MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, APRIL 24, 2012
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

6:00 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

	P	P	P	P	P	A	P
ROLL CALL:	***Shier Burnett,***	***Peterson,***	***Bixby,***	***Mantini,***	***Delgleize,***	***Farley,***	***Ryan***

Commissioner Farley was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY RYAN, SECONDED BY PETERSON, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF APRIL 24, 2012, BY THE FOLLOWING VOTE:

AYES:	**Shier Burnett, Peterson, Bixby, Mantini, Delgleize, Ryan**
NOES:	**None**
ABSENT:	**Farley**
ABSTAIN:	**None**

MOTION APPROVED

Commissioner Farley arrived at 6:15 PM.

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. SITE PLAN REVIEW NO. 12-01 (BEACH AND ELLIS – MIXED USE PROJECT) – Rosemary Medel, Associate Planner

Rosemary Medel, Associate Planner, gave a brief overview of the proposed project.

There was a brief discussion regarding the parking requirements for the site.

B. STUDY SESSION ITEMS – NONE

C. PUBLIC COMMENTS – NONE

D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Herb Fauland, Planning Manager, reviewed items for the public hearing portion of the meeting.

He noted that there are two Late Communications for Item No. B-1.

E. PLANNING COMMISSION COMMITTEE REPORTS - NONE

F. PLANNING COMMISSION COMMENTS

Scott Hess, Director of Planning and Building, reported on a recent meeting held by the State Lands Commission regarding residents who have cantilevered decks and docks along the main channel.

6:29 P.M – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE– Led by Commissioner Farley

ROLL CALL: ***Shier Burnett, Peterson, Bixby, Mantini, Delgleize, Farley, Ryan***
P P P P P P P

AGENDA APPROVAL

A MOTION WAS MADE BY BIXBY, SECONDED BY DELGLEIZE, TO APPROVE THE PLANNING COMMISSION AGENDA OF APRIL 24, 2012, BY THE FOLLOWING VOTE:

AYES: ***Shier Burnett, Peterson, Bixby, Mantini, Delgleize, Farley, Ryan***
NOES: **None**
ABSENT: **None**
ABSTAIN: **None**

MOTION APPROVED

A. PUBLIC COMMENTS - NONE

B. PUBLIC HEARING ITEMS

B-1. ENTITLEMENT PLAN AMENDMENT NO. 12-03 (ENDLESS FOOD AND FUN ENTERTAINMENT) Applicant: Andrew Pereira **Property Owner:** Freeway Industrial Park, c/o Janette Trotter Ditkowsky **Request:** To amend Conditional Use Permit No. 09-034 to permit modifications to the operational conditions of an existing 46,000 sq. ft. commercial recreation and entertainment facility. The request intends to modify Conditions of Approval Nos. 2(b) and 2(e) which will (a) extend the daily closing hours of the facility an additional hour from 11:00 AM to 11:00 PM – Monday through Thursday; 11:00 AM to 1:00 AM – Friday; 7:00 AM to 1:00 AM – Saturday; and 7:00 AM to 11:00 PM – Sunday, and (b) provide additional entertainment based activities. The types of activities proposed include comedy acts, karaoke, disc jockeys (DJ), live bands, dancing, computer gaming, talent contests, and arcade game tournaments, and after hours special engagements. **Location:** 7227 Edinger Avenue, 92647 (north of Edinger Avenue, east of Gothard Street) **Project Planner:** Andrew Gonzales

STAFF RECOMMENDATION: Motion to: "Approve Entitlement Plan Amendment No. 12-03 with modifications and findings and suggested conditions of approval (Attachment No.1)."

The Commission made the following disclosures:

- Commissioner Shier Burnett has visited the site , spoken with the applicant, and served on the Planning Commission during the hearing process for the previous entitlement.
- Commissioner Peterson has visited the site and spoken with the applicant.
- Vice Chair Bixby has spoken with staff and toured the site with the applicant.
- Chair Mantini has visited the site and served on the Planning Commission during the hearing process for the previous entitlement.
- Commissioner Delgleize has spoken with the applicant, had meetings at the site, and served on the Planning Commission during the hearing process for the previous entitlement.
- Commissioner Farley has visited the site and served on the Planning Commission during the hearing process for the previous entitlement.
- Commissioner Ryan has visited the site and knows the property owner.

Andrew Gonzales, Associate Planner, gave the staff presentation and an overview of the project.

There was a brief discussion regarding the Entertainment Permit. Police Captain Bill Stuart noted that Entertainment Permits can be amended or revoked if there are issues.

There was a brief discussion regarding the hours of operation during special events.

THE PUBLIC HEARING WAS OPENED.

Jorggi Delaney, resident, spoke in support of Item No. B-1, stating the facility is a great place for children's' events.

Bob Perkell, comedian working at Endless Food and Fun, spoke in support of Item No. B-1, stating that the project would be a benefit to the city.

Andrew Pereira, applicant, spoke in support of Item No. B-1, stating the he thinks this project is a benefit to the city.

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

Commissioner Shier Burnett stated that she would be voting in support of the project.

A MOTION WAS MADE BY SHIER BURNETT, SECONDED BY PETERSON, TO APPROVE ENTITLEMENT PLAN AMENDMENT NO. 12-003 WITH MODIFCATIONS AND SUGGESTED FINDINGS AND CONDITIONS, BY THE FOLLOWING VOTE:

AYES: Shier Burnett, Peterson, Bixby, Mantini, Delgleize, Farley, Ryan
NOES: None
ABSENT: None
ABSTAIN: 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 of the CEQA Guidelines, because the project consists of minor alterations to a commercial suite within an existing shopping center.

FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 12-03:

1. Entitlement Plan Amendment No. 12-03 to permit modifications to the operational conditions of an existing 46,000 sq. ft. commercial recreation and entertainment facility to include modifications to Conditions of Approval Nos. 2(b) which restricts the daily hours of operation and 2(c) which limits the types of entertainment conducted within the facility 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 project modifications will be within an existing unit of a multi-tenant commercial shopping center in an area comprised of similar commercial uses. The modifications will not result in additional building floor, changes to onsite vehicular circulation or vehicular ingress/egress from the adjacent right-of-way and adjoining commercial properties. The project will not be located in close proximity to potentially sensitive land uses. The project will be adequately parked and will not have any significant impacts onto abutting properties. The expanded entertainment activities will be wholly contained within the building's interior and shall be limited to within the restaurant and designated dining areas. The project will not generate significant noise, odors, or other detrimental impacts onto surrounding properties.

2. The entitlement plan amendment will be compatible with surrounding uses because the modifications to the existing commercial recreation and entertainment use will only modify existing business hours and expand entertainment uses which will be only conducted wholly within the interior of an existing unit within an established district containing similar commercial uses. Other existing indoor recreational uses have been established within commercial areas and maintain similar characteristics to existing commercial uses in the surrounding area.

3. The proposed entitlement plan amendment will comply with the provisions of the base district and other applicable provisions in SP14 (Beach and Edinger Corridors Specific Plan-Town Center Boulevard Segment), 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 is located. Live entertainment uses are permitted within the zoning district with the approval of a conditional use permit.

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-sp-d (Mixed Use-Specific Plan Overlay-Design Overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

   A. *Land Use Element*

   Objective – LU 7.1: Accommodate the development of a balance of land uses that provides for commercial, employment, entertainment, and recreation needs of existing and future residents, and provides employment opportunities for residents of the City and the surrounding region and captures visitor and tourist activity.

   Objective – LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, and capitalize on Huntington Beach's recreational resources.

   Policy – 10.1.8: Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures prevent negative impacts on adjacent properties.

   The proposed project will modify operations of a commercial recreation and entertainment facility to provide a wide arrange and diversity of commercial uses and cater to the needs of local residents and residents in the surrounding region. The project will provide additional entertainment uses that will encourage tourism to the site and the surrounding area. The project will facilitate employment opportunities. To mitigate potential impacts associated with the project, further regulations have been imposed to ensure that the additional live entertainment and expanded hours of operation will not impact the subject site and surrounding area.

   B. *Economic Element*

   Policy – ED 2.4.2: Seek to capture the "new growth" businesses such entertainment-commercial developments.

   Policy– ED 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market place.

   The project is located along a highly focal corridor of the City which contains existing restaurants, retail, and entertainment uses. The project serves to provide a diversity of uses along Edinger Avenue and serves to facilitate in the expansion of commercial uses within this district with vibrant and unique uses.

CONDITIONS OF APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 12-03:

1. The site plan, floor plans, and elevations received and dated January 5, 2010, shall be the conceptually approved design.
2. The uses noted in the project narrative dated received February 21, 2012, shall comply with the following:

   a. The hours of operation shall be limited between the following hours:

      i. Monday – Thursday: 11:00 AM and 11:00 PM

      ii. Friday: 11:00 AM and 1:00 AM

iii. Saturday: 7:00 AM and 1:00 AM

iv. Sunday: 7:00 AM and 11:00 AM

These operating hours shall not apply to special after hour engagements which require the review and final approval from both the Police Department and Planning Division.

b. Prior to commencing with live entertainment activities, an Entertainment Permit must be obtained from the Police Department. All conditions contained in the Entertainment Permit shall be adhered to. **(PD)**

c. All live entertainment activities shall be limited to the restaurant, buffet dining rooms, and party rooms, and game center areas of the facility. The existing occupancy of each room shall be maintained and remain as an area for the purposes of dining.

d. Signs shall be clearly and conspicuously posted identifying the areas of the facility where alcohol is prohibited. **(PD)**

e. Service of alcoholic beverages for consumption off-site will not be permitted. **(PD)**

f. All areas where the sales, service, and consumption of alcoholic beverages are permitted shall be sufficiently illuminated to permit the identification of patrons. **(PD)**

g. There shall be no alcohol service anywhere in the business during any special event, private event, or other activity that is scheduled to occur after hours (overnight). This includes but is not limited to "grad nights" and "lock ins". All alcohol service will cease prior to the beginning of the after hour event regardless of what time the event starts. **(PD)**

h. Dancing, live music, and DJs are strictly prohibited during after hour special events. **(PD)**

3. All conditions of approval required under Conditional Use Permit No. 09-034 shall remain valid, with exception of Condition No. 2(b) and 2(e), as modified herein including all conditions of approval required under Entitlement Plan Amendment 10-005.

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 October 25, 2011

RECOMMENDED ACTION: Motion to: "Approve the October 25, 2011, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY RYAN, SECONDED BY SHIER BURNETT, TO APPROVE THE OCTOBER 25, 2011 PLANNING COMMISSION MINUTES AS AMENDED, BY THE FOLLOWING VOTE:

AYES: Shier Burnett, Peterson, Bixby, Mantini, Delgleize, Farley, Ryan
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS – NONE

D-1. GENERAL PLAN CONFORMANCE NO. 12-01 (EDINGER AVENUE UNDERGROUND UTILITY DISTRICT)

Applicant: Public Works Dept., City of Huntington Beach **Property Owner:** City of Huntington Beach **Request:** To determine if a proposed underground utility district on Edinger Avenue, between Marjan Lane and Gothard Street is in conformance with the goals, objectives, and policies of the General Plan. **Location:** Edinger Avenue (between Marjan Lane and Gothard Street) **Project Planner:** Hayden Beckman, Planning Aide

STAFF RECOMMENDATION: Motion to: "Adopt Resolution No. 1661, approving General Plan Conformance No. 12-01 with findings (Attachment Nos. 1 and 2)."

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

There was a brief discussion regarding the funding sources for underground utility districts.

There was a brief discussion regarding the challenges of obtaining private easements when the undergrounding goes outside of the public right-of-way.

A MOTION WAS MADE BY PETERSON, SECONDED BY SHIER BURNETT, TO ADOPT RESOLUTION NO. 1661, APPROVING GENERAL PLAN CONFORMANCE NO. 12-01 WITH FINDINGS, BY THE FOLLOWING VOTE:

AYES: Shier Burnett, Peterson, Bixby, Mantini, Delgleize, Farley, Ryan
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the proposed 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 15302, Class 2 (d) of the CEQA Guidelines because, "Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding," is exempt from environmental review.

FINDINGS FOR APPROVAL – GENERAL PLAN CONFORMANCE NO. 12-01:

The General Plan Land Use Map designation for the subject property is public right-of-way. The proposed project is consistent with this designation and goals, objectives, and policies of the City's General Plan as follows:

A. Urban Design Element

Goal UD 1: Enhance the visual image of the City of Huntington Beach.

Policy UD 1.3.2: Provide for the implementation of streetscape improvements along the major commercial corridors, through public capital improvement programs, business district improvements, or other techniques as funding is available.

The removal of existing Southern California Edison power poles and associated overhead wires for Time Warner and Verizon along Edinger Avenue will enhance the appearance of Edinger Avenue by eliminating structures that detract from the visual image of the corridor and significant public views.

Policy UD 2.2.4: Require the undergrounding of utility lines.

B. Utilities Element

Policy U 5.1.2: Continue to underground above ground electrical transmission lines.

The Underground Utility Committee has identified Edinger Avenue, between Marjan Lane and Gothard Street as a high priority district due to the high level of use of Edinger Avenue and the visual and safety impacts associated with utility poles and overhead wires. The proposed Underground Utility District will allow for the undergrounding of Southern California Edison power poles and associated overhead wires for Time Warner and Verizon along a segment of Edinger Avenue.

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
Herb Fauland, 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 - NONE

ADJOURNMENT: Adjourned at 7:40 PM to the next regularly scheduled meeting of Tuesday, May 8, 2012.

APPROVED BY:

Scott Hess, Secretary

Janis Mantini, Chairperson