



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, FEBRUARY 13 2007
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

ROLL CALL: P P P P P A P
Shier-Burnett, Speaker, Livengood, Scandura, Horgan, Dwyer, Farley
(Commissioner Dwyer arrived at 5:35 pm)

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY FARLEY, TO MOVE STUDY SESSION ITEM A-2 IN ADVANCE OF ITEM A-1 AND TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF FEBRUARY 13, 2007, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Speaker, Livengood, Scandura, Horgan, Farley
NOES: None
ABSENT: Dwyer
ABSTAIN: None

MOTION APPROVED

THE MINUTES WILL REFLECT ITEMS IN THEIR ORIGINAL ORDER

A. PROJECT REVIEW (FUTURE AGENDA ITEMS):

A-1. CONDITIONAL USE PERMIT NO. 06-26 (GRACE LUTHERAN CHURCH/SCHOOL) – Ron Santos

Ron Santos, Associate Planner, gave an overview of the proposed project.

Commissioner Shier-Burnett questioned the ownership of the property or who leases the property and what control does the City have over the development of the school district property. Santos stated the lease allows for the property to be developed and cited other areas in the city owned by the school district which have been developed with long term leases.

Discussion ensued between the Commissioners and staff regarding zoning code compliance, possible impacts on the park, and potential use of the property.

A-2. ENTITLEMENT PLAN AMENDMENT NO. 06-05 (TUSCANY DEVELOPMENT AFFORDABLE HOUSING MODIFICATION) - Rami Talleh

Rami Talleh, Associate Planner, gave an overview of the proposed amendment.

Commissioner Livengood asked if this amendment is in compliance with the Holly Seacliff Specific Plan. Talleh advised that the minimum requirements are to provide 15% of the units affordable to moderate income levels.

Leonie Mulvihill, Senior Deputy City Attorney, reviewed the Affordable Housing Ordinance and provision for in lieu fees. She noted that the Holly Seacliff Specific Plan, however, precludes the ability to pay in-lieu fees for sites greater than one acre.

Scott Hess, Acting Planning Director, stated that the affordable housing requirement for Holly Seacliff must be a minimum 15%, which for this project would be five units. The options proposed by the applicant allow for only four units, which would be 13%, and therefore, does not comply with the minimum requirements.

B. STUDY SESSION ITEMS:

B-1. PLANNING COMMISSION WORKSHOP UPDATE – Workshop Committee

Vice Chair Livengood reviewed the draft agenda for the workshop. He discussed Commission goals and suggested having a speaker on the subject of Green Building. The topic of blue print reading was added to the draft agenda. He requested the Commissioners submit dates of availability in the month of April 2007, in order to schedule the workshop.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SPEAKER, TO APPROVE THE PLANNING COMMISSION WORKSHOP DRAFT AGENDA WITH MODIFICATIONS, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Speaker, Livengood, Scandura, Horgan, Dwyer, Farley
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) - NONE

D. PLANNING COMMISSION COMMITTEE REPORTS:

Commissioner Shier-Burnett reported that a member of the Environmental Board will be publishing an article on solar energy.

Commissioner Livengood reported on The Strand which was presented to the Design Review Board on February 8, 2007. He stated the design modifications are favorable and he looks forward to seeing the project completed.

E. PUBLIC COMMENTS (Regarding Study Session Portion of Meeting):

Mike Adams, consultant for the applicant for Study Session Item A-2 spoke in favor of the proposed amendment and stated he was available for questions.

F. PLANNING COMMISSION COMMENTS:

Commissioner Shier-Burnett requested information regarding the St. Peters by the Sea site. Staff reported that they will provide the information.

Commissioner Horgan inquired about the upcoming conference in Newport Beach regarding drug rehabilitation houses in residential neighborhoods

Leonie Mulvihill, Senior Deputy City Attorney, advised she would be attending the conference and would provide information to the Commission at a later date.

Chair Scandura thanked the Workshop Committee for their efforts on the agenda. Scandura advised he met with the City Administrator recently regarding Planning Commission issues. He also commented on a recent newspaper article and a quote attributed to a former Planning Commissioner.

6:30 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Dwyer

ROLL CALL: *P* *P* *P* *P* *P* *P* *P*
Shier-Burnett, Speaker, Livengood, Scandura, Horgan, Dwyer, Farley

AGENDA APPROVAL

A MOTION WAS MADE BY HORGAN, SECONDED BY FARLEY, TO APPROVE THE PLANNING COMMISSION AGENDA OF FEBRUARY 13, 2007, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Speaker, Livengood, Scandura, Horgan, Dwyer, Farley
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

A. ORAL COMMUNICATIONS - NONE

B. PUBLIC HEARING ITEMS:

- B-1. CONDITIONAL USE PERMIT NO. 05-29 (HB DENTAL BUILDING). Applicant: Hossien Mazi. Request: To permit the construction of a 6,900 sq. ft. two-story, medical office building with access to on-site parking from Warner Ave., an arterial street, in addition to an abutting alley. Location: 7792 Warner Ave. (south side of Warner Avenue between Oak Lane and Ash Street). Project Planner: Rami Talleh**

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 05-29 with findings and suggested conditions of approval."

The Commission made the following disclosures:

- Commissioner Shier-Burnett walked the site, the alley, and adjoining sites.
- Commissioner Livengood visited the site.
- Commissioner Speaker visited the site.
- Chair Scandura walked the site, the alley, and adjoining sites; and spoke with staff.
- Commissioner Farley drove by the location.
- Commissioner Dwyer drove by the location.
- Commissioner Horgan drove by the location.

Rami Talleh, Associate Planner, gave a Powerpoint presentation of the proposed project highlighting the relocation of the proposed alley driveway and improvements which would improve access and circulation.

Commissioner Dwyer asked about a gate which is located in the alley. Talleh explained that the gate is part of a private onsite driveway.

Horgan questioned the alley improvement and why the entire alley wasn't being completed. Talleh stated that a bond would be put in place for future improvement of the alley.

Livengood asked if there was enough turning radius area for emergency vehicles. Talleh stated that those requirements would have to be met prior to completion of the project.

Commissioner Speaker asked who was responsible for the alley construction. Talleh advised that the property owner at the time of development is responsible.

Discussion ensued between Commissioners and staff regarding ownership and responsibility for the alley and easements.

Mulvihill explained how the alley was developed over the years with each project and that the city has an easement to allow for access.

THE PUBLIC HEARING WAS OPENED

Ali Rezaei, Engineer for the Applicant, spoke in favor of the project and stated that he will comply with Fire Department requirements regarding turning radius and access. He added that he favors Warner Ave. as the main entrance to the property.

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

Horgan asked the applicant why he doesn't support access to Ash Street.

Rezaei stated that the business address is on Warner Ave., therefore, the main access should be from that street.

Discussion ensued between the Commissioners and staff regarding completion of the alley and entry from Ash Street.

Speaker asked why a bond would be put in place when the city does not intend to improve the alley.

Terri Elliott, Principal Civil Engineer, stated that bonds are required in case the City Council decides to vacate the alley in the future. The bond ensures that improvements would be made at that time.

Scandura agreed with staff regarding access to the alley and the main entrance to the property. He voiced concern regarding the undeveloped portion of the alley becoming a dumping area.

Hess stated that Code Enforcement would cite the property owner if the alley is used for dumping and becomes a nuisance in violation of Municipal Code requirements.

Scandura recommended that the city make a decision regarding vacation of the alley within the next two to three years in lieu of the proposed Condition of Approval that requires five years. Mulvihill stated that changing the time period from five to two or three years was in the purview of the Commission.

Hess explained the benefit of a longer time period for posting of the bond. He noted that the city may decide to improve the alley or vacate it and refund the applicant's bond.

Hussein Mazi, Applicant, stated that he is in favor of the two year time period for posting the bond.

A MOTION WAS MADE BY SHIER-BURNETT, SECONDED BY LIVENGOOD TO APPROVE CONDITIONAL USE PERMIT NO. 05-29 WITH FINDINGS AND CONDITIONS FOR APPROVAL, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Speaker, Livengood, Scandura, Dwyer, Farley
NOES: Horgan
ABSENT: None
ABSTAIN: None

MOTION APPROVED

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 05-29

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 15303, Class 3 of the CEQA Guidelines, which states that the construction of a commercial building with less than 10,000 square feet of gross floor area is exempt from further environmental review.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-29:

1. Conditional Use Permit No. 05-29 for the establishment, maintenance, and operation of a 6,900 sq. ft. two-story, medical office building with access to on-site parking from Warner Ave., an arterial street, in addition to an abutting alley 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 medical office building will not result in significant increases in traffic, noise, light, or odor above levels compatible with the area. Residential uses across from Warner Avenue and the adjacent alley are buffered by approximately 120 and 20 feet of right-of-way respectively. The proposed driveway on Warner Avenue is the only driveway access point along that street for the subject block. The driveway is located in an area visible to motorists and is not anticipated to disrupt the flow of vehicles on Warner Avenue.
2. The conditional use permit will be compatible with surrounding uses because the building is sited and designed to complement the adjacent office building and constructed with similar materials and design characteristics. The proposed driveway on Warner will be the only driveway from that street for the entire block between Oak Lane and Ash Street and will provide more efficient access to the site, adequate access for emergency vehicles, and greater access opportunities for the adjacent offices.
3. The proposed medical office building 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. The project will comply with all code requirements including building height, setbacks, landscaping, parking, and floor area ratio.
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 Commercial General on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - 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 10.1.12: Require that Commercial General uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development including the consideration of incorporation of site landscape, particularly along street frontages and in parking lots.

The application allows for the establishment of a new medical office building within the City. The project will provide opportunity for prospective businesses to move to or relocate within the City and serve residents. The design of the project will be compatible with other commercial buildings in the area by siting the building at the street frontage, providing quality architectural features, and providing sufficient landscaping along the street frontage and within the parking area.

B. Urban Design Element

Goal UD 1: Enhance the visual image of the City of Huntington Beach

Objective UD 1.1: Identify and reinforce a distinctive architectural and environmental image for each district in Huntington Beach.

The proposed project enhances the visual image of the City by siting the building at the street frontage to convey a visual link to the street and sidewalk. The design of the proposed medical office building incorporates quality materials and a design compatible with an adjacent recently constructed office building to create a distinctive district for this portion of Warner Avenue.

C. Circulation Element

Policy CE2.3.2: Limit driveway access points and require adequate driveway widths onto arterial roadways and require driveways be located to ensure the smooth and efficient flow of vehicles, bicycles and pedestrians.

Policy CE 2.3.3: Require, where appropriate, an irrevocable offer of mutual access across adjacent non-residential properties fronting arterial roadways and require use of shared driveway access.

The proposed driveway on Warner will be the only driveway from that street for the entire block between Oak Lane and Ash Street. The driveway is accessible to eastbound traffic and limited to right turn in and right turn out ingress/egress to ensure the smooth and efficient flow of vehicles. Westbound traffic will be prevented from turning left into the site by a painted median and must utilize the entrance from the alley via Oak Lane. Furthermore, cross access between the subject site and the general office building to the west is provided via the alley and an irrevocable offer of cross access is provided from the subject site to the dental office to the east. The cross access agreements ensure the proposed driveway will serve all the developments on Warner Avenue between Oak Lane and Ash Street.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 05-29:

The site plan, floor plans, and elevations received and dated November 13, 2006, shall be the conceptually approved design.

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

D. NON-PUBLIC HEARING ITEMS:

D-1. COMMITTEE ASSIGNMENTS – Chair Scandura

Chair Scandura made Planning Commission committee assignments for the Design Review Board, Environmental Board, Subdivision Committee, Green Buildings Subcommittee and the School District Issues Subcommittee.

A MOTION WAS MADE BY DWYER, SECONDED BY HORGAN TO APPROVE COMMITTEE ASSIGNMENTS, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Speaker, Livengood, Scandura, Horgan, Dwyer, Farley
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING

Herb Fauland, Acting Planning Manager - reported on the items from the previous City Council meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING

Herb Fauland, Acting Planning Manager – reported on the items scheduled for the next City Council meeting.

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING

Herb Fauland, Acting Planning Manager – reported on the items scheduled for the next Planning Commission meeting.

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS – NONE

F-2. PLANNING COMMISSION COMMENTS

Commissioner Shier-Burnett – None.

Commissioner Speaker – None.

Vice-Chairperson Livengood – Distributed a handout on the topic of Green Building to the Commission.

Chairperson Scandura – None.

Commissioner Farley – None.

Commissioner Horgan – Stated that she is pleased to see the Planning Commission taking the lead regarding Green Building in the City of Huntington Beach and believes Huntington Beach could become a leader in the state on this issue.

Commissioner Dwyer – Advised he will be unable to attend the next regularly scheduled meeting.

ADJOURNMENT:

Adjourned at 8:00 p.m. to the next regularly scheduled meeting of February 27, 2007.

APPROVED BY:

Scott Hess, Secretary

John Scandura, Chair