



Legislation Details (With Text)

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File created: 3/12/2021 **In control:** City Council/Public Financing Authority

On agenda: 4/5/2021 **Final action:** 4/5/2021

Title: Adopt Resolution No. 2021-15 to approve Zoning Text Amendment (ZTA) No. 21-001 regarding Alcohol Sales and Service in the Beach and Edinger Corridors Specific Plan (BECSP)

Attachments: 1. Att#1 Suggested Findings of Approval ZTA No. 21-001, 2. Att#2 Resolution 2021-15, 3. Att#3 ZTA 21-001 Legislative Draft & Revised BECSP Section 2.2, 4. Att#4 March 9, 2021 Planning Commission Staff Report, 5. Att#5 PowerPoint Presentation

Date	Ver.	Action By	Action	Result
4/5/2021	1	City Council/Public Financing Authority	approved	Pass

REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Oliver Chi, City Manager

PREPARED BY: Ursula Luna-Reynosa, Director of Community Development

Subject:

Adopt Resolution No. 2021-15 to approve Zoning Text Amendment (ZTA) No. 21-001 regarding Alcohol Sales and Service in the Beach and Edinger Corridors Specific Plan (BECSP)

Statement of Issue:

The proposed Zoning Text Amendment would amend the Beach and Edinger Corridors Specific Plan (BECSP) to change the reviewing body from Planning Commission to Zoning Administrator for conditional use permits (CUP) for alcohol sales and service, and to clarify exemptions from CUP requirements. The Planning Commission and staff recommend approval.

Financial Impact:

Not applicable.

Recommended Action:

PLANNING COMMISSION AND STAFF RECOMMENDATION:

A) Find that Zoning Text Amendment (ZTA) No. 21-001 is within the scope of the BECSP Program Environmental Impact Report No. 08-008 certified by the Planning Commission on December 8, 2009. In accordance with CEQA Guidelines Sections 15162 and 15163, no subsequent or supplement to the EIR need be prepared for this ZTA and no further environmental review or documentation is required (Attachment No. 1).

B) Approve Zoning Text Amendment No. 21-001 with findings (Attachment No. 1) and adopt Resolution No. 2021-15, "A Resolution of the City Council of the City of Huntington Beach Approving an Amendment to the Beach and Edinger Corridors Specific Plan (SP 14) (Zoning Text Amendment No. 21-001)" (Attachment No. 2).

Alternative Action(s):

The City Council may make the following alternative motions:

1. Do not approve Zoning Text Amendment No. 21-001.
2. Continue Zoning Text Amendment No. 21-001 and direct staff accordingly.

Analysis:

A. PROJECT PROPOSAL:

Applicant: City of Huntington Beach

Zoning Text Amendment (ZTA) No. 21-001 is a request to amend the Beach and Edinger Corridors Specific Plan (BECSP) to change the reviewing body from Planning Commission to Zoning Administrator for conditional use permits (CUP) for alcohol sales and service, and to clarify exemptions from CUP requirements.

B. BACKGROUND:

Currently, all restaurants, other entertainment type uses, and retail markets that propose to serve and/or sell alcoholic beverages that are located in the BECSP must obtain approval of a CUP from the Planning Commission. In most other commercial districts within the City, the same business types require a CUP from the Zoning Administrator. The CUP process, whether acted on by the Planning Commission or Zoning Administrator, requires review and analysis by staff, notification to surrounding property owners and tenants, and a public hearing with the opportunity to comment before a decision is rendered by the hearing body. All decisions may be appealed to the next higher hearing body.

On December 21, 2020, the City Council unanimously directed staff to draft the necessary amendments to the BECSP to lower the level of review from the Planning Commission to the Zoning Administrator for all CUPs for restaurants and other uses with alcohol service, and that staff concurrently clarify the entitlement process for retail markets as it relates to alcohol sales CUPs.

C. PLANNING COMMISSION MEETING AND RECOMMENDATION:

On March 9, 2021, the Planning Commission held a public hearing on the ZTA. There were no speakers at the public hearing and no written comments were received. It was noted that prior alcohol CUPs in BECSP reviewed by the Planning Commission have been non-controversial and that the ZTA is business friendly. The Planning Commission recommended approval of the request to the City Council.

Planning Commission Action on March 9, 2021:

A motion was made by Mandic, seconded by Perkins, to recommend to the City Council approval

of ZTA No. 21-001 carried by the following vote:

AYES: Ray, Perkins, Mandic, Scandura, Acosta-Galvan, Rodriguez, Van Der Mark
NOES: None
ABSTAIN: None
ABSENT: None

MOTION PASSED

D. STAFF ANALYSIS:

The March 9, 2021, Planning Commission staff report provides a more detailed description and analysis of the proposed ZTA (Attachment No. 4). In summary, staff and the Planning Commission recommend approval of ZTA No. 21-001 based on the following reasons:

1. It is consistent with City Council direction.
2. It is consistent with general land uses, programs, goals, and policies of the General Plan, as described in the attached findings and Planning Commission staff report.
3. It addresses a community need by reducing the processing time of CUPs for alcohol sales and service, which could facilitate the establishment of new businesses, job creation, and increase sales tax revenues. Clarifying exemptions from CUP requirements will facilitate land use review and the application of the zoning code.

Environmental Status:

ZTA No. 21-001 is within the scope of the BECSP Program Environmental Impact Report No. 08-008 certified by the Planning Commission on December 8, 2009. In accordance with CEQA Guidelines Sections 15162 and 15163, no subsequent or supplement to the EIR need be prepared for this ZTA, and no further environmental review or documentation is required.

Strategic Plan Goal:

Economic Development & Housing

Attachment(s):

1. Suggested Findings of Approval of ZTA No. 21-001
2. Resolution No. 2021-15 for ZTA No. 21-001
3. ZTA No. 21-001 Legislative Draft and Revised BECSP Section 2.2
4. March 9, 2021, Planning Commission Staff Report
5. PowerPoint Presentation