MINUTES
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, MAY 8, 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 Shier-Burnett, P Speaker, P Livengood, P Scandura, P Horgan, P Dwyer, P Farley*

AGENDA APPROVAL

A MOTION WAS MADE BY SCANDURA, SECONDED BY SPEAKER, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF MAY 8, 2007, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS):

A-1. VARIANCE NO. 07-002 (PERKINS RESIDENCE) – Ron Santos

Ron Santos, Associate Planner, gave an overview of the proposed project and the request to allow a five ft. setback in lieu of the code required 10 ft. setback, along the street side property line. He stated that code requires Planning Commission review when the Variance request is for a reduction in the standard of more than 20 percent and in this case it is a 50 percent reduction.

Santos confirmed to Commissioner Speaker that notifications had been sent to the surrounding neighborhood.

Santos responded to Commissioner Farley's question about similar requests stating there were none that staff was aware of.

Commissioner Livengood discussed the plans and front door location with staff.

Scott Hess, Director of Planning, noted that staff will have a presentation at the May 22 meeting.

In response to a question from Chair Scandura, Santos reported an error on the plans relating to the street names.

Chair Scandura requested that staff analyze the request for consistency with the required findings and identify any special circumstances.

B. STUDY SESSION ITEMS

B-1. PLANNING COMMISSION GOALS 2007 – Chair Scandura

Chair Scandura summarized the seven goals from the Planning Commission workshop of April 26, 2007.

Staff clarified that the Planning Commission can review and approve their goals for 2007.

Commissioner Livengood suggested breaking out Bella Terra as a separate goal due to the size of the project.

Discussion ensued between Commissioners and staff regarding the content, wording and clarification of Specific Plan developments.

A MOTION WAS MADE BY DWYER, SECONDED BY LIVENGOOD TO CONTINUE THE PLANNING COMMISSION GOALS 2007 REVIEW TO THE MAY 22, 2007 MEETING 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):

Herb Fauland, Acting Planning Manager, reviewed the agenda items for the 7:00 p.m. portion of the meeting. He stated that the applicant for item B-1 will be in attendance.

D. PLANNING COMMISSION COMMITTEE REPORTS:

Commissioner Farley reported on the last Environmental Board meeting and the review of the Draft Environmental Impact Report for the proposed Senior Center. He noted that the Board is drafting a comment letter.

Commissioner Livengood stated there will be a special meeting of the Design Review Board on May 24, 2007.

D-1. GREEN BUILDING SUBCOMMITTEE REPORT – Commissioners Shier-Burnett and Horgan

Commissioners Shier-Burnett and Horgan gave a PowerPoint presentation on the subcommittee draft report for Green Building and an explanation of the ten steps involved.

Hess stated that the City Council gave staff direction to develop an energy efficiency policy report and recommend policies in regard to the environment, energy efficiency and green building. He stated that Ross Cranmer will be making a presentation to City Council at the May 21, 2007 meeting.

Commissioner Speaker commended Commissioners Horgan and Shier-Burnett on an excellent report.

Commissioners and staff engaged in a discussion in relation to the process and timetable for City Council review.

Chair Scandura commended Commissioners Shier-Burnett and Horgan for their excellent report and suggested a one-page summary describing the ten steps be added to the Green Building report before transmittal to the City Council.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SPEAKER, TO INCLUDE THE GREEN BUILDING SUBCOMMITTEE REPORT IN THE MAY 21, 2007 ENERGY POLICIES CITY COUNCIL REPORT, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

E. **PUBLIC COMMENTS (Regarding Study Session Portion of Meeting) - NONE**

F. **PLANNING COMMISSION COMMENTS:**

Commissioner Livengood requested the Planning Commission approve a motion to forward the Green Building Subcommittee Report to the Environmental Board. Chair Scandura recommended the item be placed on the agenda under the F items tonight.

6:45 P.M. – RECESS FOR DINNER

7:15 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Dwyer

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

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SHIER-BURNETT, TO ADD AN ITEM UNDER F-1 REGARDING THE GREEN BUILDING SUBCOMMITTEE REPORT AND TO APPROVE THE PLANNING COMMISSION AGENDA OF MAY 8, 2007, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. ORAL COMMUNICATIONS - NONE

B. PUBLIC HEARING ITEMS:

B-1. ENTITLEMENT PLAN AMENDMENT NO. 06-07 (LOWE'S RETAIL PAD SITE MODIFICATION—AMENDMENT TO CONDITIONAL USE PERMIT NO. 00-31 – Continued from April 24, 2007 with the Public Hearing to be opened): Applicant: Mark Raber, Tarlos & Associates Request: To amend Condition of Approval No. 8 of Conditional Use Permit No. 00-31 which limits development on the vacant parcel adjacent to Lowe's Home Improvement Warehouse to a restaurant building with a maximum of 8,500 sq. ft. The proposed amendment is to allow a maximum building area of 14,200 sq. ft. on the vacant parcel. Location: 8291 Warner Avenue (north side of Warner Avenue, east of Beach Boulevard) Project Planner: **Tess Nguyen**

STAFF RECOMMENDATION: Motion to: "Approve Entitlement Plan Amendment No. 06-07 with findings and suggested conditions of approval."

Tess Nguyen, Associate Planner, gave a PowerPoint presentation and reviewed the amendments to the Conditional Use Permit. She indicated the item was continued from the April 24 meeting at the applicant's request to address suggested conditions of approval regarding noise mitigation.

The Commission made the following disclosures:

- Commissioner Farley visited the site and attended the study session.
- Commissioner Dwyer visited the site and attended the study session.
- Commissioner Horgan visited the site and attended the study session.
- Commissioner Speaker visited the site and attended the study session.
- Commissioner Shier-Burnett visited the site and attended the study session.
- Chair Scandura visited the site, attended the study session, voted on original Conditional Use Permit and observed America's Tire Store on Springdale and Edinger.
- Commissioner Livengood visited the site, attended the study session, voted on the original Conditional Use Permit and observed the site on Springdale and Edinger.

Commissioner Farley requested clarification on the parking requirements. Staff stated the parking requirement will be provided on-site and shared by two uses.

Chair Scandura asked the applicant to address how he intends to comply with the suggested conditions when he comes up to speak during the public hearing.

THE PUBLIC HEARING WAS OPENED.

Geoff Reeslund with Hughes Investments stated that he is the applicant, and Mark Raber with Tarlos and Associates is his representative. He stated that Al Hatfield, from America's Tires, would be answering any questions the Commissioners may have.

Al Hatfield, Vice President of Operations, America's Tires, spoke in favor of the project. He stated the intention was to operate this project the same, if not quieter than, the site at Springdale and Edinger. He stated they would not be using paging horns and described the new quieter equipment. He outlined the difficulties involved in closing the doors between each car. He stated that he would not be able to do that and if he had known prior to beginning construction of the building he would have passed on the site.

Scandura questioned the decibel level of the lug guns and Mr. Hatfield stated that the Ingersoll Rand lug gun is the quietest in the industry at 86 decibels and they are cognizant of protecting their employees' hearing.

Commissioner Horgan questioned the reasoning behind the choice of uses. Mr. Reeslund explained that originally Home Town Buffet, then Wendy's Restaurant, were to be tenants; however now it is likely that Carl's Jr. will be the tenant for the 2,830 sq. ft. building.

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

Staff clarified that the primary issue this evening is the square footage amendment to the Condition of Approval that was imposed as a part of the Lowe's approval that limited construction on the vacant parcel to a maximum building area of 8,500 sq. ft. Ms. Nguyen reiterated that this amendment is to increase the allowable development on the vacant parcel to a maximum building area of 14,200 sq. ft. with the potential that either of the two development options can move forward.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SPEAKER TO APPROVE ENTITLEMENT PLAN AMENDMENT NO. 06-07 WITH FINDINGS AND MODIFIED CONDITIONS FOR APPROVAL BY DELETING CONDITION NO. 2, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS AND CONDITIONS OF APPROVAL

ENTITLEMENT PLAN AMENDMENT NO. 06-07

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project is within the scope of the Lowe's Home Improvement Warehouse Environmental Impact Report (EIR No. 00-01) which was certified by the Planning Commission on October 28, 2003.

FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 06-07:

1. Entitlement Plan Amendment No. 06-07 to amend Condition of Approval No. 8 to allow a maximum building area of 14,200 sq. ft. on the vacant parcel 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 project has been evaluated for compatibility with the surrounding neighborhood in terms of uses, noises, and traffic generation. The project is designed to address separation to adjacent sensitive properties, provides adequate circulation and parking to serve the uses on site, and meets the goals and policies of the General Plan.

2. The entitlement plan amendment will be compatible with surrounding uses because the proposed amendment represents a minor alteration in land use limitations, which will not generate significant noise, traffic, or other impacts to surrounding uses.

3. The proposed Entitlement Plan Amendment No. 06-07 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 proposed development complies with the zoning development standards and land use provisions contained in the Commercial General zoning district by providing code required minimum setbacks, landscaping, minimum parking and not exceeding the maximum building height and maximum floor area ratio.

4. The granting of the entitlement plan amendment will not adversely affect the General Plan. It is consistent with the Land Use Element designation of MV-F10-d-a (Mixed Use Vertical—Max 1.5 Floor Area Ratio—Max 25 du/ac—Design Overlay—Automobile District Overlay) on the subject property. The project site is identified in the General Plan as part of Subarea 6B, located on the east and west sides of Beach Boulevard between Warner Avenue and Edinger Avenue. In addition, it is consistent with this designation and the goals and objectives of the City's General Plan:

   Land Use Element

   Goal LU 1: Achieve development that maintains or improves the City's fiscal viability and reflects economic demands while maintaining and improving the quality of life for the current and future residents of Huntington Beach.

   Goal LU 4: Achieve and maintain high quality architecture, landscape, and public open spaces in the City.

   Goal LU 10: Achieve the development of a range of commercial uses.

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 recreational resources.

Policy LU 10.1.4: Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

Policy LU 10.1.11: Promote the introduction of a diversity of uses in general commercial centers, particularly those containing anchor grocery stores that improve their relationship with surrounding residential neighborhoods.

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;
- Linkage of buildings by common architectural design, landscape and pedestrian systems, to avoid the appearance of independent free-standing structures surrounded by parking;
- Siting and design of structures to facilitate and encourage pedestrian activity;
- Siting of one or more buildings in proximity to the street frontage to convey a visual relationship to the street and sidewalks;
- Architectural treatment of buildings to minimize visual bulk and mass, using techniques such as the modulation of building volumes and articulation of all elevations; and
- Inclusion of consistent signage designed and integrated into the building's architectural character.

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 retail uses represent development which would support the needs and reflect market demand of City residents and visitors. The proposed development improves the project site, which is currently vacant, and provides additional commercial uses that would attract and complement existing retail uses along Beach Boulevard and Warner Avenue. In addition, the proposed project would help the City to achieve its goal of enhancing the community image through the design and construction of a high-quality development while still allowing for the market-driven commercial development. The proposed project includes retail uses in accordance with the patterns and distribution of use and density within the Land Use Plan Map of the City of Huntington Beach General Plan. The design of the project conveys a unified, high-quality visual image that contributes to the City's urban form and character. The City's Design Review Board has reviewed the proposed architecture, colors, and materials and recommends approval of the design concept.

Economic Development Element

Goal ED 1: Provide economic opportunities for present and future Huntington Beach residents and businesses through employment and local fiscal stability.

Goal ED 2: Aggressively retain and enhance the existing commercial, industrial, and visitor-serving uses while attracting new uses to Huntington Beach.

Goal ED 3: Enhance Huntington Beach's economic development potential through strategic land use planning and sound urban design practices.

The proposed project promotes development in accordance with the Economic Development Element of the City of Huntington Beach General Plan, as a new commercial retail development will broaden and stabilize the City's economic base. New employment opportunities will be created both in the construction of the proposed development and in the long-term operations of the retail establishments. Commercial development of this underutilized property will encourage future development to expand westerly to Beach Boulevard as noted in General Plan Subarea 6B. High-quality architecture and site design will enhance the long-term economic success of the proposed development and will further enhance Huntington Beach's economic prospects.

CONDITIONS OF APPROVAL - ENTITLEMENT PLAN AMENDMENT NO. 06-07:

1. The site plan, floor plans, and elevations received and dated March 6, 2007 shall be the conceptually approved design.

2. All conditions of approval required under Conditional Use Permit No. 00-31 remain valid and shall be completed at the appropriate stage of development except for Condition of Approval No. 8 which is modified as follows:

   "Depending on the uses proposed, the vacant pad and Parcel 3 may be subject to separate entitlement prior to issuance of grading permits on the pad site. Construction of the vacant pad building shall not result in any loss of landscaping as shown on the September 5, 2003 site plan and a maximum building area of 14,200 square feet shall be constructed."

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 - NONE

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING
Scott Hess, Director of Planning - reported on the items from the previous City Council meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING
Scott Hess, Director of Planning – 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

Minute Action on Temporary Outdoor Sales – Commissioner Shier Burnett
Shier-Burnett referred to the late communication which is a narrative expanding on items from the Minute Action to review Temporary Use Permits for Downtown sidewalk sales. The late communication was submitted to provide clarification as well as some explanation.

Discussion ensued between Commissioners and staff regarding appearance, Design Review, Temporary Use Permit (TUP) versus Temporary Activity Permit, (TAP), language, terminology, fee structure, closure of Main Street and Code Enforcement's role.

Scandura reiterated the purpose of the Minute Action for outdoor sales events and the major concerns: the appearance, potential pedestrian traffic issues, and the future vision for Main Street. He noted that this action will only address the TUP and not TAPs.

Dwyer suggested the following language; "Request the City consider reviewing sidewalk sales permits in the downtown area to establish a uniform system for permitting use in regards to permit length in time, days, cost per duration of permit and visual appearance."

A MOTION WAS MADE BY HORGAN, SECONDED BY DWYER TO APPROVE THE MINUTE ACTION WITH THE FOLLOWING AMENDMENTS "REQUEST THAT THE CITY COUNCIL CONSIDER GUIDELINES REGARDING THE VISUAL APPEARANCE OF THE SALES, CONSIDER PLACING A CAP ON THE NUMBER OF DAYS AVAILABLE FOR SIDEWALK SALES, CONSIDER ESTABLISHING A MAXIMUM TERM OF PERMIT APPROVAL, RECONSIDER THE FEE STRUCTURE TO TAKE INTO ACCOUNT THE LENGTH OF THE PERMIT AND CONSIDER MAINTAINING UNIFORM EXPIRATION DATES AMONG TEMPORARY USE PERMITS FOR THE DOWNTOWN AREA FOR SIDEWALK SALES," AND FORWARD TO THE CITY COUNCIL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

Green Building Subcommittee Report – Commissioner Shier-Burnett

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY HORGAN THAT THE GREEN BUILDING REPORT BE PRESENTED BY THE SUB-COMMITTEE TO THE ENVIRONMENTAL BOARD, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

F-2. PLANNING COMMISSION COMMENTS

Commissioner Shier-Burnett - None

Commissioner Speaker - None

Vice Chairperson Livengood - Reported on the success of the Shipley Nature Center Spring Festival held on April 28, 2007, with approximately 600 attendees.

Chairperson Scandura – Expressed his condolences on the passing of former Assembly Member Gil Ferguson.

Commissioner Horgan – None

Commissioner Dwyer - Dedicated tonight's meeting in honor of former Assembly Member Gil Ferguson who passed away this week and expressed his condolences to the family.

Commissioner Farley - None

ADJOURNMENT:

Adjourned at 8:20 p.m. to the next regularly scheduled meeting of May 22, 2007.

APPROVED BY:

Scott Hess, Secretary

John Scandura, Chair

(07pcm0508)