MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JANUARY 8, 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	A	P	P	P	P	P
ROLL CALL:	*Farley,*	*Dwyer,*	*Shier-Burnett,*	*Livengood,*	*Shaw,*	*Speaker,*	*Scandura*

(Commissioner Dwyer was absent)

AGENDA APPROVAL – Commissioner Livengood recommended moving Public Comments after Item No. A-1 and adding the "Annual Planner's Institute – League of California Cities" for discussion as Item No. B-2.

A MOTION WAS MADE BY SHAW, SECONDED BY FARLEY, TO MOVE PUBLIC COMMENTS AFTER ITEM NO. A-1, TO ADD ITEM NO. B-2, AND TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF JANUARY 8, 2008, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

THE AGENDA WILL RELECT ITEMS IN THEIR ORIGINAL ORDER.

NOMINATION AND ELECTION OF CHAIRPERSON

Tom Livengood nominated and elected Planning Commission Chair 5-1-1 (Livengood-Abstain, Dwyer-Absent)

NOMINATION AND ELECTION OF VICE-CHAIRPERSON

Elizabeth Shier-Burnett nominated and elected Planning Commission Vice Chair 5-1-1 (Shier-Burnett-Abstain, Dwyer-Absent)

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. COASTAL DEVELOPMENT PERMIT NO. 07-013 (TADDEO RESIDENCE APPEAL) – Andrew Gonzales, Assistant Planner

Andrew Gonzales, Assistant Planner, gave a presentation and outlined the parameters of the appeal.

Commissioner Scandura asked for the reasoning behind the appeal, and Commissioner Shaw stated that Don Evans and Kathy Halsey contacted him and said that according to their deed, the full use of the easement belongs to them and not to the Taddeos.

Senior Deputy City Attorney Leonie Mulvihill noted that the City doesn't enforce private easement agreements and recommended that both the Taddeos and Don Evans/Kathy Halsey seek legal counsel to resolve the issue.

Herb Fauland, Principal Planner, advised of two Late Communications for Item No. A-1.

Chair Livengood said that the appeal concerns the 5' private easement and asked if the Planning Commission was acting solely with regards to the easement and if so, what action should be taken? Fauland stated that review of Coastal Development Permit #07-013 does include the private easement; Director of Planning Scott Hess amended this to say that the Planning Commission's role is to review the entire project.

Mulvihill also stated that she has seen only partial documentation regarding the CC&Rs and the 5' private easement and said that the Zoning Administrator is not going to make a decision regarding a private easement and associated property rights.

General discussion ensued regarding fire line regulations and enforcement of the homeowners' CC&Rs.

B. STUDY SESSION ITEMS

B-1. PLANNING COMMISSION COMMITTEE ASSIGNMENTS – Chairman Livengood

Chairman Livengood led a discussion regarding the 2008 Planning Commission Committee assignments. He said the DRB (Design Review Board) is the most active Committee, and recommended that Commissioner Speaker continue as the DRB Planning Commission Liaison, while Commissioner Farley serve as the DRB Planning Commission Alternate.

Livengood and the Planning Commission discussed the various Committees and Boards and made the following recommended assignments:

- Environmental Board: Commissioner Shaw as Liaison, with Commissioner Scandura as Alternate.
- School District subcommittee (which meets quarterly): Vice Chair Shier-Burnett as Liaison, with Commissioner Scandura as Alternate.
- Subdivision Committee: Commissioners Speaker, Shaw, and Dwyer as Liaisons, with Shier-Burnett as Alternate.

- Neighborhood Compatibility Committee: Commissioner Shaw as Liaison, with Commissioner Dwyer as secondary Liaison, and Commissioner Farley as Alternate.

- Green Committee: Shier-Burnett as Liaison, Dwyer as secondary Liaison, with Shaw as Alternate.

Commissioner Livengood noted that the Entitlement Development Process Committee (with Shier-Burnett as Liaison and Livengood as Alternate) had most of its 2007 recommendations implemented.

Director of Planning Scott Hess recommended adding three new committees: a City Council Ad Hoc Downtown Committee (Livengood/Liaison and Shaw/Alternate), a Mayor's Bi-Monthly Round Table Committee (Livengood/Liaison and Shier-Burnett/Alternate) and a Planning Commission 2008 Goals Committee (Scandura/Liaison and Dwyer/Alternate).

B-2. ANNUAL PLANNER'S INSTITUTE – LEAGUE OF CALIFORNIA CITIES (MARCH 26-28, 2008, SACRAMENTO) – Chairman Livengood

Vice-Chair Shier-Burnett announced her plans to attend this yearly event, to be held in Sacramento in March of 2008.

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED NOVEMBER 13, 2007

RECOMMENDED ACTION: Motion to "Approve the November 13, 2007, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY SPEAKER, SECONDED BY SHAW, TO APPROVE THE NOVEMBER 13, 2007 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

C-2. PLANNING COMMISSION MINUTES DATED NOVEMBER 27, 2007

RECOMMENDED ACTION: Motion to "Approve the November 27, 2007, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY SPEAKER, SECONDED BY SHAW, TO APPROVE THE NOVEMBER 27, 2007 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

ABSENT: **Dwyer**
ABSTAIN: **None**

MOTION APPROVED

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

E. PLANNING COMMISSION COMMITTEE REPORTS

Commissioner Farley reported on his recent attendance at an Environmental Board meeting.

F. PUBLIC COMMENTS

Coby Keller, Counsel for the Taddeos, spoke in opposition to the appeal (Item No. A-1). He said that the Taddeo's construction project would result in a temporary (not permanent) encroachment on the neighboring Evans/Halsey property. He further stated that the Taddeos will comply with the CC&Rs governing Typhoon Lane.

Robert Taddeo, property owner, spoke against the appeal. He said that he has made cooperatory overtures to Don Evans and Kathy Halsey, and noted that they would only be inconvenienced during the construction phase of the project, and that there is a valid need to remove the Evans/Halsey barbeque and permanent planter. He also said that he understands that the property rights of the 5' easement are in question and does not want to infringe on those rights, but that the two properties are not on a 0' Lot Line (as stated in the Late Communication from the Evans/Halsey real estate agent, Sean Stanfield).

Mary Taddeo, property owner, spoke in opposition to the appeal. She noted that her lot size is 108' by 60' (not 55') and said that she owns and pays property taxes on the 5' easement in question. She said that this is not an issue of property rights, but is an attempt on the part of Evans and Halsey to prevent the (temporary) loss of the barbeque and planter located on the easement.

G. PLANNING COMMISSION COMMENTS

Vice-Chair Shier-Burnett thanked outgoing Chairman Scandura for all his efforts and welcomed new Chairman Livengood.

Adjourned at 6:04 p.m. to the next regularly scheduled meeting of Wednesday, January 23, 2008.

APPROVED BY:

Scott Hess, Secretary

Tom Livengood, Chair