MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, MAY 13, 2014
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 Kalmick

ROLL CALL: ***Posey (P), Franklin (P), Peterson (P), Pinchiff (P), Bixby (P), Kalmick (P)***

AGENDA APPROVAL

A MOTION WAS MADE BY KALMICK, SECONDED BY FRANKLIN, TO APPROVE THE PLANNING COMMISSION AGENDA OF MAY 13, 2014, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PUBLIC COMMENTS - NONE

B. PUBLIC HEARING ITEMS

B-1. CONDITIONAL USE PERMIT NO. 14-002 (U.S. TACO RESTAURANT) **Applicant:** Gabriela Marks, Marks Architects **Property Owner:** Shatha Odish, CIM Group **Business Owner:** Jeff Jenkins, US Taco Co, LLC **Request:** To permit the establishment of an approximately 1,603 sq. ft. restaurant with 400 sq. ft. of outdoor dining area. **Location:** 150 5th Street, Suite 110, 92648 (east side of 5th Street, between Pacific Coast Highway and Walnut Avenue - The Strand) **City Contact:** Ethan Edwards, Associate Planner

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 14-002 with suggested findings and conditions of approval (Attachment No. 1)."

#C-1

The Commission made the following disclosures:

- Commissioner Posey stated that he had no disclosures.
- Vice-Chair Franklin has visited the site.
- Chair Peterson has visited the site and sat on the Design Review Board when the proposed project was brought forward.
- Commissioner Pinchiff has visited the site.
- Commissioner Bixby has visited the site.
- Commissioner Kalmick stated that he had no disclosures.

Ethan Edwards, Associate Planner, gave the staff presentation and an overview of the project. He noted that staff had not received any comments regarding the proposed project.

THE PUBLIC HEARING WAS OPENED.

Jeff Jenkins, representing U.S. Taco, spoke in support of Item No. B-1 and gave a brief overview of the project.

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

There was a brief discussion regarding the possibility for any future request to allow alcohol sales. Mr. Jenkins verified that there are no future plans to request alcohol sales at this proposed location.

A brief discussion regarding the possible addition of a condition requiring the proposed establishment to come back to the Planning Commission should they choose to request the allowance of alcohol sales.

A MOTION WAS MADE BY PINCHIFF, SECONDED BY FRANKLIN, TO APPROVE CONDITIONAL USE PERMIT NO. 14-002 WITH FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

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

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, of the CEQA Guidelines, which states that operation and minor alteration to existing structures involving negligible or no expansion are exempt from further environmental review.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 14-002:

1. Conditional Use Permit No. 14-002 for the establishment, maintenance, and operation of a 1,604 sq. ft. restaurant and 400 sq. ft. outdoor dining area located within The Strand development. The proposed hours of 7:00 AM to 12:00 AM every day is in keeping with surrounding restaurants in District 1 of the Downtown Specific Plan and therefore will not negatively impact the area. As conditioned, project related construction and tenant improvements will not interfere with scheduled City events. The proposed use will not create adverse noise or safety impacts to the surrounding businesses and residents based on the hours of operation and that no alcohol sales or live entertainment is proposed.

2. The proposed restaurant and outdoor dining will be compatible with surrounding uses because The Strand Development was approved with 40,000 square feet of restaurant uses and outdoor dining. The existing 1,604 sq. ft. vacant lease space was formerly occupied by Sertino's Coffee. U.S. Taco will occupy the lease space and utilize an adjacent arcade facing north by providing an outdoor dining area underneath, consistent with the original approval to provide restaurants with outdoor dining. The outdoor dining will not encroach into any required pedestrian paths nor impact any public open space areas. The proposed use is consistent with the mixed use development of The Strand and of the commercial uses of the Downtown.

3. The proposed restaurant and outdoor dining 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 uses in the district in which they will be located. The proposed project complies with the base district and other applicable provisions including parking. There is no physical expansion of the approved development proposed as part of the request and the uses will comply with all building occupancy/exiting requirements. In addition, the project will comply with the public open space requirements as specified in the Downtown Specific Plan.

4. The granting of the conditional use permit will not adversely affect the General Plan. They are consistent with the Land Use Element designation of Mixed Use Vertical on the subject property including the following policies and objectives identified in the General Plan:

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 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 sub-region, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

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 pedestrian activity along the sidewalks. Create visual differentiation of upper and lower floors and distinct treatment of building entrances and use of pedestrian oriented signage.

The proposed use will establish a new restaurant within the Downtown Core District that is consistent with the Land Use Density Schedules for The Strand development and is compatible with surrounding mixed-use development. The outdoor dining area will assist in the activation of 5th Street and further the pedestrian experience in the Downtown.

B. *Coastal Element*

Policy C 1 Develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs.

Policy C 3.2.3 Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including but not limited to, shops, restaurants, hotels and motels, and day spas.

The proposed use will promote the visitor-serving commercial viability of The Strand and will occupy vacant lease space as a restaurant use with outdoor dining.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 14-002:

1. The site plan, floor plans and elevations received and dated March 26, 2014 shall be the conceptually approved design.
2. Construction/tenant improvements shall not interfere with scheduled City events. Applicant shall contact the Community Services Department and coordinate the construction schedule prior to issuance of a building permit. **(CS)**
3. 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.
4. Conditional Use Permit No. 13-001 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.
5. 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.

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED NOVEMBER 26, 2013

RECOMMENDED ACTION: Motion to: "Approve the November 26, 2013, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY KALMICK, SECONDED BY FRANKLIN, TO APPROVE THE NOVEMBER 26, 2013 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

C-2. PLANNING COMMISSION MINUTES DATED JANUARY 14, 2014

RECOMMENDED ACTION: Motion to: "Approve the January 14, 2014, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY KALMICK, SECONDED BY FRANKLIN, TO APPROVE THE JANUARY 14, 2014 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

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

Commissioner Pinchiff stated that he had attended the Planning Commissioners Academy hosted by the League of California Cities. The workshop materials are available on the League's website. He noted that he attended the Ole Fishing Hole Fishing Derby for children with special needs. He commended the Huntington Beach Community Services Department, Kiwanis, the Council on Aging, California Department of Fish and Wildlife, and Sports Chalet for their contributions. Commissioner Pinchiff also mentioned that the Surfboards on Parade kickoff was a great event and the surfboards are currently being displayed at different locations throughout the City. He noted it was a great way to raise funds for various charities including the Huntington Beach Art Center, Surf Museum, Skin Cancer programs, and Rotary Club service programs.

Chair Peterson announced the resignation of Commissioner Bob Dingwall. He thanked him for his service to the Planning Commission.

ADJOURNMENT: Adjourned at 7:16 PM to the Planning Commission Workshop at the Huntington Beach Central Library on May 15, 2014, and then to the next regularly scheduled meeting of Tuesday, May 27, 2014.

APPROVED BY:

Scott Hess, Secretary

Erik Peterson, Chair