school campus since the 1970's and adequate parking can be provided for the additional classrooms and multi-purpose space.

2. The request to permit the expansion of an existing church and school facility by demolishing an approximately 2,863 sq. ft. youth ministry/classroom building and constructing an approximately 7,639 sq. ft. two-story office/classroom building and a 4,155 sq. ft. single-story multipurpose building will be compatible with surrounding uses because the project is located within an existing church campus and adequate parking will be provided. The church is primarily surrounded by multi-family residential and office uses and therefore will be consistent with the existing land use pattern and compatible with its surroundings. The project will provide adequate parking, on-site and via the use of the adjacent parking area.

3. The request to permit the expansion of an existing church and school facility by demolishing an approximately 2,863 sq. ft. youth ministry/classroom building and constructing an approximately 7,639 sq. ft. two-story office/classroom building and a 4,155 sq. ft. single-story multipurpose building will comply with the Residential Medium Density zoning designation and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO), including permitted uses, minimum parking requirements, maximum building height, minimum building setbacks and minimum landscaping requirements.

4. The granting of the entitlement plan amendment to permit the expansion of an existing church and school facility by demolishing an approximately 2,863 sq. ft. youth ministry/classroom building and constructing an approximately 7,639 sq. ft. two-story office/classroom building and a 4,155 sq. ft. single-story multipurpose building is consistent with the General Plan. The General Plan Land Use Map designation on the subject property is P (RM-15) (Public (Residential Medium Density)). The proposed project is consistent with this designation and the policies and objectives of the City's General Plan as follows:

A. *Land Use Element*

Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Objective LU 9.4 Provide for the inclusion of recreational, institutional, religious, educational services that support resident needs within residential neighborhoods.

Policy LU 9.4.2 Require that institutional structures incorporated in residential neighborhoods be designed to be compatible with and convey the visual and physical scale and character of residential structures.

Policy LU 13.1.2 Allow for the continuation of existing and development of new religious facilities in any land use zone where they are compatible with adjacent uses and subject to City review and approval.

B. *Public Facilities and Public Services Element*

Policy PF 4.3.2 Investigate the feasibility of permitting and/or providing child or elderly day care services at public and private institutional facilities, such as churches, temples, other religious buildings, hospitals and schools.

Entitlement Plan Amendment No. 12-012 provides for the continuation and expansion of existing religious, educational, and pre-school services which support the needs of the surrounding community. Expansion of the existing religious assembly and classroom use will further opportunities for religious services in the Huntington Beach community.

CONDITIONS OF APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 12-012:

1. The project plans received and dated April 10, 2013 shall be the conceptually approved design with the following modifications.
   a. All freestanding low walls, planter walls, handrails, benches and other similar improvements within the hardscape and courtyard areas shall be designed to deter skateboarding.
2. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning and Building Department.
3. The use shall comply with the following:
   a. Only the uses described in the project narrative received and dated October 12, 2012 shall be permitted.
   b. Hours of operation and locations of each use shall be consistent with the project narrative received and dated October 12, 2012.
   c. The Multi-Purpose Building general assembly area shall not be occupied when church services including worship, weddings, and funerals are occurring concurrently in the Sanctuary.
   d. Outdoor sound system(s) of any kind shall be prohibited at all times.

e. Church services, weddings, funerals, festivals, fairs, and other similar activities shall be prohibited outdoors unless approved via a Temporary Use Permit or Conditional Use Permit at a noticed public hearing.

f. Use of parking areas for uses other than parking shall be prohibited at all times unless otherwise approved via a Temporary Activity Permit or Temporary Use Permit.

g. The church shall regularly encourage church members and parents of children attending pre-school to utilize on-site and overflow parking lot and shall discourage on-street parking.

4. Prior to issuance of building permits, evidence of restrictive covenant approved by the Planning and Building Department and the City Attorney as to form and recorded with the County Clerk-Recorder's Office shall be provided or submitted to assure that both properties (main campus and overflow parking area) shall remain under common ownership and that the overflow parking area remains for the exclusive use of the church.

5. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.

6. Entitlement Plan Amendment No. 12-012 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.

7. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (http://www.usgbc.org/DisplayPage.aspx?CategoryID=19) or Build It Green's Green Building Guidelines and Rating Systems (http://www.builditgreen.org/index.cfm?fuseaction=guidelines).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

Commissioner Posey recused himself on Public Hearing Item No. B-3 because he lives within 500 feet of District 1. Commissioner Posey then left the room.

B-3. **ZONING TEXT AMENDMENT NO. 13-001 (DTSP – DISTRICT 1 OFF-SITE ALCOHOL SALES)** **Applicant:** City of Huntington Beach **Request:** To amend the Downtown Specific Plan (DTSP) to prohibit the sale of alcohol for off-site consumption in District 1. The amendment would apply to any permitted use in District 1. **Location:** Downtown Specific Plan – District 1 (Downtown Core) **City Contact:** Jennifer Villasenor, Senior Planner

STAFF RECOMMENDATION: Motion to: "Approve Zoning Text Amendment No. 13-001 with findings (Attachment No. 1) and forward Draft Ordinance (Attachment No. 2) to the City Council for adoption."

The Commission made the following disclosures:

- Commissioner Dingwall had no disclosures.
- Vice-Chair Peterson has attended the study session.
- Chair Bixby has attended the City Council meeting and the study session.
- Commissioner Kalmick attended the study session and frequently visits District 1.
- Commissioner Franklin has attended the study session.

Jennifer Villasenor, Senior Planner, gave the staff presentation and an overview of the project.

There was a brief discussion regarding the number of sites with the off-site sales in District 1.

THE PUBLIC HEARING WAS OPENED.

Richardson Gray, resident, spoke in support of Item No. B-3, citing the concentration of off-site alcohol sales in downtown.

WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

There was a lengthy discussion regarding the different potential approaches to limiting alcohol sales in the downtown area.

There was a brief discussion regarding requiring a Conditional Use Permit for all off-site sales in lieu of prohibiting off-site sales.

There was a brief discussion regarding limiting alcohol sales in all districts of downtown. Assistant City Attorney, Paul D'Alessandro recommended that any action beyond District 1 would need to be agendized and properly noticed prior to any action from the Commission.

A MOTION WAS MADE BY FRANKLIN, SECONDED BY PETERSON, TO RECOMMEND TO THE CITY COUNCIL THAT ALL REQUESTS FOR ALCOHOL SALES IN DISTRICT ONE BE BROUGHT BEFORE THE PLANNING COMMISSION FOR A PUBLIC HEARING, BY THE FOLLOWING VOTE:

AYES: Dingwall, Peterson, Bixby, Kalmick, Franklin
NOES: None
ABSTAIN: Posey
ABSENT: Pinchiff

MOTION APPROVED

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act because it is a minor zoning text amendment which does not change development standards, intensity, or density of any zoning district.

FINDINGS OF APPROVAL ZONING TEXT AMENDMENT NO. 13-001

1. Zoning Text Amendment No. 13-001 to amend the Downtown Specific Plan to require a Conditional Use Permit from the Planning Commission for any use requesting the sale of alcohol for on- or off-site consumption in District 1 is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan. The goals and policies of the General Plan require that the City implement safety measures for drinking and entertainment uses that prevent negative impacts on adjacent properties and require that the City control alcohol-related uses when they are in closer proximity to residential and other "community-sensitive" uses. Zoning Text Amendment No. 13-001 would amend the DTSP to require a Conditional Use Permit from the Planning Commission for the sale of alcohol for on- or off-site consumption for any use, including restaurants and retail establishments, in the District 1 (Downtown Core) area of the DTSP. The changes to the DTSP would allow the City to more effectively control and manage establishments requesting the sale of alcohol and are proposed in response to recommendations made by the Police Department, which determined that the sale of alcohol contributes to alcohol related crime and problems in the downtown core area as well as the surrounding residential neighborhoods and on the beach. Implementation of the changes would be a measure to prevent negative impacts on adjacent properties, manage the amount and nature of alcohol sales near downtown residential areas and the beach, and potentially reduce the incidence of crime related to alcohol consumption.

2. In the case of a general land use provision, Zoning Text Amendment No. 13-001 is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The proposed changes to the Downtown Specific Plan would not affect the zoning designation, development standards or allowable density for any affected property. The Police Department has determined that the sale of alcohol contributes to alcohol-related crime and problems in the area. Requiring a higher level of review on such uses would ensure greater compatibility with the other uses downtown as well as the surrounding residential neighborhoods and beach areas.

3. A community need is demonstrated for the change proposed. The changes to the Downtown Specific Plan would require a Conditional Use Permit from the Planning Commission for any establishment requesting on- or off-site alcohol sales in the District 1 (Downtown Core) area of the Downtown Specific Plan and potentially reduce the incidence of alcohol-related crimes in the downtown area as well as the surrounding residential neighborhoods and on the beach.

4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The proposed amendment to the Downtown Specific Plan would help to improve and maintain public safety within the downtown area, ensure that impacts related to alcohol uses are minimized and ensure that future uses are compatible with the existing downtown uses. While the goals and policies of the Downtown Specific Plan encourage uses that would promote tourism and recreation to encourage investment and stimulate the economy, they also call for a well-balanced mix of retail and restaurant uses while limiting alcohol related uses. The amendment would not inhibit the goal to promote tourism and recreation as there would be no changes to the type of uses allowed. In addition, visitor-serving commercial uses would continue to be required as they currently are in the Downtown Specific Plan area.

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED APRIL 23, 2013

RECOMMENDED ACTION: Motion to: "Approve the April 23, 2013, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY BIXBY, SECONDED BY KALMICK, TO APPROVE THE APRIL 23, 2013 PLANNING COMMISSION MINUTES AS SUMITTED, BY THE FOLLOWING VOTE:

AYES: **Dingwall, Peterson, Bixby, Kalmick, Franklin**
NOES: **None**
ABSTAIN: **Posey**
ABSENT: **Pinchiff**

MOTION APPROVED

C-2. PLANNING COMMISSION MINUTES DATED MAY 14, 2013

RECOMMENDED ACTION: Motion to: "Approve the May 14, 2013, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY BIXBY, SECONDED BY FRANKLIN, TO APPROVE THE MAY 14, 2013 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: **Dingwall, Peterson, Bixby, Kalmick, Franklin**
NOES: **None**
ABSTAIN: **Posey**
ABSENT: **Pinchiff**

MOTION APPROVED

C-3. PLANNING COMMISSION MINUTES DATED MAY 28, 2013

RECOMMENDED ACTION: Motion to: "Approve the May 28, 2013, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY BIXBY, SECONDED BY KALMICK, TO APPROVE THE MAY 28, 2013 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: Dingwall, Peterson, Bixby, Kalmick, Franklin
NOES: None
ABSTAIN: Posey
ABSENT: Pinchiff

MOTION APPROVED

C-4. PLANNING COMMISSION MINUTES DATED JUNE 11, 2013

RECOMMENDED ACTION: Motion to: "Approve the June 11, 2013, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY BIXBY, SECONDED BY KALMICK, TO APPROVE THE JUNE 11, 2013 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: Dingwall, Peterson, Bixby, Kalmick
NOES: None
ABSTAIN: Posey, Franklin
ABSENT: Pinchiff

MOTION APPROVED

C-5. PLANNING COMMISSION MINUTES DATED JUNE 25, 2013

RECOMMENDED ACTION: Motion to: "Approve the June 25, 2013, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY BIXBY, SECONDED BY FRANKLIN, TO APPROVE THE JUNE 25, 2013 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: Dingwall, Bixby, Kalmick, Franklin
NOES: None
ABSTAIN: Posey, Peterson
ABSENT: Pinchiff

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS - NONE

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING
Scott Hess, Director of Planning and Building - reported on the items from the previous City Council Meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING
Scott Hess, Director of Planning and Building – reported on the items for the next City Council Meeting.

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING
Jane James, Planning Manager– reported on the items for the next Planning Commission Meeting.

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS - NONE

F-2. PLANNING COMMISSION COMMENTS

Chair Bixby reported that the Russo Steele auto auction application will be heard at the upcoming California Coastal Commission meeting on October 9, 2013, in San Diego. Chair Bixby announced his candidacy for City Council.

ADJOURNMENT: Adjourned at 8:49 PM to the next regularly scheduled meeting of Tuesday, October 8, 2013.

APPROVED BY:

Scott Hess, Secretary

Erik Peterson, Chairperson