MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, SEPTEMBER 13, 2011
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 Shier Burnett

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

AGENDA APPROVAL

A MOTION WAS MADE BY MANTINI, SECONDED BY BIXBY, TO APPROVE THE PLANNING COMMISSION AGENDA OF SEPTEMBER 13, 2011, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PUBLIC COMMENTS - NONE

B. PUBLIC HEARING ITEMS

B-1. CONDITIONAL USE PERMIT NO. 11-001 (TAPHOUSE RESTAURANT) **Applicant/Business Owner:** Dwight Chornomud **Property Owner:** Huntington Partners, LLC **Request:** To permit: 1) the establishment, maintenance, and operation of an approximately 9,186 sq. ft. two-level indoor restaurant and 1,082 sq. ft. outdoor dining area; 2) alcohol sales; 3) live entertainment consisting of music and dancing; 4) approximately 564 sq. ft. outdoor storage area; and 5) a reduction in the number of required parking spaces to less than the number required pursuant to HBZSO Section 213.08 based on a parking survey and shared parking analysis and data. **Location:** 8901 Warner Avenue, 92647 (northwest corner at Magnolia Street – Bridgecreek Plaza) **Project Planner:** Ethan Edwards

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 11-001 with suggested findings and conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Shier Burnett has visited the site and attended the study session.
- Commissioner Peterson has visited the site.
- Vice Chair Mantini has visited the site, and attended the study session.
- Chair Delgleize has visited the site, spoken to staff, and attended the study session.
- Commissioner Farley has visited the site.
- Commissioner Bixby has visited the site, attended the study session, and spoken to staff.
- Commissioner Ryan has visited the site.

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

Commissioner Bixby confirmed with staff that all patrons would vacate the facility prior to the proposed closing time.

THE PUBLIC HEARING WAS OPENED.

Eli Atol, Taphouse Huntington Beach, spoke in support for Item No. B-1.

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

Commissioner Farley asked for clarification on the plans and there was a brief discussion regarding the dance floor and the restaurant access.

A MOTION WAS MADE BY MANTINI, SECONDED BY SHIER BURNETT, TO APPROVE CONDITIONAL USE PERMIT NO. 11-001 WITH SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES:	**Shier Burnett, Peterson, Mantini, Delgleize, Farley, Ryan, Bixby**
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 Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1—*Existing Facilities*, because the project involves a minor modification to the operation of the existing development involving negligible expansion of an existing use.

FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 11-001:

1. Conditional Use Permit No. 11-001 to permit the establishment, maintenance, and operation of an approximately 9,186 sq. ft. two-level indoor restaurant and 1,082 sq. ft. outdoor dining area with alcohol sales; live entertainment consisting of music and dancing; approximately 564 sq. ft. outdoor storage area; and a reduction in required parking based on shared use located within an existing mixed-use center in the Commercial General zoning designation; 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 regulated by the provisions of Chapter 5.44 of the Huntington Beach Municipal Code and the required Entertainment Permit. The Entertainment Permit prohibits noise that is audible at a distance greater than 50 feet from the business. No residential property or other sensitive land uses exist within 50 feet of the restaurant. The outdoor storage will be screened and not be visible by public view. In addition, the subject property provides adequate parking to accommodate the proposed restaurant, as demonstrated by a shared parking analysis, prepared by a licensed traffic engineer, indicating sufficient parking for existing and proposed uses based on shared parking. The anticipated actual peak parking demand for the center is 186 occupied parking spaces on weekdays and 192 occupied parking spaces on weekends. This substantiates that there is sufficient parking onsite and shows surplus parking for the existing and proposed uses based upon the existing 229 parking spaces provided.

2. The proposed restaurant with alcohol, live entertainment with dancing, outdoor dining, outdoor storage, and reduced parking will be compatible with surrounding uses because the proposed use is located within an existing mixed-use center. The restaurant is surrounded by commercial, office, and restaurant uses and therefore will be consistent with the existing land use pattern and compatible to its surroundings. The use will be required to comply with conditions of approval pertaining to alcohol service, live entertainment, outdoor storage, and operation to assure that any potential impacts to the surrounding properties are minimized. Live entertainment will be located within the restaurant and is primarily intended to enhance the experience for patrons and will not negatively impact adjacent properties. Additionally, the use is subject to noise regulations to further ensure compatibility with surrounding properties; and off-site parking will be restricted through directional signage.

3. The proposed restaurant with alcohol, live entertainment with dancing, outdoor dining, outdoor storage, and reduced parking 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 (HBZSO) and any specific condition required for the proposed use in the district in which it will be located. The HBZSO allows alcohol service, live entertainment with dancing, outdoor dining, outdoor storage, and a reduction in parking, in the CG zone, with approval of a conditional use permit. There is no physical expansion that includes additional floor area to the existing building as 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 CG-F1 (Commercial General – 0.35 Max. Floor Area Ratio) on the subject property. In addition, it is consistent with the following policies, objective and goal of 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 subregion, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

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.

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.

The proposed use will provide the reestablishment of a commercial use within the Commercial General designation that is consistent with the Land Use and Density Schedules and is compatible with the surrounding mix of uses. The proposed conditional use permit will provide for the cultural, entertainment and recreational needs of a successful restaurant business by allowing the establishment to provide a broad range of restaurant related activities and services in a safe manner for residents of the surrounding area.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 11-001:

1. The site plan, floor plan, and elevation plan received and dated August 25, 2011, shall be the conceptually approved design.

2. Prior to issuance of a grading permit a Precise Grading Plan shall be submitted to the Public Works Department that includes the following:

   a. The existing westerly approach on Warner Avenue shall be removed and replaced with an ADA compliant driveway approach per Public Works Standard Plan No. 209 or 211. **(PW)**

   b. Damaged curb, gutter and sidewalk along the Warner Avenue frontage shall be removed and replaced per Public Works Standard Plan Nos. 202 and 207. **(PW)**

3. The use shall comply with the following:

   a. Hours of operation shall be limited to between 11:00 AM and 2:00 AM Monday through Friday, and between 9:00 AM and 2:00 AM Saturday and Sunday.

   b. 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)**

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

d. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning and Building Department for the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.

e. Prior to commencing live entertainment activities, a copy of an approved Entertainment Permit, approved by the Police Department and issued by the Business License Department, shall be submitted to the Planning & Building Department.

f. All conditions of the Entertainment Permit shall be observed.

g. Only the uses described in the project narrative shall be permitted (see attached narrative).

h. The use conditions listed herein shall be clearly posted on the premises at all times.

4. The height of supplies and equipment stored within the outdoor storage area shall not exceed the height of the screening fence.

5. A directional sign shall be posted at the entrance of the southwesterly reciprocal access way that indicates "No Restaurant Parking."

6. A review of the use shall be conducted by the Planning Commission within six (6) months of the issuance of Certificate of Occupancy to verify compliance with all conditions of approval and applicable Chapters of the Huntington Beach Zoning and Subdivision Ordinance. At that time the Planning Commission may consider modifications to the conditions of approval.

7. 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.

8. CUP No. 11-001 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.

9. 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.

B-2. **CONDITIONAL USE PERMIT NO. 11-014 (CHILE VERDE RESTAURANT ALCOHOL SALES)** **Applicant:** Monica Torres **Business Owner:** Jose Bahena **Property Owner:** Valbeach Garfield LLC **Request:** To permit the sales and service of alcoholic beverages (beer and wine) for on-site consumption within an existing 1,800 sq. ft. eating and drinking establishment. **Location:** 18900 Beach Boulevard, Suite 112, 92648 (east side of Beach Boulevard, north of Garfield Avenue) **Project Planner:** Tess Nguyen

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 11-014 with findings and suggested conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Shier Burnett has visited the site and attended the study session.
- Commissioner Peterson has visited the site.
- Vice Chair Mantini has visited the site.
- Chair Delgleize has visited the site, spoken to staff, and attended the study session.
- Commissioner Farley has visited the site.
- Commissioner Bixby has visited the site and attended the study session.
- Commissioner Ryan has visited the site and attended the study session.

Tess Nguyen, Associate Planner, gave the staff presentation and an overview of the project.

THE PUBLIC HEARING WAS OPENED.

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

A MOTION WAS MADE BY MANTINI, SECONDED BY PETERSON, TO APPROVE CONDITIONAL USE PERMIT NO. 11-014 WITH SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES:	**Shier Burnett, Peterson, Mantini, Delgleize, Farley, Ryan, Bixby**
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, 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. 11-014:

1. Conditional Use Permit (CUP) No. 11-014 to permit the sales and service of alcoholic beverages for on-site consumption within an existing 1,800 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 use is not anticipated to generate additional noise, traffic, or other impacts to the surrounding properties inconsistent with the subject property's Beach and Edinger Corridors Specific Plan (SP 14) zoning. It is ancillary to the existing restaurant and the dining area is located at the front of the unit, oriented toward the west parking lot and away from residential uses to the east. The restaurant use was previously approved by Administrative Permit (AP) No. 08-015 to operate with more than 12 seats. In addition, the restaurant is buffered from adjacent residences by a minimum 6 ft. high block wall and approximately 10 ft. building separation.

5. The proposed sales and service of alcoholic beverages ancillary to an eating and drinking establishment is compatible with surrounding uses because it is located entirely within the building in an existing commercial center and surrounded by similar and complementary commercial uses. The proposed dining area is located at the front of the unit, oriented toward the west parking lot and away from residential uses to the east. As conditioned, the sales and service of alcohol will be limited to the interior of the building. The proposed hours of operation are also consistent with existing commercial uses and therefore will not generate impacts to adjacent noise-sensitive uses above the existing conditions.

6. The proposed sales and service of alcoholic beverages will comply with the provisions of the Beach and Edinger Corridors Specific Plan, other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use. The proposed use for alcohol sales and service requires a conditional use permit subject to review and approval by the Planning Commission. Because the restaurant use with more than 12 seats was previously approved by AP No. 08-015, parking requirements applicable to the use is in compliance.

7. 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 – design overlay) on the subject property. In addition, it is consistent with the following goals, policies, and objectives 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.

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.

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.

The proposed use increases the economic viability of the establishment by offering the sales and service of alcoholic beverages. The proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. The use will be located within an existing shopping center, which includes service related uses.

B. *Noise Element*

Objective N 1.8 Minimize the generation of excessive noise level impacts from entertainment and restaurant/bar establishments into adjacent residential or "noise sensitive" land uses.

The proposed use of alcohol sales and service is not anticipated to result in negative impacts on adjacent uses. The restaurant and alcohol service will be limited to between the hours of 10:00 AM and 9:00 PM. The dining area is located at the front of the unit and oriented away from residential uses. The building is buffered from adjacent residences by an approximate 10 ft. wide separation and minimum 6 ft. high block wall. With the alcohol service limited to the interior of the unit, proposed hours and other operational restrictions, the proposed use is not anticipated to impact surrounding noise-sensitive land uses.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 11-014:

1. The site plan and floor plan received and dated June 2, 2011 shall be the conceptually approved design.

2. The use shall comply with the following:

   a. Food service from the regular menu shall be available during regular business hours up until at least 30 minutes prior to the scheduled closing time. **(PD)**

   b. Alcohol service and consumption shall be limited to within the interior of the restaurant only. Service of alcoholic beverages for offsite consumption shall be prohibited. **(PD)**

   c. All exterior doors shall remain closed during business hours. **(PD)**

   d. All areas to be utilized for the sales, service and consumption of alcoholic beverages shall be sufficiently illuminated to allow for the clear identification of patrons. **(PD)**

e. Dancing and entertainment without the approval of a conditional use permit shall be prohibited.

f. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning & Building Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.

g. The use conditions listed herein shall be clearly posted on the premises at all times.

h. The sales and consumption of alcoholic beverages shall not be permitted between the hours of 9:00 PM and 10:00 AM the following day.

3. Conditional Use Permit No. 11-014 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.

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.

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED February 8, 2011

RECOMMENDED ACTION: Motion to: "Approve the February 8, 2011, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY FARLEY, SECONDED BY RYAN, TO APPROVE THE FEBRUARY 8, 2011, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

C-2. PLANNING COMMISSION MINUTES DATED February 23, 2011

RECOMMENDED ACTION: Motion to: "Approve the February 23, 2011, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY FARLEY, SECONDED BY RYAN, TO APPROVE THE FEBRUARY 23, 2011, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

C-3. PLANNING COMMISSION MINUTES DATED March 8, 2011

RECOMMENDED ACTION: Motion to: "Approve the March 8, 2011, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY FARLEY, SECONDED BY RYAN, TO APPROVE THE MARCH 8, 2011, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

C-4. PLANNING COMMISSION MINUTES DATED March 17, 2011

RECOMMENDED ACTION: Motion to: "Approve the March 17, 2011, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY FARLEY, SECONDED BY RYAN TO APPROVE THE MARCH 17, 2011, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

C-5. PLANNING COMMISSION MINUTES DATED April 12, 2011

RECOMMENDED ACTION: Motion to: "Approve the April 12, 2011, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY MANTINI, SECONDED BY SHIER BURNETT, TO APPROVE THE APRIL 12, 2011, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS

D-1. GENERAL PLAN CONFORMANCE NO. 11-01 (MARIGAYLE CIRCLE EASEMENT VACATION) **Applicant:** Public Works Department, City of Huntington Beach **Property Owner:** City of Huntington Beach **Request:** To determine if the vacation of an existing public right of way easement is in conformance with the goals, objectives, and policies of the General Plan. **Location:** Marigayle Circle (southwest of Ellis Avenue and Edwards Street) **Project Planner:** Hayden Beckman

STAFF RECOMMENDATION: Motion to: "Adopt Resolution No. 1656, approving General Plan Conformance No. 11-01 with findings (Attachment Nos. 1 and 2)."

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

Commissioner Farley asked staff to review the process for allowing vehicular gates to be placed at the site. Mr. Beckman reviewed the street vacation process and confirmed that permits for vehicular gates would not be brought before the Planning Commission.

Commissioner Bixby indicated that he could see no public benefit to vacating Marigayle Circle but that the request conformed with the General Plan so he would be voting in favor of the request.

A MOTION WAS MADE BY SHIER BURNETT, SECONDED BY MANTINI, TO ADOPT RESOLUTION NO. 1656, APPROVING GENERAL PLAN CONFORMANCE NO. 11-001 WITH FINDINGS, BY THE FOLLOWING VOTE:

AYES:	**Shier Burnett, Peterson, Mantini, Delgleize, Farley, Bixby, 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 City Council Resolution No. 4501, Class 5, which supplements the California Environmental Quality Act because the request is a minor street vacation.

FINDINGS FOR APPROVAL – GENERAL PLAN CONFORMANCE NO. 11-01:

The proposed vacation of a portion of an existing public right of way easement is consistent with the following goals, objectives, and policies of the City's General Plan:

A. Land Use Element

LU Goal 2: *Ensure that development is adequately served by transportation infrastructure, utility infrastructure, and public services.*

Existing uses are adequately served by existing infrastructure. Marigayle Circle, a cul-de-sac, does not provide a vehicular or pedestrian thoroughfare to other properties or uses requiring public access. Although the site is bounded to the north and west by the Bolsa Chica Wetlands, no public access from Marigayle Circle or any of the eight residential properties is currently or planned to be provided. Additionally, the Public Works Department will retain utility easements for the purpose of providing and maintaining public utilities, including, but not limited to, sewer and water lines and appurtenant structures or devices, and for the right of access to maintain or repair said public utilities. The utility easements preclude construction of any permanent buildings or other surface development over the easement area that would restrict access for maintenance.

LU Policy 4.3.2: *Promote and support community and neighborhood based efforts for the maintenance, upkeep, and renovation of structures and sites.*

The proposed vacation of Marigayle Circle, a public street, will result in a transfer of land from the City to a homeowners association governed by individuals residing within the subdivision. The association will implement the maintenance, upkeep, and renovation of the street and sidewalk.

B. Circulation Element

CE Objective 1.1: *Balance the circulation system with the circulation demands generated by the implementation of the City's Land Use Element.*

CE Goal 2: *Provide a circulation system which supports existing, approved, and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.*

Existing arterial streets currently provide sufficient access to the institutional and residential uses located near the subject subdivision, and the subject public right-of-way easement is not necessary to support the circulation needs of the surrounding properties. By vacating the public cul-de-sac right of way easement and reverting fee title ownership to the adjacent property owners, the request will not have a detrimental impact on the circulation system.

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

Commissioner Farley commended staff on their work on the Calvary Chapel project.

ADJOURNMENT: Adjourned at 7:32 PM to the next regularly scheduled meeting of Tuesday, September 27, 2011.

APPROVED BY:

Scott Hess, Secretary

Barbara Delgleize, Chairperson