



# MINUTES

## HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JUNE 23, 2015  
HUNTINGTON BEACH CIVIC CENTER  
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

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

### CALL PLANNING COMMISSION MEETING TO ORDER

A P P P P P P

ROLL CALL: Crowe, Semeta, Pinchiff, Kalmick, Mandic, Brenden, Hoskinson

Commissioner Crowe was absent.

### AGENDA APPROVAL

A MOTION WAS MADE BY SEMETA, SECONDED BY PINCHIFF, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF JUNE 23, 2015, BY THE FOLLOWING VOTE:

AYES: Semeta, Pinchiff, Kalmick, Mandic, Brenden, Hoskinson  
NOES: None  
ABSENT: Crowe  
ABSTAIN: None

### MOTION APPROVED

A MOTION WAS MADE BY BRENDEN, SECONDED BY KALMICK, TO MOVE THAT STUDY SESSION PUBLIC COMMENTS WILL BE OPENED AND CLOSED AFTER EACH STUDY SESSION PROJECT REVIEW ITEM.

### MOTION APPROVED BY ACCLAMATION

THE MINUTES WILL REFLECT ITEMS IN THEIR ORIGINAL ORDER.

#### A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

- A-1. **SITE PLAN REVIEW NO. 15-001/CONDITIONAL USE PERMIT NO. 15-020/ VARIANCE NO. 15-003 (BEACH MEDICAL PAVILLION)** **Request:** The existing 30,000 sq. ft., three-story medical office building and 18,582 sq. ft., three-story surgery center on the subject site are proposed to be demolished and replaced by a new 44,500 sq. ft., two-story medical office building pursuant to Section 2.0.5 of the Beach and Edinger Corridors Specific Plan (BECSP). **Location:** 17752-17762 Beach Boulevard, 92647 (southeast corner of Beach Boulevard and Newman Avenue) **City Contact:** Jill Arabe, Associate Planner

Jill Arabe, Associate Planner, gave a brief overview of the proposed project.

There was a brief discussion regarding the landscape setbacks and the parking reduction to improve the aesthetic by incorporating more trees.

There was a lengthy discussion regarding the necessary findings for a Conditional Use Permit as opposed to a Variance. Ms. James reviewed the recent City Council approved amendments to the Beach Edinger Corridors Specific Plan that allow for the reduction of the required thirty foot setback through a conditional use permit and not a variance.

- A-2. ZONING TEXT AMENDMENT NO. 14-002 (UTILITY DATA COLLECTION UNITS) Request:** To amend Section 230.96 (Wireless Communication Facilities) of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) by adding definitions for City property and data collection unit and simplifying the process for installation of such infrastructure. **Location:** Citywide **City Contact:** Tess Nguyen, Associate Planner

Tess Nguyen, Associate Planner, gave a brief overview of the proposed project.

There was a discussion regarding the locations, the design, and the potential stealthing of the units. There was a brief discussion regarding the data collected and the potential privacy issues. Brian Ragland, Utilities Manager, spoke briefly regarding the data collected and noted that the data is tied to a specific meter number and not a residential address.

- A-3. GENERAL PLAN AMENDMENT NO. 14-002 (GENERAL PLAN UPDATE) Request:** To provide a status and scheduling update regarding the comprehensive General Plan Update. **Location:** Citywide **City Contact:** Jennifer Villasenor, Acting Planning Manager

Jennifer Villasenor, Acting Planning Manager, gave a lengthy overview of the proposed project.

There was a lengthy discussion regarding the opportunity sites and the General Plan Amendment approval process.

There was a lengthy discussion regarding the potential Research and Technology zoning designation and the reasoning for it. Ms. Villasenor indicated that it gives additional use opportunities not addressed in the current Industrial zoning.

There was a brief discussion regarding the possibilities for the Peter's Landing site and the current zoning for the property.

There was a brief discussion regarding the status of the Historic Resources Element and the Housing Element.

**B. STUDY SESSION ITEMS – NONE**

**C. PUBLIC COMMENTS**

Thomas LeBeau, applicant, spoke in support of Study Session Item No. A-1, giving an overview of the proposed development.

Jennifer Vaughn, Southern California Gas, spoke in support of Study Session Item No. A-2, giving a brief overview of the pole design, the data encryption, and the potential number of poles required.

David Johnston, resident, spoke regarding Study Session Item No. A-3, citing concerns with the potential future zoning for the Peter's Landing property and the potential impacts to neighboring residents.

**D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)**

Jane James, Planning Manager, noted that there were two Late Communication items for Public Hearing Item No. B-1.

**E. PLANNING COMMISSION COMMITTEE REPORTS**

Commissioner Pinchiff reported on the recent Southeast Area Committee meeting and the recent Downtown Economic Development Committee.

**F. PLANNING COMMISSION COMMENTS**

There was a brief discussion regarding the process for the upcoming joint Planning Commission and City Council Study Session regarding the General Plan Update on July 6, 2015.

**7:08 P.M. – RECESS FOR DINNER**

**7:35 P.M. – COUNCIL CHAMBERS**

**CALL PLANNING COMMISSION MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE** – Led by Commissioner Mandic

**ROLL CALL:**     *A*     *P*     *P*     *P*     *P*     *P*     *P*  
***Crowe, Semeta, Pinchiff, Kalmick, Mandic, Brenden, Hoskinson***

Commissioner Crowe was absent.

**AGENDA APPROVAL**

**A MOTION WAS MADE BY BRENDEN, SECONDED BY MANDIC, TO APPROVE THE PLANNING COMMISSION AGENDA OF JUNE 23, 2015, BY THE FOLLOWING VOTE:**

**AYES:**           Semeta, Pinchiff, Kalmick, Mandic, Brenden, Hoskinson  
**NOES:**           None  
**ABSENT:**       Crowe  
**ABSTAIN:**      None

**MOTION APPROVED**

**A. PUBLIC COMMENTS – NONE**

**B. PUBLIC HEARING ITEMS**

- B-1. CONDITIONAL USE PERMIT NO. 15-005 (TORO BURGER RESTAURANT ONSITE ALCOHOL SALES)** **Applicant:** Sherrie Olson, Permits and Licenses Resource Center, LLC, 1030 North Mountain Ave. #190, Ontario, CA 91762 **Property Owner:** NF Huntington Plaza, 6222 Wilshire Blvd., Suite 400, Los Angeles, CA 90048 **Business Owner:** Toro Burger LLC, 7862 Warner Ave., Suite 101, Huntington Beach, CA 92647 **Request:** To permit the sales, service, and consumption of alcohol within an approximately 1,600 sq. ft. restaurant and 360 sq. ft. outdoor dining area. **Location:** 7862 Warner Avenue #101, 92647 (southwest corner of Warner Avenue and Beach Boulevard) **City Contact:** Jill Arabe, Associate Planner

**STAFF RECOMMENDATION:** Motion to: "Approve Conditional Use Permit No. 15-005 with suggested findings and conditions of approval (Attachment No. 1)"

The Commission made the following disclosures:

- Commissioner Semeta has visited the site on numerous occasions and spoke with staff.
- Vice-Chair Pinchiff has visited the site on multiple occasions.
- Chair Kalmick lives near the site, has visited Charter Center on multiple occasions, and spoke with staff.
- Commissioner Mandic has visited the site.
- Commissioner Brenden had no disclosures.
- Commissioner Hoskinson has visited the site.

Jill Arabe, Associate Planner, gave the staff presentation and an overview of the project.

**THE PUBLIC HEARING WAS OPENED.**

Sherrie Olson, applicant, spoke in support of Item No. B-1 stating that she concurs with staff's report and the conditions of approval.

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

There was a brief discussion regarding the condition prohibiting happy hour drink prices. Captain Stuart, Huntington Beach Police Department, explained that Police consistently recommends no late night reduced drink prices.

There was a lengthy discussion regarding the operating hours, the patio access, and how the hours of operation compare with other restaurants in the area.

**A MOTION WAS MADE BY KALMICK TO APPROVE CONDITIONAL USE PERMIT NO. 15-005 WITH MODIFIED FINDINGS AND CONDITIONS OF APPROVAL TO LIMIT THE HOURS OF OPERATION TO 1:00 AM ONLY ON FRIDAY AND SATURDAY NIGHTS.**

**MOTION WAS NOT SECONDED**

There was a brief discussion regarding allowing happy hour prior to 9:00 PM. Captain William Stuart indicated that the Police Department's standard recommendation is to prohibit happy hour after 7:00 PM.

Ms. Olson indicated that one of the reasons she would prefer 1:00 AM close is to capture holiday traffic, which is not limited to Friday and Saturday nights.

**A MOTION WAS MADE BY KALMICK SECONDED BY SEMETA, TO APPROVE CONDITIONAL USE PERMIT NO. 15-005 WITH MODIFIED FINDINGS AND CONDITIONS OF APPROVAL TO PROHIBIT REDUCED PRICE ALCHOLIC BEVERAGES AFTER 7:00 PM AND TO LIMIT THE HOURS OF OPERATION TO 7:00 AM TO 12:00 AM SUNDAY THROUGH THURSDAY AND 7:00 AM TO 1:00 AM ON FRIDAY AND SATURDAY, BY THE FOLLOWING VOTE:**

**AYES: Semeta, Kalmick, Mandic, Brenden, Hoskinson**  
**NOES: Pinchiff**  
**ABSENT: Crowe**  
**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, 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. 15-005:**

1. Conditional Use Permit No. 15-005 for sales, service, and consumption of alcoholic beverages within an approximately 1,600 sq. ft. restaurant and 360 sq. ft. outdoor dining area 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 use is located within an existing multi-tenant commercial center with other similar commercial uses. The business will provide an additional restaurant opportunity for the office uses in the center and residential uses in the vicinity. The restaurant is not anticipated to generate additional noise, traffic, or other impacts above existing conditions. Residential uses to the west and south of the site are buffered from the use by streets, a parking structure and movie theater building, and landscaping. As conditioned, outdoor dining is not permitted between the hours of 10:00 p.m. and 7:00 a.m. to minimize potential noise and safety impacts during late night times.
2. The conditional use permit will be compatible with surrounding residential and commercial uses. The restaurant use is located in an existing multi-tenant commercial center with other similar commercial uses. Residential uses to the west and south of the site are buffered from the use by streets, a parking structure and movie theater building, and landscaping. The business entrance door is oriented to Warner Avenue and as conditioned, outdoor dining will not occur between the hours of 10:00 p.m. and 7:00 a.m. to minimize potential noise and safety impacts during late night times.
3. The proposed use 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 on the project. It complies with applicable HBZSO requirements.

The proposed hours of operation are consistent with the existing commercial uses and therefore will not generate impacts to adjacent noise-sensitive uses above the existing conditions.

4. The granting of the conditional use permit will not adversely affect the General Plan. The proposed project is consistent with the General Plan land use designation of Mixed Use and the goals, objectives, and policies of the City's General Plan as follows:

A. Land Use Element

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, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

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

The proposed use is compatible with the existing commercial uses in the shopping center such as retail, restaurants, and offices. It provides for the sales and service of alcoholic beverages within the interior of the restaurant and outdoor dining area. The proposed use will not generate significant impacts above existing conditions.

B. Economic Development Element

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 primary corridor of the City that contains existing restaurants, retail, and entertainment uses. The proposed use will serve to strengthen the existing commercial center.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 15-005:**

1. The site plan and floor plan received and dated March 30, 2015, shall be the conceptually approved layout.
2. Prior to the sales, service, or consumption of alcoholic beverages, the business shall obtain an ABC license authorizing alcohol use in the restaurant and outdoor dining area. The business shall be limited to a Type 47 (On Sale General – Eating Place) ABC License.
3. The use shall comply with the following:
  - a. Restaurant business hours shall be limited to:
    - i. 7:00 AM - 12:00 AM (Sunday – Thursday)
    - ii. 7:00 AM - 1:00 AM (Friday – Saturday) **(PC)**
  - b. To further reduce the likelihood of noise disturbances from patrons during late night and early morning hours, no dining or consumption of alcoholic beverages shall be permitted within the outdoor patio dining area between the hours of 10:00 PM and 7:00 AM.

- c. All alcoholic beverages shall remain within the interior of the restaurant and outdoor patio dining area per §9.44.010 of the Huntington Beach Municipal Code (HBMC). A sign shall be posted stating alcoholic beverages are not allowed outside of the restaurant. **(PD)**
- d. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
- e. No reduced price alcoholic beverage promotion shall be allowed after 7:00 PM. **(PC)**
- f. No loitering shall be permitted within the vicinity of any entrances and exits at any time. **(PD)**
- g. Signs shall be posted in a conspicuous space at the entrance/exit points of the patio, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
- h. An employee shall maintain continuous supervision at all times of the patio area when the patio area is being utilized for the sales, service or consumption of alcoholic beverages. **(PD)**
- i. To ensure the location maintains a restaurant atmosphere, food service from the regular menu shall be available from the time the business opens to the public, until at least one hour prior to the scheduled closing time. **(PD)**
- j. The sale of alcoholic beverages shall be made only in conjunction with the sale of food to the person ordering the beverage. **(PD)**
- k. There shall be no entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. Entertainment is not allowed on the patio. **(PD)**
- l. The business shall employ a video surveillance system and a one-month video library. The minimum requirements for the cameras will be: color, digital recording to DVR and able to record in low light. The business shall ensure all doors, eating areas, and parking areas are covered by video surveillance. Electronic copies of video must be made available to the Huntington Beach Police Department within 48 hours of request. Digital recordings shall be made available for viewing on-scene upon request by police officers conducting investigations. **(PD)**
- m. All areas where the sales, service, and consumption of alcoholic beverages will be permitted must be sufficiently illuminated to permit the identification of patrons. **(PD)**
- n. Consumption of alcoholic beverages by on-duty employees including servers, bartenders, kitchen staff, management and supervisory personnel is forbidden. **(PD)**
- o. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
- p. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition. **(PD)**

- q. There shall be no window coverings or advertisements that reduce the visibility inside of the business. This will assist officers in observing crimes in progress. **(PD)**
  - r. Mandatory Responsible Beverage Service (RBS) training and certification shall be required for new employees within 90 days of being hired 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. **(PD)**
  - s. All owners, employees, representatives, and agents must obey all state, local, and municipal laws, and conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise; at all times. **(PD)**
4. Signage shall be reviewed under separate permits and applicable processing.
5. The Development Services Departments (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. Conditional Use Permit No. 15-005 shall become null and void unless exercised within two (2) 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. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
8. 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.

**C. CONSENT CALENDAR - NONE**

**C-1. PLANNING COMMISSION MINUTES DATED DECEMBER 9, 2014**

**RECOMMENDED ACTION:** Motion to: "Approve the December 9, 2014, Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY KALMICK, SECONDED BY SEMETA, TO APPROVE THE DECEMBER 9, 2014 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:**

**AYES:** Semeta, Pinchiff, Kalmick, Hoskinson  
**NOES:** None  
**ABSENT:** Crowe  
**ABSTAIN:** Mandic, Brenden

**MOTION APPROVED**

**C-2. PLANNING COMMISSION MINUTES DATED JANUARY 13, 2015**

**RECOMMENDED ACTION:** Motion to: "Approve the January 13, 2015, Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY KALMICK, SECONDED BY HOSKINSON, TO APPROVE THE JANUARY 13, 2015 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:**

**AYES:** Semeta, Pinchiff, Kalmick, Brenden, Hoskinson  
**NOES:** None  
**ABSENT:** Crowe  
**ABSTAIN:** Mandic

**MOTION APPROVED**

**C-3. PLANNING COMMISSION MINUTES DATED JANUARY 27, 2015**

**RECOMMENDED ACTION:** Motion to: "Approve the January 27, 2015, Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY BRENDEN, SECONDED BY KALMICK, TO APPROVE THE JANUARY 27, 2015 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:**

**AYES:** Pinchiff, Kalmick, Brenden, Hoskinson  
**NOES:** None  
**ABSENT:** Crowe  
**ABSTAIN:** Semeta, Mandic

**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 Semeta reported that she had toured the Ascon site that morning and noted that the Environmental Impact Report for the site had been certified so remediation could begin.

Commissioner Hoskinson reported that he also visited the Ascon site.

Chair Kalmick reported that he also visited the Ascon site.

**ADJOURNMENT: Adjourned at 8:04 PM to the July 6, 2015, Joint City Council Study Session and then to the next regularly scheduled meeting of Tuesday, July 14, 2015.**

APPROVED BY:

  
\_\_\_\_\_  
Scott Hess, Secretary

  
\_\_\_\_\_  
Edward Pinchiff, Chair