

MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JULY 24, 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 P P
Shier-Burnett, Speaker, Livengood, Scandura, Shaw, Dwyer, Farley

AGENDA APPROVAL

A MOTION WAS MADE BY SHAW, SECONDED BY SPEAKER, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF JULY 24, 2007, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. BELLA TERRA II – Jane James

Jane James, Senior Planner, introduced Lindsay Parton of DJM Capital Partners along with Alan Pullman and Marios Savopoulos of Perkowitz & Ruth Architects, who gave a Powerpoint presentation of the phase II plan for Bella Terra.

Commissioner Shier-Burnett mentioned she was present for the City Council Study Session presentation in May and inquired if there were any changes. She asked them to consider green elements in their design. She also inquired about the status of anchor stores in regards to signature retailers. Mr. Parton replied no changes have been made to the design, they will incorporate green elements, and they are in preliminary discussions with signature retailers for the anchor stores.

Commissioner Livengood commented on the need to improve the pedestrian flow from the parking garage and in front of Burlington Coat Factory, which does not include a sidewalk. He also stated his concern regarding traffic flow on Edinger Avenue and the challenge to direct traffic to Center Drive.

Commissioner Shaw would also like to see green elements incorporated into the project. He inquired about the possibility of shuttle services. Mr. Parton commented they are looking at different alternatives on transporting pedestrians and will address this in the next phase.

Commissioner Dwyer inquired on the ownership of Burlington Coat Factory. Mr. Parton stated DJM owns the building; however, Burlington Coat Factory has a long term lease. Dwyer also inquired as to the funding of the EIR study. James replied there will be a reimbursement agreement with DJM. Dwyer inquired about the tax income generated by different uses. Mr. Parton responded they have done a study which concluded that mixed use had the greatest financial long term benefit to the City when compared to big box retail or retail alone.

Commissioner Farley inquired whether the Phase I tenants will change. Mr. Parton anticipates the tenants will remain. Farley questioned Mr. Parton on the average time a visitor stays, Mr. Parton stated approximately 45 minutes. Farley inquired about adjacent property at the site of the Levitz furniture store. Mr. Parton conveyed interest in the property; however, Levitz is under a long term lease. Farley wondered about integrating rail systems. Mr. Parton is open to incorporating a future rail hub into the design.

Commissioner Speaker requested specific information on traffic flow, property tax, sales tax, and redevelopments funds. Mr. Parton offered to forward a study that would address those issues.

A-2. GENERAL PLAN CONFORMANCE NO. 07-002 (CITY OF HUNTINGTON BEACH CAPITAL IMPROVEMENTS PROGRAM FOR FISCAL YEAR 2007/08) – Rosemary Medel

Rosemary Medel, Associate Planner, reviewed the program and stated Public Works staff is available for questions.

Discussion ensued regarding clarification on the planned projects.

A-3. ZONING TEXT AMENDMENT NO. 07-003 (MEDICAL MARIJUANA DISPENSARIES) – Ricky Ramos

Ricky Ramos, Associated Planner, gave a presentation on the amendment.

Commissioner Shier-Burnett inquired if the purpose of the amendment is because the Federal Laws override the State Laws. Deputy City Attorney, Leonie Mulvihill, explained it is to avoid violating the Federal Controlled Substances Act. Commissioner Shaw requested research on case law to support Mulvihill's comments. Discussion ensued as to how many applications have been submitted for such dispensaries. Staff advised that City Council directed staff to process this draft ordinance and the Commission's role is to review and make recommendation back to City Council.

B. STUDY SESSION ITEMS: NONE

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 from the applicant regarding public hearing Item B-1.

D. PLANNING COMMISSION COMMITTEE REPORTS

Commissioner Farley reported on the last Environmental Board meeting.

Commissioner Shier-Burnett reported on the Green Building Subcommittee and attended a US Green Building Council meeting.

E. PUBLIC COMMENTS - NONE

F. PLANNING COMMISSION COMMENTS:

Commissioner Shier-Burnett requested timely email notification to the Planning Commissioners of all withdrawn agenda items.

Commissioner Livengood questioned staff regarding the timing of an agenda item for September 11, 2007.

Commissioner Farley questioned staff about delivery restrictions on 5th Street and cleaning of sidewalks in the downtown.

Chair Scandura stated the report from the Chief of Police regarding Item B-1 raises questions he will address with staff.

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 Shaw

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

AGENDA APPROVAL

A MOTION WAS MADE BY SPEAKER, SECONDED BY SHAW, TO APPROVE THE PLANNING COMMISSION AGENDA OF JULY 24, 2007, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

PRESENTATION OF PLANNING COMMISSION RESOLUTION NO. 1617 IN APPRECIATION OF OUTGOING COMMISSIONER FLOSSIE HORGAN.

Chair Scandura and Council Member Cook presented the resolution and plaque to outgoing Commissioner Horgan. Commissioner Horgan thanked the Planning Commissioners for their hard work and stated that she enjoyed working with the fellow Commissioners and staff. Horgan stated there was always a spirit of goodwill between staff and Commissioners.

A. ORAL COMMUNICATIONS

Rob Wayman, representative for Compassionate Care Dispensary, spoke in opposition of Study Session Item A-3.

B. PUBLIC HEARING ITEMS:

B-1. CONDITIONAL USE PERMIT NO. 07-017 (SHARKEEZ DANCING – CONTINUED FROM JULY 10, 2007 WITH PUBLIC HEARING TO BE OPENED): **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: “Deny Conditional Use Permit No. 07-017 with suggested findings for denial.”

WITHDRAWN AT APPLICANT’S REQUEST

Mike Adams, applicant for Public Hearing Item B-1, stated the desire to pursue this matter at a future date.

B-2. CONDITIONAL USE PERMIT NO. 07-021 (RA SUSHI): **Applicant:** Valentina Allen, Kerr Project Services **Request:** To permit the establishment, maintenance and operation of a restaurant with on-site sale and consumption of alcoholic beverages. **Location:** 155 5th Street, Unit 183, 92648 (north side of Pacific Coast Highway, between 5th St. and 6th St. – The Strand) **Project Planner:** Rami Talleh

STAFF RECOMMENDATION: Motion to: “Continue Conditional Use Permit No. 07-021 to the August 14, 2007 Planning Commission meeting with the public hearing to be opened.”

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SHAW, TO CONTINUE CONDITIONAL USE PERMIT NO. 07-021 AT THE APPLICANT’S REQUEST, TO THE AUGUST 14, 2007 PLANNING COMMISSION MEETING WITH THE PUBLIC HEARING TO BE OPENED, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

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 – NONE

F-2. PLANNING COMMISSION COMMENTS

Commissioner Shier-Burnett stated it was a privilege to work with Flossie Horgan.

Commissioner Speaker – None

Vice Chairperson Livengood – None

Chairperson Scandura – None

Commissioner Shaw – None

Commissioner Dwyer requested a copy of the Coastal Commission's modifications to the timeshares Local Coastal Program Amendment (LCPA) approved by City Council on July 16, 2007.

Commissioner Farley - None

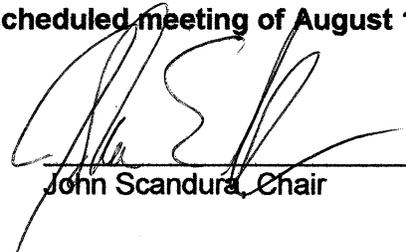
ADJOURNMENT:

Adjourned at 7:20 p.m. to the next regularly scheduled meeting of August 14, 2007.

APPROVED BY:



Scott Hess, Secretary



John Scandura, Chair