MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, MARCH 13, 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

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

AGENDA APPROVAL

A MOTION WAS MADE BY DELGLEIZE, SECONDED BY RYAN, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF MARCH 13, 2012, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. ENVIRONMENTAL IMPACT REPORT NO. 10-009 (SKATE PARK PROJECT) – Tess Nguyen, Associate Planner

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

Kellee Fritzal, Deputy Director of Economic Development, gave a brief overview of the proposed affordable housing sites.

There was a brief discussion regarding the comparisons in the traffic study.

There was a brief discussion of the types of events and the noise and parking impacts that are proposed to be held at the project site.

B. STUDY SESSION ITEMS – NONE

C. PUBLIC COMMENTS

Joe Ciaglia, applicant, spoke in support of Study Session Item No. A-1. He indicated that this is intended as a community skate park with very few large scale events planned.

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 Item No. B-1 is being recommended for continuance to the March 27, 2012 meeting due to insufficient public notice.

E. PLANNING COMMISSION COMMITTEE REPORTS – NONE

F. PLANNING COMMISSION COMMENTS – NONE

6:24 P.M – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE– Led by Commissioner Peterson

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

AGENDA APPROVAL

A MOTION WAS MADE BY PETERSON, SECONDED BY SHIER BURNETT, TO APPROVE THE PLANNING COMMISSION AGENDA OF MARCH 13, 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. DEVELOPMENT AGREEMENT NO. 11-002/ COASTAL DEVELOPMENT PERMIT NO. 09-011/ CONDITIONAL USE PERMIT NO. 09-037/ SPECIAL PERMIT NO. 12-001 (WATERFRONT DEVELOPMENT AGREEMENT & HILTON EXPANSION) Applicant: Shawn Millbern, The Robert Mayer Corporation **Property Owner:** City of Huntington Beach **Request: DA:** To permit a 5 year extension of time to the existing Amended and Restated Development Agreement adopted on October 21, 1998. The existing Development Agreement is set to expire on October 21, 2013 and the 5-year extension would permit the Development Agreement to expire on October 21, 2018. **CDP/CUP:** To permit: a) the expansion of the Hilton Waterfront Beach Resort including a nine-story tower providing a total of 156 new guestrooms with appurtenant facilities. It will also include approximately 13,700 sq. ft. of meeting space, business center, restaurants, grocery/gift store, retail/recreational services store, health spa, and two pools. The project will host all inclusive events such as weddings, conferences, parties, meetings and permit dancing, live entertainment, and sale and consumption of alcoholic beverages at the restaurants, ballrooms, meeting rooms, lounges, pool deck, and function lawns. The hotel expansion proposes a one level semi-subterranean parking structure with 261 parking

spaces, a loading dock and other back-of-house facilities. b) To permit 100% valet parking service (no self-parking) with approximately 35% tandem parking spaces; and, c) To permit the term of Conditional Use Permit No. 09-037/Coastal Development Permit No. 09-011/Special Permit No. 12-001 to run concurrently with the term of the Development Agreement. **SP:** a) To permit a combination of landscaping materials including: trees and plants and decorative hardscape (paving for the secondary driveway) treatments within the minimum 20 ft. building setback area fronting Pacific View Avenue in lieu of the setback entirely landscaped. b) To permit the encroachment of structures exceeding 42 inches in height into the minimum perimeter setback areas including: glass windscreens, landscape retaining walls along Pacific Coast Highway, exterior exit stair at Twin Dolphin Drive, and an enclosure for Edison equipment at Pacific Avenue; c) To permit approximately 32% of the parking stalls with a dimension of 9 ft. wide by 18 ft. deep; d) To permit approximately 21% of the parking stalls with less than the required 3 ft. clearance to adjacent walls or columns; and, e) To permit a 13% maximum ramp slope within the parking garage in lieu of 10%. **Location:** 21100 Pacific Coast Highway, 92648 (bounded on the north by Pacific Avenue, on the east by Twin Dolphin Drive, on the south by Pacific Coast Highway, and on the west by the existing Hilton Waterfront Beach Resort) **Project Planner:** Ethan Edwards

STAFF RECOMMENDATION: Motion to:

A. "Approve Development Agreement No. 11-002 with findings for approval (Attachment No. 1) and forward Draft Ordinance (Attachment No. 6) to the City Council for adoption."

B. "Approve Coastal Development Permit No. 09-011, Conditional Use Permit No. 09-037, and Special Permit No. 12-001 with findings and suggested conditions of approval (Attachment No. 1)."

Herb Fauland, Planning Manager, reported that staff is requesting a continuance to the March 27, 2012, Planning Commission meeting.

A MOTION WAS MADE BY FARLEY, SECONDED BY DELGLEIZE, TO CONTINUE DEVELOPMENT AGREEMENT NO. 11-002/COASTAL DEVELOPMENT PERMIT NO. 09-011/CONDITIONAL USE PERMIT NO. 09-037/ SPECIAL PERMIT NO. 12-001 TO THE MARCH 27, 2012, PLANNING COMMISSION MEETING WITH THE PUBLIC HEARING OPEN, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

B-2. **CONDITIONAL USE PERMIT NO. 11-030 (GYU KAKU RESTAURANT OUTDOOR ALCOHOL SERVICE)** **Applicant:** Mark Sugimoto **Property Owner:** HF Huntington Plaza LP **Request:** To permit the establishment of alcohol service within an existing 193 square foot outdoor dining area located in front of an existing restaurant that currently provides interior beer and wine sales and service. **Location:** 7862 Warner Avenue, Suite 109, 92647 (Southwest corner of Warner Avenue at Beach Boulevard) **Project Planner:** Hayden Beckman

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 11-030 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 and attended the study session.
- Vice Chair Bixby has attended the study session and dined at the restaurant.
- Chair Mantini has visited the site and attended the study session.
- Commissioner Delgleize has visited the site, attended the study session, and previously dined at the restaurant.
- Commissioner Farley has visited the site and attended the study session.
- Commissioner Ryan has visited the site and attended the study session.

Hayden Beckman, Planning Aide, 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 DELGLEIZE, SECONDED BY RYAN, TO APPROVE CONDITIONAL USE PERMIT NO. 11-030 WITH 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 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. 11-030:

1. Conditional Use Permit No. 11-030 to permit the establishment, maintenance, and operation of alcohol sales and consumption within a proposed 193 sq. ft. outdoor dining area located in front of an existing 2,787 sq. ft. restaurant on an existing mixed-use center site in the Beach and Edinger Corridors Specific Plan 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 sales and service of alcoholic beverages is regulated by the provisions of Chapter 9.44 of the Huntington Beach Municipal Code. The subject request for expanded alcohol sales and service in the outdoor dining area will not result in noise, safety, or parking issues. Furthermore, the consumption of alcoholic beverages will be wholly contained within the building's interior and proposed outdoor dining areas of the restaurant and will not generate detrimental impacts onto surrounding properties.

2. The request for alcohol sales and consumption within a proposed outdoor dining area located in front of an existing restaurant will be compatible with surrounding uses because the project 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 and operation to assure that any potential impacts to the surrounding properties are minimized.

3. The request for alcohol sales and consumption within a proposed outdoor dining area located in front of an existing restaurant will comply with the Neighborhood Center segment of the Beach and Edinger Corridors Specific Plan (BECSP), and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The BECSP allows the establishment of alcohol service within outdoor dining areas subject to 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 proposed use will comply with all building occupancy/exiting requirements.

4. The granting of the conditional use permit for the sales and consumption of alcohol within a proposed outdoor dining area will not adversely affect the General Plan. The General Plan Land Use Map designation on the subject property is M – sp – d (Mixed Use – Specific Plan Overlay – Design Overlay). The proposed project is consistent with this designation and the policies, objective, and goal 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 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.

   Policy – 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 project will provide for the sales and service of alcoholic beverages within a proposed outdoor dining area in front of an existing restaurant use within the Beach and Edinger Corridors Special Plan designation that is consistent with the Building Use Regulations and is compatible with the surrounding mix of uses. The proposed conditional use permit will provide for the business needs of a successful restaurant establishment by allowing the expansion of beverage services within an outdoor area in a safe manner for customers and residents of the surrounding area.

B. *Economic 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.

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

The project is located along a focal corridor of the City that contains existing restaurants, retail, and entertainment uses. The project serves to strengthen the existing business and facilitate continued viability of the center.

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

1. The site plan, floor plan, and elevation plan received and dated February 7, 2012, shall be the conceptually approved design.

2. The use shall comply with the following:

   a. Hours of operation shall be limited to between 11:00 AM and 11:30 PM Monday through Saturday, and between 11:30 AM and 9:30 PM 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. If outside dining and alcohol consumption are allowed, a protective barrier shall be mandatory and installed around the outdoor dining areas. This will help prevent alcohol from being easily handed from the dining area to the surrounding sidewalks and walkways where people may loiter. **(PD)**

   d. All alcoholic beverages shall remain within the interior of the restaurant and bar, or within the confines of the fenced-in patio 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/patio. **(PD)**

   e. To further reduce the likelihood of noise disturbances from patrons during late night and early morning hours, no dining or consumption of alcoholic beverages will be permitted on the outdoor patio areas between the hours of 10:00 PM and 7:00 AM the following day. **(PD)**

   f. 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)**

   g. Dancing and entertainment shall be prohibited. **(PD)**

   h. 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.

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. 11-030 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. The Planning Commission reserves the right to revoke Conditional Use Permit No. 11-030 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance, or Municipal Code occurs.

6. 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-3. **12-MONTH REVIEW OF CONDITIONAL USE PERMIT NO. 09-001 (DIGG'S RESTAURANT & BAR)** **Applicant/Business Owner:** Philip Chung, Digg's Restaurant & Bar **Property Owner:** Henry Chung **Request:** A twelve- month review of Conditional Use Permit No. 09-001 approved by the Planning Commission on June 23, 2009. The review is to ensure compliance with the approved conditions of approval and applicable Chapters of the Huntington Beach Zoning and Subdivision Ordinance. **Location:** 8052 Adams Avenue, 92646 (southeast corner of Beach Boulevard and Adams Avenue) **Project Planner:** Jill Arabe

STAFF RECOMMENDATION: Motion to: "Receive and file as adequate and complete the 12-month review of Conditional Use Permit No. 09-001."

The Commission made the following disclosures:

- Commissioner Shier Burnett has visited the site, was on the Planning Commission when the Conditional Use Permit was approved and during the six-month review.
- Commissioner Peterson has visited the site and attended the study session.
- Vice Chair Bixby has visited the site, attended the study session, and was on the Planning Commission during the six-month review of the project.
- Chair Mantini has visited the site and attended the study session.
- Commissioner Delgleize has visited the site, attended the study session, and dined at the restaurant.
- Commissioner Farley has visited the site and attended the study session.
- Commissioner Ryan has visited the site and attended the study session.

Jill Arabe, Assistant 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 DELGLEIZE, SECONDED BY RYAN, TO RECEIVE AND FILE AS ADEQUATE AND COMPLETE THE 12- MONTH REVIEW OF CONDITIONAL USE PERMIT NO. 09-001, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

C. CONSENT CALENDAR – NONE

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

Herb Fauland, Planning Manager– reported on the items for the next Planning Commission Meeting.

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS

F-1a. DISCUSSION OF REVISING THE PLANNING COMMISSION MEETING STARTING TIME – Commissioner Ryan

Commissioner Ryan proposed starting the study session portion of the meetings at 5:00 PM and the public hearing portion of the meeting at 6:00 PM.

Commissioner Shier Burnett noted that she believed the 7:00 PM start time is more beneficial for the public and allows for greater attendance.

Vice-Chair Bixby expressed agreement with Commissioner Shier Burnett. Commissioner Farley echoed Vice-Chair Bixby's comments.

A MOTION WAS MADE BY RYAN TO START STUDY SESSIONS AT 5:00 PM AND THE PUBLIC HEARING PORTION OF THE MEETING AT 6:00 PM.

DUE TO NO SECOND - MOTION FAILED

F-2. PLANNING COMMISSION COMMENTS

Commissioner Shier Burnett spoke regarding the passing of her great uncle.

Vice-Chairperson Bixby noted that he attended the Orange County Flood Control meeting on the Wintersburg Channel.

Chairperson Mantini reminded the Commission that the Planning Commission Workshop will be held on Thursday, March 15, 2012, at the Central Library.

ADJOURNMENT: Adjourned at 7:21 PM to the Planning Commission Workshop at the Central Library on Thursday, March 15, 2011 at 8:00 AM and then adjourn to the next regularly scheduled meeting of Tuesday, March 27, 2011.

APPROVED BY:

Scott Hess, Secretary

Janis Mantini, Chairperson