



# MINUTES

## HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JUNE 25, 2024

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

**6:00 P.M. – COUNCIL CHAMBERS**

### **CALL PLANNING COMMISSION MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE** – Led by Vice-Chair Kennedy

**ROLL CALL:**                    *P*    *P*            *P*            *P*            *P*            *P*                    *A*  
*Adam, Pellman, Kennedy, Twining, Wood, Rodriguez, Acosta-Galvan*

Commissioner Acosta-Galvan was absent.

**PUBLIC COMMENTS - NONE**

### **PUBLIC HEARING ITEMS**

**24-431    ZONING MAP AMENDMENT (ZMA) NO. 24-005 (MAPPING CONSISTENCY CLEAN-UP PROJECT - RESIDENTIAL ZONES)**

**REQUEST:**

To amend the current zoning map to bring 30 inconsistently zoned parcels into conformance with their residential General Plan designations.

**LOCATION:**

**Citywide**

**RECOMMENDED ACTION:**

That the Planning Commission take the following actions:

- A) Find the proposed project exempt from additional environmental review pursuant to section 15183; and
- B) Recommend approval of Zoning Map Amendment No. 24-005 with findings (Attachment No. 1)

The Commission made the following disclosures:

- Commissioner Adam had no disclosures.
- Commissioner Pellman spoke with staff.
- Vice-Chair Kennedy had no disclosures.
- Chair Twining spoke with staff.
- Commissioner Wood spoke with staff.
- Commissioner Rodriguez had no disclosures.

Madalyn Welch, Associate Planner, gave the staff presentation for the proposed project. Ms. Welch reported that staff received ten inquiries from the public, including from five property owners, and noted that one property owner opted out of the proposed zoning change and that address was removed from the request.

Staff reviewed the zoning clean up process and the following items were discussed: how non-conforming uses would be handled, the rules regarding the residential density of the small lot subdistrict, and the process for re-zoning a property by an individual applicant.

**THE PUBLIC HEARING WAS OPENED.**

George Berg, resident, spoke in support of the proposed Zoning Map Amendment.

Norm Kramer, resident, expressed concern regarding any re-zoning of former railroad properties, citing the potential for environmental contamination on those sites and suggested that re-zoning to open space – park might be more appropriate.

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

There was a brief discussion on the locations of the proposed zoning changes.

**A MOTION WAS MADE BY WOOD, SECONDED BY PELLMAN, TO FIND THE PROPOSED PROJECT EXEMPT FROM ADDITIONAL ENVIRONMENTAL REVIEW PURSUANT TO SECTION 15183; AND RECOMMEND APPROVAL OF ZONING MAP AMENDMENT NO. 24-005 WITH FINDINGS, BY THE FOLLOWING VOTE:**

**AYES: Adam, Pellman, Kennedy, Twining, Wood, Rodriguez**  
**NOES: None**  
**ABSENT: Acosta-Galvan**  
**ABSTAIN: None**

**MOTION PASSED**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

Zoning Map Amendment (ZMA) No. 24-005 is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15183 because the project is an amendment to the zoning map that is consistent with the development density established by the existing general plan for which an EIR was certified for during the 2017 General Plan Update and the request will not have any significant effect on the environment.

**FINDINGS FOR APPROVAL - ZONING MAP AMENDMENT NO. 24-005:**

1. Zoning Map Amendment (ZMA) No. 24-005 to amend the zoning designations of 28 parcels is consistent with the goals and policies of the General Plan as identified below:

A. Land Use Element

Goal LU-1 - New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

Policy LU-1A – Ensure that development is consistent with the land use designations presented in the Land Use Map, including density, intensity, and use standards applicable to each land use designation.

Policy LU-2D – Maintain and protect residential neighborhoods by avoiding encroachment of incompatible land uses.

The ZMA will establish the zoning designation that is consistent with the General Plan designation for the subject parcels. Most of the sites are already developed with a use that is compatible with their General Plan designations and the amendments will reflect most of the existing uses on site. Additionally, the proposed project will be compatible with the character of the various neighborhoods and will meet the changing needs of the community.

2. ZMA No. 24-005 would amend the zoning designation that corresponds with their existing General Plan designation. This amendment is to clean up the parcels which are currently incompatible with the General Plan designations established during the 2017 General Plan Update. The ZMA will not change a general land use provision, uses authorized or the standards prescribed for the subject zoning district.
3. A community need is demonstrated for the change proposed because the ZMA will allow for parcels that are currently inconsistently zoned to be rezoned in compliance with the corresponding General Plan designation. Government Code Section 65860 (c) requires the zoning ordinance to be amended to be in compliance with the General Plan. The zoning designations of the subject properties are currently inconsistent with their General Plan designations, therefore creating a nonconformity. As such, this amendment would serve to bring the parcels into conformance.
4. Adoption of ZMA No. 24-005 will be in conformity with public convenience, general welfare and good zoning practice because the proposed zoning will implement the General Plan land use designation, which would bring these parcels into conformance with the goals and policies of the General Plan.

**24-454    CONDITIONAL USE PERMIT NO. 24-006 (COACH'S LOUNGE ALCOHOL AND LIVE ENTERTAINMENT)**

**REQUEST:**

**To permit the on-site sales, service, and consumption of alcohol (ABC Type 47 License) in conjunction with live entertainment dancing within a new 7,000 sq. ft. restaurant.**

**LOCATION:**

**8911 Adams Avenue, 92646 (Northwest corner of Adams Avenue at Magnolia Street)**

**RECOMMENDED ACTION:**

**That the Planning Commission take the following actions:**

- A) Find the proposed project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1; and
- B) Approve Conditional Use Permit No. 24-006 with suggested findings and conditions of approval (Attachment No. 1).

The Commission made the following disclosures:

- Commissioner Adam had no disclosures.
- Commissioner Pellman had no disclosures.
- Vice-Chair Kennedy had no disclosures.
- Chair Twining had no disclosures.
- Commissioner Wood had no disclosures.
- Commissioner Rodriguez had no disclosures.

Hayden Beckman, Senior Planner, gave the staff presentation for the proposed project.

There was a brief discussion regarding the public notification process and the operating hours.

#### **THE PUBLIC HEARING WAS OPENED.**

Murat "Coach" Koc, restaurant owner, spoke in support of Item No. 24-454 and made himself available for any questions.

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

Commissioners Rodriguez and Pellman thanked staff for their work.

**A MOTION WAS MADE BY RODRIGUEZ, SECONDED BY PELLMAN, TO FIND THE PROPOSED PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15301, CLASS 1; AND APPROVE CONDITIONAL USE PERMIT NO. 24-006 WITH SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL (ATTACHMENT NO. 1), BY THE FOLLOWING VOTE:**

**AYES: Adam, Pellman, Kennedy, Twining, Wood, Rodriguez**  
**NOES: None**  
**ABSENT: Acosta-Galvan**  
**ABSTAIN: None**

#### **MOTION PASSED**

#### **FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Planning Commission finds that the project will not have any significant effect on the environment and is Categorical Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1—*Existing Facilities*, because the project involves the operation and permitting of an existing development involving negligible expansion of the use.

**FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 24-006:**

1. Conditional Use Permit No. 24-006 permit the on-site sales, service, and consumption of alcohol (ABC Type 47 License) in conjunction with live entertainment and dancing within a new 7,000 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 because the establishment is located within an existing commercial center development that consists of a diverse range of commercial uses including a health club, quality retail shops and restaurants, and a bank. The proposed sales and consumption of alcohol in conjunction with live entertainment and dancing will attract residents and visitors to the site looking for a spacious restaurant gathering space and supports new business development. The closest residential building abuts the subject property at the rear property line. However, the restaurant and any live entertainment will occur entirely within the existing building and adjacent residential uses will be buffered by the restaurant's 'back of house' areas, including the kitchen, prep areas, offices, and storage space. Live entertainment is proposed within the interior of the building only, and associated noise and entertainment is oriented south towards a large parking lot area and Adams Avenue so that noise emanating from the live entertainment and dancing activities will travel away from the residential uses to the north. Furthermore, the live entertainment is ancillary to the restaurant and will not generate significant negative impacts related to noise, safety, and traffic.
2. The granting of the conditional use permit to permit the on-site sales, service, and consumption of alcohol (ABC Type 47 License) in conjunction with live entertainment and dancing within a new 7,000 restaurant is consistent with the General Plan because the General Plan Land Use Map designation on the subject property is CG (Commercial General). The proposed project is consistent with this designation and the policies, objectives, and goal of the City's General Plan as follows:

A. Land Use Element

Goal LU-11: Commercial land uses provide goods and services to meet regional and local needs.

Policy LU-11(A): Encourage a variety of commercial uses that cater to local and regional demand to create an environment that meets resident needs and increases the capture of sales tax revenues.

The proposed restaurant is a commercial visitor-serving use that contributes to the assorted range of land uses in the existing shopping center and surrounding neighborhoods. The proposed sales and consumption of alcohol, live entertainment, and dancing are ancillary to the restaurant and will enhance the atmosphere and experience for patrons. The proposed live entertainment will supports new business development within the commercial center and the surrounding community by providing a new eating and drinking establishment unique to the area that can serve a wide range of customers and events. It will attract visitors and residents looking for a spacious restaurant gathering place. The proposed restaurant is located in the same space as a previous restaurant and deli, centrally located within the commercial center and will be sufficiently buffered from nearby residential uses. Residential uses abut the subject property to the north, however, the restaurant and any live entertainment will occur entirely within the existing building, and will be buffered by the restaurant's 'back of house' areas, including the kitchen, prep areas, offices, and storage. Further, all exterior doors and windows will be required to remain closed during all live entertainment as a condition of approval.

B. Noise Element

Goal N-1: Noise-sensitive land uses are protected in areas with acceptable noise levels.

Policy N-1(A): Maintain acceptable stationary noise levels at existing noise-sensitive land uses such as schools, residential areas, and open spaces.

The proposed live entertainment will not significantly impact residential uses as it relates to noise. The establishment is located near the middle of the commercial center and the dining area, including stage for live entertainment and dance floor are centrally located within the tenant space. Therefore, based upon the location of the building and interior floor plan layout, the associated music and noise generated by the live entertainment will travel south towards the building's front façade facing Adams Avenue, away from residential uses to the north. Considering the layout and location of the tenant space and recommended conditions of approval, the use is not anticipated to generate significant noise impacts.

3. The establishment of live entertainment consisting of live bands (up to 4 members), disc jockeys, karaoke, and painting, and patron dancing within a 196 sq. ft. pre-designated within the interior of an existing 7,000 sq. ft. restaurant will comply with the Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO), and any specific condition required for the proposed use because the HBZSO allows eating and drinking establishments with live entertainment and dancing subject to review and approval by the Planning Commission. The Police Department has reviewed the request for ancillary alcohol service in conjunction with live entertainment and dancing within the proposed eating and drinking establishment and is recommending appropriate conditions of approval to reduce the potential for impacts to public safety.

**CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 24-006:**

1. The site plan and floor plan with designated dance floor received and dated February 4, 2024 and narrative received and dated June 4, 2024 shall be the conceptually approved design.
2. The use shall comply with the following:
  - a. Hours of operation shall be limited to the following in conjunction with an issued Entertainment Permit:

Monday – Thursday:	11:00 AM – 1:00 AM
Saturday – Saturday:	11:00 AM – 1:30 AM
Sunday:	9:00 AM – 1:00 AM
  - b. All conditions contained in the Entertainment Permit shall be adhered to.
  - c. The business shall obtain an Alcoholic Beverage Control (ABC) license authorizing alcohol use in the business. All ABC requirements shall be met prior to sales, service, or consumption of alcoholic beverages. **(PD)**
  - d. No new customers shall be permitted to enter the alcohol business 30 minutes before closing. **(PD)**

- e. All areas of the alcohol business that are accessible to patrons shall be illuminated such that the appearance and conduct of all people in the alcohol business are visible from inside the alcohol business. **(PD)**
- f. Food service from the regular menu must be available to patrons up to one hour before the scheduled closing time, including a cook and food servers shall be on duty. **(PD)**
- g. An employee of the establishment must monitor all areas where alcohol is served. **(PD)**
- h. Alcoholic drinks shall not be included in the price of admission to any alcohol business. **(PD)**
- i. All alcohol shall remain within alcohol business premises, including outdoor dining areas. **(PD)**
- j. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
- k. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(PD)**
- l. Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited. **(PD)**
- m. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00 p.m. **(PD)**
- n. Last call for drinks shall be no later than 15 minutes before closing. **(PD)**
- o. Each individual patron shall only be served one standard single-sized alcoholic beverage at a time after midnight. **(PD)**
- p. Consumption of alcoholic beverages by on-duty employees and supervisory personnel is forbidden, except when training for knowledge of food pairing, if applicable. **(PD)**
- q. Mandatory Responsible Beverage Service (RBS) training and certification shall be required for new employees within 60 days of being hired and for existing employees every 12 months. Training shall be provided by ABC or an ABC approved RBS trainer and records of the training must be maintained on-site for review. **(PD)**
- r. All owners, employees, representatives, and agents must obey all federal, state, and local laws. In addition, all conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by an agency with jurisdiction over the premise are required as part of the CUP to be followed. **(PD)**
- s. The establishment shall employ a video surveillance security system with a minimum of one-month video library recorded to a DVR or Cloud based system. The cameras minimum requirements will be: clear, color, digital and able to record in low light. The business shall ensure all public areas, entrances, exits, parking areas to the front and adjacent to the business 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 personnel conducting investigations. You are required to have someone able to operate the system on duty during all business hours. **(PD)**
- t. 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. No interior displays of alcoholic beverages or signs which are clearly visible to the exterior. **(PD)**
  - u. There shall be no window coverings or advertisements that reduce the visibility inside of the business. **(PD)**
  - v. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
  - w. Signs shall be posted in a conspicuous space at the entrance/exit of the restaurant which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
  - x. There shall be no entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. **(PD)**
  - y. All amplified entertainment shall be confined to the indoors. **(PD)**
  - z. All exterior doors and windows shall be closed during live entertainment. **(PD)**
  - aa. No entertainment (amplified or otherwise) shall be audible beyond 50 feet of the business in any direction. **(PD)**
3. The Development Services Departments and divisions (Fire, Community Development, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development 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 24-006 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 Community Development Department a minimum 30 days prior to the expiration date.
5. The Planning Commission reserves the right to revoke Conditional Use Permit No. 24-006 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.

**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.

## **CONSENT CALENDAR**

### **24-467 APPROVE PLANNING COMMISSION MINUTES DATED MAY 28, 2024**

**Recommended Action:**

That the Planning Commission take the following action:

"Approve the May 28, 2024, Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY PELLMAN, SECONDED BY WOOD, TO APPROVE THE MAY 28, 2024, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:**

**AYES: Adam, Pellman, Kennedy, Twining, Wood**

**NOES: None**

**ABSENT: Acosta-Galvan**

**ABSTAIN: Rodriguez**

**MOTION APPROVED**

## **NON-PUBLIC HEARING ITEMS - NONE**

## **PLANNING ITEMS - NONE**

## **PLANNING COMMISSION ITEMS**

Commissioner Pellman reported on the recent Design Review Board meeting.

Vice-Chair Kennedy spoke regarding the importance of transparency.

Chair Twining reported that some upcoming items for review will be appeals of Zoning Administrator decisions.

Commissioners Adam and Pellman thanked staff for their work on the public hearing items.

**ADJOURNMENT: Adjourned at 6:47 PM to the next regularly scheduled meeting of Tuesday, July 9, 2024.**

APPROVED BY:

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Jennifer Villasenor, Secretary

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Butch Twining, Chairperson