MINUTES
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, SEPTEMBER 23, 2008
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

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

Commissioner Shaw was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY SHIER BURNETT, SECONDED BY SCANDURA, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF SEPTEMBER 23, 2008, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. ENVIRONMENTAL IMPACT REPORT NO. 07-003 (VILLAGE AT BELLA TERRA) – Jane James, Senior Planner

Jane James, Senior Planner, gave an overview of the project and said that the environmental consultant from PBS&J was present and available to answer questions.

Commissioner Scandura asked how many public comments were received, and the consultant said that five comments were received (four written and one verbal).

Commissioner Scandura also asked if the mitigation measures had been incorporated into the Conditional Use Permit and staff said yes.

Commissioner Speaker asked if the cumulative housing numbers are over those of SCAG (Southern California Association of Governments) and staff indicated

that this will be addressed in the Environmental Impact Report when this project comes before the Planning Commission on October 14, 2008.

Chair Livengood asked if the former Levitz site is included in this project plan and staff said no. Chair Livengood also asked if a traffic lane will be added to Beach Blvd. to accommodate traffic and staff indicated that the approval and the funding for improvements to Beach Blvd. fall under Caltrans' jurisdiction.

A-2. GENERAL PLAN AMENDMENT NO. 08-003/ZONING MAP AMENDMENT NO. 08-003/TENTATIVE PARCEL MAP NO. 08-120 (ISLAND BAY RESIDENTIAL) – Ricky Ramos, Senior Planner

Ricky Ramos, Senior Planner, gave an overview of the project

Commissioner Scandura asked if the project would create a parcel at the site and staff said yes. Scandura also inquired about the current land use at the site and staff said the land is currently being used as a golf course.

Commissioner Speaker indicated that he thought this project might have come before the Planning Commission ten to fifteen years ago, and asked staff to research this issue.

Chair Livengood asked if the Homeowners' Association of Island Bay had been notified of this Study Session, and staff said no, but that they will be notified when this project comes before the Planning Commission at the Public Hearing.

A-3. CONDITIONAL USE PERMIT NO. 08-028 (APPEAL – SPRINGDALE STREET COMMERCIAL CENTER/MAKARI BUILDING) – Ron Santos, Associate Planner

Ron Santos, Senior Planner, gave an overview of the project and indicated that no public comments have been received and that the project complies with zoning code.

Commissioner Dwyer noted that there is a discrepancy between City records and the Assessor's rolls regarding the cost for undergrounding utilities. He asked if this was due to the fire at the property. Director of Planning Scott Hess stated that he would provide this information to the Planning Commission.

Chair Livengood asked for the exact dimensions of the site's foundation pad and Transportation Manager Bob Stachelski stated that the Public Works Department is uncertain what the dimensions were.

Chair Livengood also asked staff to provide the cost of undergrounding utilities when this project comes before the Planning Commission at the Public Hearing on October 14, 2008. Staff stated that the approximate undergrounding costs would be $125,000 and would not include the Verizon lines.

B. <u>STUDY SESSION ITEMS</u> - NONE

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Herb Fauland, Planning Manager, reported that there are four Late Communications for Item No. B-1 and one Late Communication for Item No. B-2.

D. PLANNING COMMISSION COMMITTEE REPORTS

Commissioner Scandura reported on the Neighborhood Compatibility Committee meeting and noted that the Committee's focus will be to develop design guidelines to be incorporated into the Zoning Ordinance. He noted that the next Neighborhood Compatibility meeting will be held on October 7, 2008.

Vice-Chair Shier Burnett spoke of her attendance at the Green Expo held at the Central Library on September 20, 2008.

Commissioner Farley reported on the Design Review Board and their review of the Village at Bella Terra text amendment and design guidelines. He also noted that the Board discussed minor sign changes and a possible Planning Department policy memo to help streamline the process.

E. PUBLIC COMMENTS

Peter Haddad, the architect for Item No. A-3 (Springdale Street Commercial Center/Makari Building) advised that he was available to answer questions.

Bill Makari, the property owner on Item No. A-3 (Springdale Street Commercial Center/Makari Building), advised that he was available to answer questions.

Lindsay Parton, the applicant on Item No. A-1 (Village at Bella Terra) commended staff on their work on the Environmental Impact Report and the specific plan.

Karen Otis, architect on Item No. B-2 (Pacific View Mixed Use Building) spoke regarding the revisions made to the project plans, which were based on the Design Review Board's recommendation.

F. PLANNING COMMISSION COMMENTS

Commissioner Scandura reported on his recent visit to the Trio Apartments in Pasadena.

Vice Chair Shier Burnett reported on access issues with the reconstruction of the sidewalk at the northeast corner of Beach Blvd. and Talbert Street.

Commissioner Dwyer asked staff about the progress of the sewer construction at Pacific Coast Highway and Warner Avenue. City Engineer Tony Olmos noted that the target date for construction completion is the end of 2008.

Chair Livengood announced the upcoming Planning Directors Association of Orange County Forum 2008, to be held in Costa Mesa on October 16, 2008. He also asked staff the status of the boarded-up restaurant located at the northwest corner of Magnolia Street and Warner Avenue.

6:20 PM – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Speaker

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

Commissioner Shaw was absent.

AGENDA APPROVAL

Chair Livengood recommended moving Item No. B-2 before Item Nos. B-1-a, B-1-b and B-1-c.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY DWYER, TO MOVE ITEM NO. B-2 BEFORE ITEMS NO. B-1-a, No. B-1-b and No. B-1-c, AND TO APPROVE THE PLANNING COMMISSION AGENDA OF SEPTEMBER 23, 2008, BY THE FOLLOWING VOTE:

AYES: **Farley, Dwyer, Shier Burnett, Livengood**
NOES: **Scandura**
ABSENT: **Shaw**
ABSTAIN: **Speaker**

MOTION APPROVED

THE MINUTES WILL REFLECT THE ITEMS IN THEIR ORIGINAL ORDER ON THE AGENDA

A. ORAL COMMUNICATIONS

Dave Sullivan, resident and former Huntington Beach Mayor, spoke in opposition to Item No. B-1.

B. PUBLIC HEARING ITEMS

B-1-a. ENVIRONMENTAL IMPACT REPORT NO. 07-004 (THE RIPCURL) Applicant: Andrew Nelson/Alex Wong, Amstar/Red Oak Huntington Beach, LLC **Request:** To analyze the potential environmental impacts associated with the implementation of the proposed Zoning Text Amendment No. 07-004 (ZTA), General Plan Amendment No. 07-003 (GPA), Zoning Map Amendment No. 07-001 (ZMA), and Conditional Use Permit No. 07-043, a request to permit the construction of a mixed-use development consisting of 440 residential units and 10,000 sq. ft. of commercial uses on an approximate 3.8 acre site and associated infrastructure. The project is proposed to be six stories in height consisting of four levels of housing above two levels of above ground parking and one level of subterranean parking. The commercial component is proposed on the ground level adjacent to two levels of above grade parking. Outdoor amenities for the residential uses include a pool and spa area, fire pit and movie projection area. Indoor amenities include a fitness center, business center, conference room, and clubhouse. The GPA and ZMA would amend the General Plan and Zoning designations from commercial to mixed-use for the subject property. The ZTA establishes the Mixed Use-Transit Center District zoning and development standards. **Location:** 7302-7400 Center Avenue, 92647 (southeast corner of Gothard Street and Center Avenue). **Project Planner:** Tess Nguyen

STAFF RECOMMENDATION: Motion to: "Certify EIR No. 07-004 as adequate and complete in accordance with CEQA requirements by approving Resolution No. 1624 (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Scandura has spoken with staff, spoken with the applicant, attended the Study Sessions, and visited the site.
- Commissioner Speaker has spoken with staff and the applicant, attended the Study Sessions and visited the site.
- Chair Livengood has attended the Study Sessions, spoken with staff and attended the field trip on September 11, 2008.
- Vice Chair Shier Burnett has attended the Study Sessions, spoken with the applicant, visited the site and attended the field trip on September 11, 2008.
- Commissioner Dwyer has attended the Study Sessions, spoken with the applicant, visited the site and attended the field trip on September 11, 2008.
- Commissioner Farley has attended the Study Sessions, attended the field trip on September 11, 2008, visited the site, spoken with the applicant and spoken with Councilwoman Hardy.

Tess Nguyen, Associate Planner, gave an overview of the project.

Chair Livengood recommended that the Public Hearing portion should encompass Item Nos. B-1-a, B-1-b and B-1-c, with a four minute limit per public speaker. Director of Planning Scott Hess concurred and noted that each public speaker would be given four minutes to address all components of the project detailed in Item Nos. B-1-a, B-1-b and B-1-c.

THE PUBLIC HEARING WAS OPENED.

Andrew Nelson, the applicant, gave a PowerPoint presentation and noted that he was available to answer questions.

Robert Sternberg, Goldenwest Neighborhood Association, spoke against Item No. B-1, citing concerns with height and density.

David Harris, resident, spoke in opposition to Item No. B-1. His concerns were with traffic impacts and that building a multi-story mixed -use structure would set a bad precedent for the area. He also noted that there is an appeal period of ten days after the Planning Commission's decision on the project.

Jerrold Clarke, resident, spoke in favor of Item No. B-1, saying that he thinks the advantages of the project outweigh the disadvantages.

Dan Golovato from Equity Residential, spoke in favor of Item No. B-1, as he is in favor of providing additional housing to Boeing employees.

Charlie Bunten, resident, spoke in favor of Item No. B-1, stating that this is a good location for new apartment homes.

Dave Sullivan, resident, spoke against Item No. B-1, citing issues with increased traffic and the lack of guest parking at the proposed project.

Jody Secor, resident, spoke in favor of Item No. B-1, stating that she likes the project's design.

Richard Moore, resident, spoke in opposition to Item No. B-1, and stated that he is concerned with the proposed building's density, along with traffic and parking issues.

Barbara Delgleize, local realtor, spoke in favor of Item No. B-1, saying that she supports the walkability and green design of the proposed project.

Laura Rea, Westminster resident, spoke in favor of Item No. B-1, saying that she believes that this mixed-use project would provide a good opportunity for water conservation.

Mike Adams, resident, spoke in support of Item No. B-1, saying that he liked the project design and walkability.

Steve Dodge from the Huntington Executive Park, spoke in favor of Item No. B-1, saying he felt the project would lead to a revitalization of the city.

Ann Cannan, tenant at the Towers at Bella Terra, spoke in support of Item No. B-1, saying that she felt the project would revitalize the local economy.

Tim Noner, former Huntington Beach resident, spoke in favor of Item No. B-1, saying that it would be a good land use for this location.

Todd LaPlante, Huntington Beach Chamber of Commerce, spoke in favor of Item No. B-1, stating that he feels it is a quality project and will fill a need in the local housing and retail markets.

Dawn Clayton from the Amstar Group spoke in support of Item No. B-1, saying that she supports the smart growth for the area that this project could provide.

James Torres, resident, spoke in favor of Item No. B-1, saying that he is in favor of mixed-use developments.

Andrew Nelson, applicant, spoke again and noted that he would be happy to address all concerns voiced by the public speakers.

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

Commissioner Scandura discussed the Beach/Edinger Corridor specific plan and its relevance to The Ripcurl's Environmental Impact Report.

Chair Livengood discussed the electromagnetic fields produced by the power lines at The Ripcurl's proposed site and also said that he would consider approving tandem parking. He also noted that if The Ripcurl receives zoning approval, then the former Levitz site and Old World Village will have a precedent to follow.

Chair Livengood asked if the City of Westminster had been part of the project's traffic analysis. He also noted that the City of Pasadena has a residential density limit of 87 units per acre.

Commissioner Scandura noted that The Ripcurl project has been divided into three sections: Environmental Impact Report, Zoning Text Amendment, and General Plan Amendment, and said that he believes the Environmental Impact Report to be adequate and called for a vote.

A MOTION WAS MADE BY SCANDURA, SECONDED BY SHIER-BURNETT, TO CERTIFY ENVIRONMENTAL IMPACT REPORT NO. 07-004 AS ADEQUATE AND COMPLETE IN ACCORDANCE WITH CEQA REQUIREMENTS BY APPROVING RESOLUTION NO. 1624 (ATTACHMENT NO. 1) BY THE FOLLOWING VOTE:

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

MOTION APPROVED

B-1-b. ZONING TEXT AMENDMENT NO 07-004 (MIXED-USE TRANSIT CENTER DISTRICT) Applicant: Andrew Nelson/Alex Wong, Amstar/Red Oak Huntington Beach, LLC **Request:** To amend the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) by adding Chapter 218 to establish the Mixed-Use Transit Center District zoning and development standards. **Location:** Proposed to be available for use by Properties Within One-Quarter Mile Radius of an Established Transit Center **Project Planner:** Tess Nguyen

STAFF RECOMMENDATION: Motion to: "Approve Zoning Text Amendment No. 07-004 with modifications and findings for approval (Attachment No. 1) and forward the draft Ordinance (Attachment No. 3) to the City Council for adoption."

Tess Nguyen, Associate Planner, gave an overview of the project.

Chair Livengood recommended to staff that the Zoning Text Amendment not be built around the project, but rather what is the best land use for Huntington Beach.

Commissioner Farley asked about the greater Floor Area Ratio (FAR) on the project, and Planning Manager Mary Beth Broeren noted that the Beach/Edinger Corridor Specific Plan shares components with The Ripcurl.

Commissioner Scandura noted that the part of the Zoning Text Amendment includes a residential density of 130 units per acre.

Commissioner Shier-Burnett said that she feels the project will be an asset to the city, but that she is against the proposed tandem parking.

Commissioner Speaker said that even though the project would be located next to a transit center, that center is not being used as a transit district. He noted that he doubted the transit center would be used by the potential residents of The Ripcurl.

Commissioner Dwyer asked staff about the total square footage of commercial space allocated to the project and staff said that there are no minimum or maximum thresholds. Dwyer also noted that the specific plan includes a walkway between the proposed Ripcurl project, the Levitz site and Bella Terra and recommended that the inclusion of the walkway be part of the Zoning Text Amendment.

Commissioner Dwyer also recommended raising the minimum square footage per unit to 500 square feet and noted that he has visited mixed-use sites in Anaheim and Santa Ana where retail stores flourished when parking was provided in front of those stores.

Kellee Fritzal, Deputy Director of Economic Development, recommended that all affordable housing units be located on-site. Commissioner Speaker asked about affordable housing in the Holly Seacliff Specific Plan, and staff noted that the Specific Plan includes moderate income housing.

Commissioner Scandura said that he would be in favor of the project, but would recommend that there be tandem parking (but no compact parking) and that there be an average of 50 cubic feet of storage space per unit instead of a minimum of 50 cubic feet per unit.

Commissioner Farley noted that he is against both tandem and compact parking, and Vice Chair Shier-Burnett said that she is against tandem parking.

Commissioner Shier-Burnett also said that she agrees with staff's recommendation on the Floor Area Ratio (FAR) at 2.5, that the front setback on the site should be a minimum of 10' and agrees with Commission Scandura regarding the average of 50 cubic feet of storage space per unit.

Chair Livengood recommended an 87 unit per acre limit, a structure height limit of 75' and a front setback of 10'. Director of Planning Scott Hess asked Chair Livengood to summarize the Planning Commission's recommended changes to the Zoning Text Amendment.

Planning Manager Mary Beth Broeren noted that staff does not agree with the Planning Commission's recommended front setback of 10' and recommended that the setback be 5'.

Commissioner Farley recommended that the Floor Area Ratio (FAR) be less than 2.5 and Commissioner Dwyer concurred, saying that the Floor Area Ratio should be less than 2.5 but not less than 2.25. Vice Chair Shier-Burnett and Commissioner Speaker both agreed with a Floor Area Ratio from 2.25-2.5. Commissioner Scandura recommended no less than 2.25 and Chair Livengood recommended 2.25.

STRAW VOTE #1
To permit the maximum building height at 75'.

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

MOTION APPROVED

STRAW VOTE #2
To permit a maximum Floor Area Ratio (FAR) of 2.25.

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

MOTION APPROVED

STRAW VOTE #3
To permit the minimum floor area per unit to 500 square feet.

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

MOTION APPROVED

STRAW VOTE #4
To allow the per unit storage space from 50 cubic feet per unit to an average of 50 cubic feet per unit.

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

MOTION APPROVED

STRAW VOTE #5
To require a Conditional Use Permit for any alcohol, eating and drinking or live entertainment use to come before the Planning Commission.

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

MOTION FAILED

STRAW VOTE #6
To permit one guest parking space per unit.

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

MOTION APPROVED

STRAW VOTE #7
To delete the provision of compact parking spaces.

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

MOTION APPROVED

STRAW VOTE #9
To delete the provision of tandem parking.

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

MOTION APPROVED

STRAW VOTE #10
To permit up to 10% of the total required on-site parking to be tandem in design, pursuant to a Conditional Use Permit.

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

MOTION APPROVED

STRAW VOTE #11
To require reciprocal access.

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

MOTION APPROVED

STRAW VOTE #12
To permit compact car parking spaces, which will not be counted in the overall required number of parking spaces.

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

MOTION APPROVED

STRAW VOTE #13
To permit a maximum Floor Area Ratio (FAR) of 2.35.

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

MOTION APPROVED

A MOTION WAS MADE BY SCANDURA, SECONDED BY DWYER, TO APPROVE ZONING TEXT AMENDMENT NO. 07-004 WITH THE APPROVED STRAW VOTE MOTIONS AND FINDINGS FOR APPROVAL (ATTACHMENT NO. 1) AND FORWARD THE DRAFT ORDINANCE (ATTACHMENT NO. 3) TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS FOR APPROVAL – ZONING TEXT AMENDMENT NO. 07-004 :

1. Zoning Text Amendment No. 07-004 amends the HBZSO by adding Chapter 218 that establishes the Mixed Use-Transit Center District zoning and development standards. The proposed change will be consistent with the objectives, policies, general land uses and programs specified in the City's General Plan because it fosters mixed use development that is optimally located near existing transit.

2. In the case of general land use provisions, the Zoning Text Amendment is consistent with the uses authorized in, and the standards prescribed for, the zoning district for which they are proposed. The proposed land uses identified in the Mixed Use-Transit Center District land use designation are consistent with the General Plan.

3. A community need is demonstrated for the change proposed. The proposed mixed use-transit center district zoning provides the standards necessary to develop a high quality of mixed use land uses complementing and enhancing surrounding land uses. The existing Commercial General Land Use and Zoning designations do not facilitate the development of mixed-use projects. The mixed use-transit center district land use designation allows for the development of a mixed-use project that produces an environment which is both attractive and sustainable by increasing housing options for diverse household types, promoting alternative modes of transportation, creating a local sense of place, reducing infrastructure and maintenance costs, and allowing for more efficient use of land resources.

4. The adoption of the Mixed Use-Transit Center District zoning is consistent with good zoning practice and was prepared utilizing a comprehensive approach, which included involving the public in numerous public meetings and reviewing the proposed development in terms of potential benefits of this type of development in the larger context of directing future growth. The adoption of this zoning design would implement the goals of smart growth and sustainable development.

B-1-c. GENERAL PLAN AMENDMENT NO. 07-003/ZONING MAP AMENDMENT NO. 07-001/ CONDITIONAL USE PERMIT NO. 07-043 (THE RIPCURL) Applicant: Andrew Nelson/Alex Wong, Amstar/Red Oak Huntington Beach, LLC **Request: GPA:** To amend the General Plan Land Use Designation from the current CG-F1-d (Commercial General—0.35 Max Floor Area Ratio—Design Overlay) to the proposed M-F7-d (Mixed Use—3.0 Max Floor Area Ratio—Design Overlay) designation. **ZMA:** To amend the Zoning designation from the current CG (Commercial General) to the proposed MU-TCD (Mixed Use-Transit Center District) designation. **CUP:** To develop and construct a mixed use residential and commercial development (approximately 382,700 sq. ft.) consisting of 440 residential units (including 11 live/work units), 10,000 sq. ft. of commercial uses, 705 parking spaces, outdoor amenities (pool and spa, fire pit and movie projection area), and indoor amenities (fitness center, business center, conference room and clubhouse). The project would be six stories in height and consist of four levels of housing over three levels of parking **Location:** 7302-7400 Center Avenue, 92647 (southeast corner of Gothard Street and Center Avenue). **Project Planner:** Tess Nguyen

STAFF RECOMMENDATION: Motion to:

A. "Approve General Plan Amendment No. 07-003 by approving the draft City Council Resolution (Attachment No. 1) and forward to the City Council for Adoption."

B. "Approve Zoning Map Amendment No. 07-001 with findings for approval (Attachment No. 2) and forward the draft Ordinance (Attachment No. 3) to the City Council for adoption."

C. "Approve Conditional Use Permit No. 07-043 with findings and suggested conditions of approval (Attachment No. 6)."

D. "Approve CEQA Statement of Findings and Fact with a Statement of Overriding Considerations (Attachment No. 11)."

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SHAW, TO CONTINUE GENERAL PLAN AMENDMENT NO. 07-003/ZONING MAP AMENDMENT NO. 07-001/CONDITIONAL USE PERMIT NO. 07-043 TO THE SPECIAL MEETING OF SEPTEMBER 30, 2008, WITH THE PUBLIC HEARING CLOSED, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

B-2. MITIGATED NEGATIVE DECLARATION NO. 08-011/COASTAL DEVELOPMENT PERMIT NO. 08-005/CONDITIONAL USE PERMIT NO. 08-011 WITH SPECIAL PERMIT NO. 08-002/ VARIANCE NO. 08-006 (Pacific View Mixed Use Building) **Applicant:** Karen Otis, Otis Architecture **Request: MND**: To analyze the potential environmental impacts associated with the implementation of the proposed project. **CUP/CDP:** To permit the construction of an approximately 12,898 sq. ft. mixed-use development consisting of visitor serving commercial (retail) on the ground floor and a total of seven residential units on the second and third floors. Parking for the mixed use development will be provided within a 40-space, two level subterranean parking structure. **SPECIAL PERMITS:** To permit the following, 1) an 11 ft. to 18 ft. front yard setback along Pacific Coast Highway in lieu of the minimum required 25 ft. landscaped setback., 2) a six foot upper story setback along the Pacific Coast Highway frontage in lieu of a minimum average of 10 ft. upper story setback, 3) an eight ft. to 10 ft. exterior (street) side yard setback along Seventh Street in lieu of the minimum required 15 ft. landscaped setback, 4) a 0 ft. foot upper story setback along the Seventh Street frontage in lieu of a minimum average of 10 ft. upper story setback, 5) a five ft. interior side yard setback in lieu of the minimum required seven ft. side yard setback, and 6) a slope of 15% in lieu of the maximum allowed slope of 10% for parking garage transition ramps **VAR:** To allow a fourth floor deck in lieu of the maximum allowed number of three floors for purposes of providing common open space. **Location:** 620 Pacific Coast Highway, 92648 (Northeast corner of Pacific Coast Highway and Seventh St.) **Project Planner:** Rami Talleh

STAFF RECOMMENDATION: Motion to:

A. "Approve Mitigated Negative Declaration No. 08-011 with findings and Mitigation Measures (Attachment No. 1)."

B. "Deny Variance No. 08-06 with findings for denial (Attachment No. 1)."

C. "Continue Coastal Development Permit No. 08-005 and Conditional Use Permit No. 08-011 with Special Permit No. 08-002 to redesign the project."

The Commission made the following disclosures:

- Commissioner Speaker recused himself from this project.
- Commissioner Farley has attended the Study Session, discussed this project with the Design Review Board and visited the site.
- Commissioner Dwyer has attended the Study Session and visited the site.
- Vice Chair Shier-Burnett has attended the Study Session and visited the site.
- Chair Livengood has attended the Study Session and visited the site.
- Commissioner Scandura has attended the Study Session and visited the site and discussed the project with staff.

Rami Talleh, Senior Planner, gave an overview of the project and noted that there were two Late Communications, one from Economic Development and one from a neighbor.

Commissioner Scandura inquired as to a possible continuance of this item and asked if the applicant would have enough time to prepare revised plans if this item is continued to the Planning Commission meeting on November 12, 2008.

Chair Livengood asked staff about the cost of the median and Principal Civil Engineer Terri Elliott said the cost is approximately $75,000.

Commissioner Dwyer asked about the proposed roof deck on the fourth floor. Senior Planner Rami Talleh said that the roof deck will be designated as common open space. Talleh also noted that the applicant had responded to the Design Review Board's recommendations by proposing to keep the square tower feature and provide an 18 inch upper story setback on the third floor of the tower.

THE PUBLIC HEARING WAS OPENED.

Karen Otis of Otis Architecture, spoke in support of Item No. B-2 and noted that the project plans are in compliance with code.

Michael Younessi, property owner, spoke in favor of Item No. B-2 and noted that the project plans have been modified based on the Design Review Board's recommendations.

Margarita Volker, resident, spoke in opposition to Item No. B-2, saying that she doesn't care for the design features.

Linda Tamesian, resident, spoke in opposition to Item No. B-2, citing concerns with noise levels.

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

Commissioner Farley asked if the entrance/exit alleyway was wide enough and staff said that it meets the minimum required turnaround radius. Farley also asked about delivery truck loading times and zones and staff said that designated loading zones are required for buildings over 20,000 square feet.

Commissioner Dwyer stated that he doesn't care for the building design.

Vice Chair Shier-Burnett asked if there is going to be a loading space for the building and staff said that there is none designated.

Vice Chair Shier-Burnett said that she has concerns with parking and trash and the 42" guard rail on the balcony.

Commissioner Scandura said that he likes the building's design, but would prefer to limit it to 3 stories instead of 4 stories.

Commissioner Farley reported on his attendance at the three Design Review Board meetings where this project was reviewed. He said that he doesn't care for the design, and doesn't think it fits in with the downtown urban design guidelines. He also said that he has concerns with traffic and density.

Chair Livengood asked the applicant if they would agree to a continuance and the applicant said yes.

Commissioner Dwyer asked if the project was in compliance with the Fire Code and Fire Division Chief Bill Reardon said that it is.

Planning Manager Herb Fauland recommended a continuance of this item for a minimum of two months.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SHIER-BURNETT, TO CONTINUE MITIGATED NEGATIVE DECLARATION NO. 08-011/COASTAL DEVELOPMENT PERMIT NO. 08-005 TO THE NOVEMBER 25, 2008 STUDY SESSION AND THEN TO THE PUBLIC HEARING ON DECEMBER 9, 2009, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED MAY 27, 2008

RECOMMENDED ACTION: Motion to "Approve the May 27, 2008, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY SPEAKER, SECONDED BY DWYER, TO APPROVE THE MAY 27, 2008 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

C-2. PLANNING COMMISSION MINUTES DATED JUNE 24, 2008

RECOMMENDED ACTION: Motion to "Approve the June 24, 2008, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SPEAKER, TO APPROVE THE JUNE 24, 2008 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

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, 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 - NONE

ADJOURNMENT: Adjourned at 11:45 PM to the Planning Commission Field Trip on September 30, 2008, and then to the Planning Commission Special Meeting on September 30, 2008.

APPROVED BY:

Scott Hess, Secretary

Elizabeth Shier Burnett, Chair