# MINUTES

## HUNTINGTON BEACH PLANNING COMMISSION

**TUESDAY, JUNE 8, 2010**
**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:** | *Mantini,* | *Scandura,* | *Speaker,* | *Farley,* | *Shier Burnett,* | *Delgleize,* | *Livengood* |

**AGENDA APPROVAL**

**A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SPEAKER, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF JUNE 8, 2010, BY THE FOLLOWING VOTE:**

**AYES:** Mantini, Speaker, Farley, Shier Burnett, Delgleize, Livengood
**NOES:** None
**ABSENT:** Scandura
**ABSTAIN:** None

**MOTION APPROVED**

**A. PROJECT REVIEW (FUTURE AGENDA ITEMS)**

**A-1 ENTITLEMENT PLAN AMENDMENT NO. 09-009 (AMENDMENT TO CONDITIONAL USE PERMIT NO. 08-013 AND VARIANCE NO. 08-007)/ TENTATIVE PARCEL MAP NO. 09-079/ CONDITIONAL USE PERMIT NO. 10-005/ VARIANCE NO. 10-001 (BEACH PROMENADE COMMERCIAL CENTER PHASE 2) 21022-21190 BEACH BOULEVARD, 92648) (SOUTHEAST CORNER OF BEACH BOULEVARD AND ATLANTA AVENUE) – TESS NGUYEN, ASSOCIATE PLANNER**

Tess Nguyen, Associate Planner, gave an in-depth overview of the proposed project.

Darren Sam, Public Works Traffic Division, responded to Commissioner questions as follows: Underground transformers for Building A, B & C is included in the proposed conditions of approval; the methodology used for the traffic analysis by Cal Trans resulting in a "D" rating is based on existing traffic volumes and level of service at the intersection; and the Preliminary Water Quality Management Plan (WQMP) was the checklist for the review; however, the WQMP had been submitted by the applicant and approved by Public Works.

Commissioner Speaker asked if the Commission will vote on both Option A and Option B. Herb Fauland, Planning Manager, said that the applicant requested the Planning Commission to consider both options.

Ms. Nguyen responded to Commissioner questions as follows: the proposed setbacks are in compliance with the Beach/Edinger specific plan; the Design Review Board reviewed and approved the preliminary project but when the final design is determined and submitted the DRB may review it again.

Chairman Farley said he would be interested in obtaining additional information from the Traffic Engineer's about the traffic flow issues. Mr. Fauland said that the traffic flow was approved in phase 1 and now the primary consideration for the Commission is phase 2 of the project.

**A-2 ADMINISTRATIVE PERMIT NO. 2009-019 (APPEAL OF DIRECTOR'S DENIAL OF A HOME OCCUPATION PERMIT FOR FITNESS INSTRUCTION – 7736 SUGAR DRIVE, ) - Ethan Edwards, Associate Planner**

Ethan Edwards, Associate Planner, reported that the application was withdrawn by the applicant and that no action was required from the Commission.

## B. STUDY SESSION ITEMS: - NONE

## C. PUBLIC COMMENTS

Bill Holman, representing the applicant for item A-1, thanked Ms. Nguyen for her work on phase 2 of the project. He said the reason for the A and B options was due to having letters of intent from two market uses for the buildings and they are in negotiations. He said that they would address the Planning Commission's inquiries in the coming weeks.

## D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Herb Fauland, Planning Manager, reviewed the items for the meeting. He noted that there were three Late Communications; one withdrawing the Administrative Permit No. 2009-019 and two late communications for Item No. B-1 ("Ink Yard Tattoo") in opposition to the proposed request.

## E. PLANNING COMMISSION COMMITTEE REPORTS

Commissioner Delgleize reported that the Environmental Board discussed the subsequent EIR for Poseidon and there was a presentation by former Mayor Debbie Cook and a member from the Surfrider Foundation on water.

Commissioner Farley reported on the presentation by the Environmental Board, at the June 7th City Council meeting. The Board presented an award to Landmark Recycling. The Board also encouraged the City to support wind generation projects.

## F. PLANNING COMMISSION COMMENTS

Commissioner Livengood reported that he reviewed the Planning Commission Study Session audio tape on the Planning Commission's discussion of the Planning Commission project review process.

**5:45 P.M. – RECESS FOR DINNER**

**7:00 P.M. – COUNCIL CHAMBERS**

**CALL PLANNING COMMISSION MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE** – Led by Commissioner Chair Farley

| | P | A | P | P | P | P | P |
|---|---|---|---|---|---|---|---|
| **ROLL CALL:** | ***Mantini,*** | ***Scandura,*** | ***Speaker,*** | ***Farley,*** | ***Shier Burnett,*** | ***Delgleize,*** | ***Livengood*** |

**AGENDA APPROVAL**

**A MOTION WAS MADE BY DELGLIEZE, SECONDED BY FARLEY, TO APPROVE THE PLANNING COMMISSION AGENDA OF JUNE 8, 2010, BY THE FOLLOWING VOTE:**

**AYES:** **Mantini, Speaker, Farley, Shier Burnett, Delgleize, Livengood**
**NOES:** **None**
**ABSENT:** **Scandura**
**ABSTAIN:** **None**

**MOTION APPROVED**

## A. ORAL COMMUNICATIONS - NONE

## B. PUBLIC HEARING ITEMS

**B-1** **CONDITIONAL USE PERMIT NO. 10-010 (INK YARD TATTOO)** 17845 Beach Boulevard, 92647 (west side of Beach Boulevard between Ronald Drive and Talbert Avenue) Ethan Edwards, Associate Planner

**STAFF RECOMMENDATION:** Motion to: "Approve Conditional Use Permit No. 10-010 with suggested findings and conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Mantini attended the study session and visited the site.
- Commissioner Speaker attended the study session and visited the site.
- Chari Farley attended the study session and visited the site.
- Commissioner Shier Burnett recused from voting on the item because she owns real property nearby.
- Commissioner Delgleize attended the study session and drove by the site.
- Commissioner Livengood listened to the study session tape and visited the site.

Ethan Edwards, Associate Planner, gave an overview of the project.

**THE PUBLIC HEARING WAS OPENED.**

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

**A MOTION WAS MADE BY LIVENGOOD SECONDED BY SPEAKER TO APPROVE CONDITIONAL USE PERMIT 10-010 WITH FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:**

| | |
|---|---|
| **AYES:** | **Mantini, Speaker, Farley, Delgleize, Livengood** |
| **NOES:** | **None** |
| **ABSENT:** | **Scandura** |
| **ABSTAIN:** | **Shier Burnett** |

**MOTION APPROVED**

**SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Planning Commission finds that the project will not have any significant effect on the environment and is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1—*Existing Facilities*, which states operation and minor alteration to existing structures are exempt from further review under CEQA.

**SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2010-007:**

1. Conditional Use Permit No. 2010-010 for the establishment, maintenance and operation of an approximately 843 sq. ft. tattoo studio in an existing vacant tenant suite 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 will be within a vacant suite of an existing multi-tenant commercial shopping center in an area comprised of similar and complimentary commercial uses to the proposed tattoo studio. In addition, based upon the conditions imposed, the tattoo establishment will comply with Huntington Beach Municipal Code Chapter 8.72, which establishes criteria, standards, and regulations to ensure safe and sterile tattoo operations for the health of both clients and operators of the tattoo business.

2. The conditional use permit will be compatible with surrounding uses because the tattoo use will be conducted wholly within the interior of an existing unit within an established district containing similar commercial uses. The tattoo business is not anticipated to create undue noise and adequate on-site parking is provided.

3. The proposed tattoo establishment 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. In addition, the business will comply with all standards and regulations of any State, County, and local laws, in particular, Huntington Beach Municipal Code Chapter 8.72, *Tattoo, Body Piercing and Permanent Cosmetics Regulations*, and any applicable standards of County of Orange Health Care Agency, Environmental Health.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial General on the subject property. In addition, it is consistent with the following objectives and policies of the General Plan:

A. *Land Use Element*

*Objective 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's recreational resources.

*Policy 10.1.11:* Promote the introduction of a diversity of uses in Commercial General centers, particularly those containing anchor grocery stores that improve their relationship with surrounding residential neighborhoods and increasing their viability as places of community activity.

The proposed project will offer a new use to an existing multi-tenant commercial shopping center that will provide a wide arrange and diversity of commercial uses and cater to the needs of local residents and residents in the surrounding region. The project will provide a unique commercial use that will encourage tourism to the site and the surrounding area. In addition, the proposed project meets all applicable zoning codes and development standards and improves the long-term viability of the property by expanding the current tenant base in the center.

B. *Economic Development Element*

*Policy 2.4.3:* Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The project is located along a highly focal corridor of the City which contains existing restaurants, retail, and personal service uses. The proposed use serves to expand a diversity of uses along Beach Boulevard and introduces a unique service to residents in the surrounding area and visitors to Huntington Beach.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2010-010:**

1. The site plan and floor plans received and dated March 12, 2010, shall be the conceptually approved design.

2. The rear door shall be kept closed at all times during the operation of the business except for emergency purposes. The rear door shall not consist solely of a screen or ventilated security door. **(PD)**

3. The business shall comply with all standards and regulations of any State, County, and local laws, in particular, Huntington Beach Municipal Code Chapter 8.72, Tattooing, Body Piercing and Permanent Cosmetics Regulations, and any applicable standards of County of Orange Health Care Agency, Environmental Health. **(PD)**

4. The development services departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the

Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.

5. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (http://www.usgbc.org/DisplayPage.aspx?CategoryID=19) or Build It Green's Green Building Guidelines and Rating Systems (http://www.builditgreen.org/green-building-guidelines-rating/).

**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

### C-1. PLANNING COMMISSION MINUTES DATED APRIL 13, 2010

**RECOMMENDED ACTION:** Motion to: "Approve the April 13, 2010, Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY SPEAKER, AND SECONDED BY DELGLEIZE, TO APPROVE THE APRIL 13, 2010 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:**

**AYES: Mantini, Speaker, Farley, Shier Burnett, Delgleize, Livengood**
**NOES: None**
**ABSENT: Scandura**
**ABSTAIN: None**

**MOTION APPROVED**

**C-2. PLANNING COMMISSION MINUTES DATED APRIL 27, 2010**

**RECOMMENDED ACTION:** Motion to: "Approve the April 27, 2010, Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY SPEAKER, AND SECONDED BY LIVENGOOD, TO APPROVE THE APRIL 27, 2010 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:**

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|---|---|
| **AYES:** | **Mantini, Speaker, Farley, Shier Burnett, Delgleize, Livengood** |
| **NOES:** | **None** |
| **ABSENT:** | **Scandura** |
| **ABSTAIN:** | **None** |

**MOTION APPROVED**

**D. NON-PUBLIC HEARING ITEMS: - NONE**

**E. PLANNING ITEMS**

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

**E-2. CITY COUNCIL ITEMS FOR NEXT MEETING**
Scott Hess, Director of Planning and Building – reported on the items for the next City Council Meeting.

**E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING**
Herb Fauland, Planning Manager – reported on the items for the next Planning Commission Meeting.

**F. PLANNING COMMISSION ITEMS**

**F-1. PLANNING COMMISSION REQUEST ITEMS**

Commissioner Livengood requested that Code Enforcement staff review the shopping centers located on the west side of Beach Boulevard between Ronald Drive and Talbert Avenue to determine if there are property maintenance or code violations.

**F-2. PLANNING COMMISSION COMMENTS**

Chairperson Farley wished his child a happy fifth birthday.

**ADJOURNMENT: Adjourned at 7:10 PM to the next regularly scheduled meeting of July 6, 2010.**

APPROVED BY:

Scott Hess, Secretary

Blair Farley, Chair