

MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JULY 10, 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: A P P P P P P
Shier-Burnett, Speaker, Livengood, Scandura, Shaw, Dwyer, Farley
(Commissioner Shier-Burnett arrived at 5:20 pm)

AGENDA APPROVAL

Chair Scandura welcomed new Planning Commissioner Joe Shaw who will be replacing Flossie Horgan.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY DWYER, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF JULY 10, 2007, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. CONDITIONAL USE PERMIT NO. 07-021 (RA SUSHI-THE STRAND) 155 FIFTH STREET, UNIT 183, 92648 - Rami Talleh

Rami Talleh, Associate Planner, gave an overview of the proposed project emphasizing the concerns received from the Police and Economic Development Departments outlined in attachments 6.1 and 7.1. He stated that their concerns relate to the operating hours and the bi-folding windows. Talleh confirmed that the applicant is currently working with the Police and Economic Development Departments to resolve these issues.

Talleh confirmed the request is solely for restaurant use; no dancing or outdoor dining is proposed.

Commissioner Speaker excused himself from this item due to a conflict.

A-2. FLOOD MANAGEMENT PLAN ANNUAL REVIEW – Ricky Ramos

Ricky Ramos, Associate Planner, presented the annual review as part of the FEMA re-certification process. He outlined the changes from last year.

In response to a question from Commissioner Dwyer, Leoni Mulvihill, Senior Deputy City Attorney, stated that AB 32 affects greenhouse gas emissions and the legislature is adopting regulations to implement AB 32.

Discussion ensued between Commissioners and staff regarding AB 32, the Brightwater Annexation, Reverse 911 System, Mitigation for the Wintersburg Channel and Tsunami evacuation signage.

B. STUDY SESSION ITEMS:

B-1. PLANNING COMMISSION GOALS 2007 - COMMITTEE ASSIGNMENTS

Chair Scandura presented the committee assignments as follows;

Green Building Committee - Commissioner Dwyer will replace Commissioner Horgan.

Neighborhood Compatibility Sub-Committee – Shaw/Dwyer - Farley alternate.

Entitlement Process and the Zucker Report – Shier-Burnett/Livengood – Shaw alternate.

Scandura noted that these committees will be kept informal and their purpose is simply to monitor progress for the Planning Commission and not bias a specific project.

Discussion ensued between the Commissioners and staff with regard to the Study Session and Public Hearing process.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SPEAKER, TO APPROVE THE PLANNING COMMISSION COMMITTEE ASSIGNMENTS, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Speaker, Livengood, Scandura, Shaw, 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 advised of one late communication received regarding public hearing Item B-1.

D. PLANNING COMMISSION COMMITTEE REPORTS

D-1. GREEN BUILDINGS COMMITTEE – ENVIRONMENTAL BOARD MEETING

Commissioner Shier-Burnett reported on the input received at the June 7, 2007, Environmental Board Meeting and presented a document outlining the Board's recommendations.

Shier-Burnett stated that Chandra Krout will make a presentation on Green Building at the City Council Study Session at 4:00 pm on Monday July 16, 2007. She requested input from the Commissioners for incorporation into the report to be presented to the City Council in August.

Commissioner Speaker reported that he will be attending his first Design Review Board meeting on August 9, 2007.

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

Michelle Wright, Covington, VA, on behalf of Benihana Inc. and the Ra Sushi concept, spoke in support of Item A-1. She thanked staff and noted the efficient progress made through the review process and indicated her willingness to comply with the City's requirements. Ms. Wright stated that they are working with staff regarding the hours of operation and the windows issues to arrive at an appropriate solution.

F. PLANNING COMMISSION COMMENTS:

Commissioner Shier-Burnett welcomed new Commissioner Joe Shaw.

Commissioner Shaw thanked the Commission and staff for their warm welcome.

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 Livengood

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

AGENDA APPROVAL

A MOTION WAS MADE BY FARLEY, SECONDED BY DWYER, TO APPROVE THE PLANNING COMMISSION AGENDA OF JULY 10, 2007, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

Chair Scandura welcomed Commissioner Joe Shaw to the Planning Commission. He stated that Commissioner Shaw is a resident and past business owner in the City. He replaces Commissioner Flossie Horgan, and was appointed by Mayor Pro-Tem Debbie Cook.

A. ORAL COMMUNICATIONS - NONE

B. PUBLIC HEARING ITEMS:

B-1. CONDITIONAL USE PERMIT NO. 07-017 (SHARKEEZ DANCING). Applicant: Michael C. Adams Associates. Request: To permit dancing in conjunction with previously approved entertainment within an existing 2,625 sq. ft. restaurant. The request includes a proposal to address the requirement for one additional parking space by limiting use of previously approved outdoor dining area within the public right-of-way to customer queuing when dancing occurs. Location: 211 Main Street, 92648 (Northwest side of Main Street, between Olive Ave and Walnut Ave). Project Planner: Ron Santos

STAFF RECOMMENDATION: Motion to: "Continue Conditional Use Permit No. 07-017 to the July 24, 2007 Planning Commission meeting with the Public Hearing Open."

Fauland, stated that staff received a letter from Mike Adams, Michael C. Adams & Associates, dated June 27, 2007 requesting this item be continued to the July 24, 2007 Planning Commission meeting to allow time to review and respond to data and information that is to be provided from the Police Department. He indicated that one late communication was received from Wayne Carvalho, Carvalho & Associates, dated Friday July 6, 2007 with an attachment from Michael C. Adams & Associates, dated July 6, 2007 outlining suggested conditions of approval that the Planning Commission should consider during their deliberations on July 24, 2007.

A MOTION WAS MADE BY SHIER-BURNETT, SECONDED BY DWYER, TO CONTINUE CONDITIONAL USE PERMIT NO. 07-017 AT THE APPLICANT'S REQUEST, TO THE JULY 24, 2007 PLANNING COMMISSION MEETING WITH THE PUBLIC HEARING OPEN, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

B-2. APPEAL OF DESIGN REVIEW BOARD'S APPROVAL OF DESIGN REVIEW NO. 07-010 / PLANNED SIGN PROGRAM NO. 07-002 (AQUIZERAT PROPERTY). Applicant: Margaret Van Herk. Appellant: City Council Member Keith Bohr. Request: To adopt a planned sign program for a mixed use building that will allow for the installation of wall signs on a building wall not adjacent to a business suite. Location: 526 Main Street, 92648 (east side of Main St., between 6th St. and Acacia Ave.) Project Planner: Jill Arabe

STAFF RECOMMENDATION: Motion to: "Approve Design Review No. 07-010 and Planned Sign Program No. 07-002 with suggested findings and conditions of approval."

The Commission made the following disclosures:

- Commissioner Shier-Burnett recused herself because she has a real property interest within the 500 ft. radius.
- Commissioner Livengood visited the site and took action as a member of the Design Review Board.
- Commissioner Speaker drove by the site.
- Chair Scandura visited the site and was involved with a previous approval.
- Commissioner Shaw visited the site, spoke with one of the owners of The Skin Spa, spoke with Councilman Bohr and staff.
- Commissioner Farley drove by the site.
- Commissioner Dwyer drove by the site.

Jill Arabe, Planning Aide, gave a presentation of the proposed project outlining the reasons for Council Member Bohr's appeal to the Design Review Board's approval.

In response to a question from Commissioner Shaw, Ms. Arabe stated that staff had no concerns with the compatibility issue now that the signs are to be non-illuminated.

Discussion ensued between staff and the Commission regarding compatibility and illumination, and the proposed lettering style.

Commissioner Shaw stated his opinion that due to the height of the sign it does not appear to be the best solution.

THE PUBLIC HEARING WAS OPENED.

Gil Auizerat, property owner, spoke on behalf of the managing partners. He stated that there are unique circumstances with the site that makes it impossible for standard signage to accomplish its purpose. He indicated he had met with Council Member Bohr, showed him the property and explained the reason for the placement of the signs. He felt that Council Member Bohr's concerns have been addressed.

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

Commissioners Farley, Dwyer, Shaw and Chair Scandura indicated their approval of the design and the compromise achieved.

A MOTION WAS MADE BY SPEAKER, SECONDED BY LIVENGOOD, TO APPROVE DESIGN REVIEW NO. 07-010 AND PLANNED SIGN PROGRAM NO. 07-002, WITH SUGGESTED FINDINGS AND CONDITIONS FOR APPROVAL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS AND CONDITIONS OF APPROVAL

DESIGN REVIEW NO. 07-010
PLANNED SIGN PROGRAM NO. 07-002

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 15311, Class 11 of the CEQA Guidelines, because the construction or placement of on-premise signs accessory to existing facilities is exempt from further environmental review.

FINDINGS FOR APPROVAL – DESIGN REVIEW NO. 07-010/ PLANNED SIGN PROGRAM NO. 07-002:

1. The proposed signs are compatible with the style or character of existing improvements on the site and are well-related to each other, reflecting a common theme and design style. The unique design of the building façade and floor plan necessitates the placement of wall signs on the second floor for business identification. The size of the signs is proportional to the building and in compliance with code requirements. The colors and materials of the proposed signs are compatible with the light color of the building. Non-illuminated signs will not be obtrusive to the residents. The proposed planned sign program is consistent with the General Plan, the Downtown Specific Plan, Design Guidelines, and HBZSO.

CONDITION OF APPROVAL – DESIGN REVIEW NO. 07-010/ PLANNED SIGN PROGRAM NO. 07-002:

1. The Planned Sign Program dated May 24, 2007 and maintained in entitlement folder DR 07-010 / PSP 07-002 shall be the conceptually approved criteria.

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**
Herb Fauland, Acting Planning Manager - reported there were no 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 - Welcomed Commissioner Shaw

Commissioner Speaker – Welcomed Commissioner Shaw

Vice Chairperson Livengood – Welcomed Commissioner Shaw

Chairperson Scandura – Welcomed Commissioner Shaw

Commissioner Dwyer – Welcomed Commissioner Shaw and recommended developers or persons intending to build in the City, attend the City Council Study Session at 4:00 pm on Monday, July 16, 2007 for a presentation on Green Building programs.

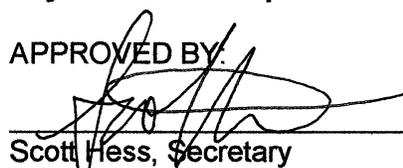
Commissioner Farley – Welcomed Commissioner Shaw

Commissioner Shaw – Thanked the Planning staff, Commissioners, Council Member Cook and Flossie Horgan, and indicated his desire to do his best to represent the citizens of Huntington Beach.

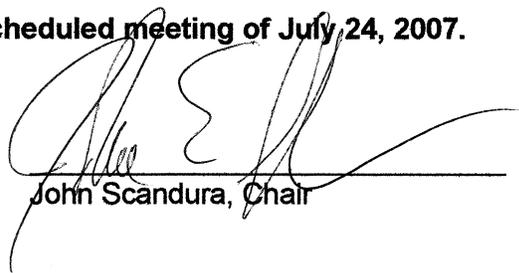
ADJOURNMENT:

Adjourned at 7:20 p.m. to the next regularly scheduled meeting of July 24, 2007.

APPROVED BY:



Scott Hess, Secretary



John Scandura, Chair