MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JUNE 24, 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

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

Vice Chair Shier-Burnett was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY SCANDURA, SECONDED BY SPEAKER, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF JUNE 24, 2008, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. CONDITIONAL USE PERMIT NO. 08-09 (APPEAL – METRO Q RESTAURANT) – Tess Nguyen, Associate Planner

Tess Nguyen, Associate Planner, gave an overview of the project and noted that Acting Chief of Police Chuck Thomas was in attendance to answer questions.

Commissioner Dwyer asked if the penalties and fines levied upon the prior tenant would be transferred with the Alcoholic Beverage Control License and Chief Thomas said yes.

Commissioner Farley asked for the definition of a restaurant and a bar, and Planning Manager Herb Fauland stated that no definition exists in the zoning code, but that staff looks at the project narrative for specifics as to whether the restaurant offers a full menu and amenities. Chief Thomas noted that Metro Q will be offering a full menu until midnight.

Commissioner Scandura recommended a six month review and a twelve month review if the Conditional Use Permit for Metro Q is approved.

Commissioner Speaker spoke regarding the former tenant at this location (Beer Nutz) and noted the high number of calls to the police department; he stated that he wanted to make sure that Metro Q will be operating as a restaurant and not a bar.

Ida Vallez, the applicant, noted that Metro Q will be a full service restaurant and will serve food.

Commissioner Scandura asked if the conditions of approval could be amended to reduce the bar area, and Planning Manager Herb Fauland said that there must be significant findings in order to do so.

Chair Livengood recommended a six month and twelve month review by staff and by the Police Department if the Conditional Use Permit is approved. He also recommended that parking restrictions be imposed, so that there is no patron parking adjacent to residential areas. He also asked staff to include a condition stating that there will be no parking after 10:00 PM.

Commissioner Speaker recommended restricting trash dumping hours and moving the location of the trash dumpster.

Commissioner Shaw asked if the tenant improvements from the former tenant Beer Nutz to the new tenant Metro Q would be both interior and exterior, and Planning Manager Herb Fauland said that staff would find out prior to the Planning Commission meeting on July 8, 2008.

Commissioner Farley asked how the change in tenants would affect the Alcohol Beverage Control license and Director of Planning Scott Hess noted that ABC won't issue a license until the Conditional Use Permit is approved.

B. STUDY SESSION ITEMS - NONE

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Herb Fauland, Planning Manager, advised that there was one Late Communication for Item No. B-1.

Planning Director Scott Hess noted that Conditions of Approval for Item No. B-1 have not been revised – only the plans have been revised. Planning Manager Herb Fauland noted that the revised plans have not yet been plan checked by staff.

Planning Manager Herb Fauland also stated that it is the Planning Commission's purview to approve or deny Item No. B-1 based upon the staff report dated June 24, 2008 and the plans included. Fauland also noted that staff had requested that the applicant provide large sets of plans for the Planning Commission and in the process, the applicant changed the plans.

D. PLANNING COMMISSION COMMITTEE REPORTS

D-1. LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE (LONG BEACH: SEPTEMBER 24-27, 2008) – Chair Livengood

This item was not discussed due to lack of time.

E. PUBLIC COMMENTS

Robert Fedor, the applicant's representative from M & G Permits, spoke in favor of Item No. A-1. He stated that the applicant plans to completely renovate the site, and will abide by a 1:00 AM closing time. He also invited the Planning Commission to visit the site.

F. PLANNING COMMISSION COMMENTS - NONE

6:35 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Scandura

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

Commissioner Shier-Burnett was absent

AGENDA APPROVAL

A MOTION WAS MADE BY SCANDURA, SECONDED BY DWYER, TO APPROVE THE PLANNING COMMISSION AGENDA OF JUNE 24, 2008, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. ORAL COMMUNICATIONS – NONE

B. PUBLIC HEARING ITEMS

B-1. COASTAL DEVELOPMENT PERMIT NO. 07-18/CONDITIONAL USE PERMIT NO. 07-44 (APPEAL – HERMAN RESIDENCE – CONTINUED FROM THE MAY 27, 2008 MEETING) **Applicant:** Greg Howell **Appellant:** Commissioner John Scandura **Request**: CDP: To permit the demolition of an existing dwelling and construction of an approximately 6,208 sq. ft., 35 ft. tall single-family dwelling with a 602 sq. ft. attached garage; CUP: To permit a single-family dwelling with (a) an approximately 1,107 sq. ft. 3rd floor habitable area, (b) an approximately 148 sq. ft. third story deck, and (c) an overall building height exceeding 30 ft. The request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/ privacy issues, such as window alignments, building pad height, and floor plan layout. **Location:** 3292 Falkland Circle, 92649 (terminus of Falkland Circle, east of Channel Lane) **Project Planner:** Andrew Gonzales

STAFF RECOMMENDATION: Motion to: "Approve Coastal Development Permit No. 07-018 and Conditional Use Permit No. 07-044 with findings and suggested conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Farley attended the Study Session on June 10, 2008 and has visited the site.
- Commissioner Dwyer has listened to the audio of the June 10th Study Session and has visited the site.
- Chair Livengood has visited the site, attended the Study Session and spoken to staff.
- Commissioner Shaw attended the Study Session and has spoken to staff.
- Commissioner Speaker has visited the site, attended the Study Session and spoken to staff.
- Commissioner Scandura has spoken to Councilman Gil Coerper as well as Mike Palikan of the Huntington Harbour Property Owners Association. Scandura has also attended the Study Session, spoken to staff, visited the site and viewed the property (and adjacent properties) on the Multiple Listing Service.

Assistant Planner Andrew Gonzales gave a Powerpoint presentation of the proposed project.

Commissioner Speaker asked staff how many homes in Huntington Harbour were approved at a height of 30 to 35 ft.', and staff replied that there are several and estimated that there are more than twelve.

Commissioner Scandura asked if the number of bedrooms of the proposed project would equal the number of parking spaces and staff said yes. Scandura also noted that it is the purview of the Planning Commission to act upon the February 7, 2008 plans previously provided and not to make a decision based upon the revised plans dated June 14, 2008.

Andrew Gonzales noted that the difference in the two sets of plans is in sections A.4 and A.9, noting that the revised set of plans reflects a setback that complies with the suggested conditions of approval, based on a preliminary plan check. Chair Livengood asked if the Planning Commission could approve the February 7, 2008 plans with the suggested condition of approval that the setback be included, and staff said yes.

Planning Manager Herb Fauland noted a Late Communication from Skyview Designs (applicant) received June 23, 2008.

THE PUBLIC HEARING WAS OPENED.

Elizabeth Howell, applicant, spoke in favor of Item No. B-1, and said that no architectural features would extend beyond 35' in height.

Dr. Stephen Herman, property owner, spoke in favor of Item No. B-1, noting that the property would be a single-family residence and would not be converted into a multi-family residence.

Greg Howell, applicant, spoke in favor of Item No. B-1.

Alicia Dose, resident, spoke against Item No. B-1, noting that she felt the proposed home would be too large and not in character with the adjacent residences.

Daryl Phillips, resident, spoke against Item No. B-1, due to his concerns with excessive height and the lack of parking. He asked the Planning Commission to deny this Conditional Use Permit.

Dorothy Ralphs, President of the Huntington Harbour Property Owners Association (HHPOA) said that she would be in favor of a three-story home, but not one that exceeds 30' in height.

Mike Palikan of the HHPOA, spoke in opposition of Item No. B-1; he gave a PowerPoint presentation and expressed his concerns with the size of the proposed 6,200 sq. ft. home. He asked the Planning Commission to deny this Conditional Use Permit.

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

Commissioner Scandura said that the proposed home will be approximately 40% larger than neighboring homes. He has concerns with the large mass and bulk of the proposed building and feels that this house would be maximizing the provisions of the code instead of complementing the neighborhood. He also said that he considered appealing 3282 Falkland Circle, but feels that home is a good design, while the subject property would be too large and a visual domination in the neighborhood.

Commissioner Speaker said that he feels the proposed building is too large for its location.

Commissioner Shaw agreed with Commissioner Scandura and thanked staff for their efforts on this project.

Commissioner Farley noted that the proposed project complies with the zoning code and applicable ordinances, Farley then asked what tools the Planning Commission should use in order to determine whether or not to approve the Conditional Use Permit. Staff replied the zoning ordinance, the General Plan and the necessary findings.

Commissioner Dwyer concurred with Commissioner Farley's comments and stated that he thinks the Planning Commission should base their decision on compliance with the Zoning Code.

Chair Livengood mentioned that he was surprised that there were no comments from the neighbors on Falkland Circle in Huntington Harbour.

Commissioner Scandura noted that although no comments were received from the neighbors on Falkland, letters of opposition were received from the neighbors at nearby Peale Lane. He recommended that the applicant resubmit plans that are scaled back at minimum 1,000 square feet.

Commissioner Scandura also asked what would happen if the Planning Commission takes a vote and there's a 3-3 tie; Planning Director Scott Hess said in that instance, the motion would fail.

A MOTION WAS MADE BY FARLEY, SECONDED BY DWYER, TO APPROVE COASTAL DEVELOPMENT PERMIT NO. 07-018 AND CONDITIONAL USE PERMIT NO. 07-044 WITH FINDINGS AND SUGGESTED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

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

MOTION FAILED

Commissioner Scandura said that he would like to see a reduction of the sheer wall size, a smaller bonus room and attic, the overall height scaled back to 30' and the garage to be setback. Director Scott Hess responded that there must be clear and specific direction on suggested changes in order to impose Conditions of Approval for revisions.

Commissioner Dwyer noted that this item has been approved by the Zoning Administrator and asked what the Planning Commission would be voting on; Director Scott Hess responded that when an item is appealed, it is then considered a new item and the entire project is under review.

Chair Livengood asked the applicant if they would like a continuance of this item, and the applicant stated that the redesign would require 30 days and asks for a 60 day continuance. Herb Fauland, Planning Manager, requested that this project be re-noticed in the event of a four-week or longer continuance.

Director Scott Hess reiterated the suggested changes recommended by the Planning Commission: more articulation in the northern elevation of the building, the attic space and the overall third floor area reduced, and the overall height reduced by two to three feet.

Commissioner Farley noted that the Planning Commissioners should be specific and exact in their requests regarding proposed changes to this project.

Planning Manager Herb Fauland suggested that if the Item is continued, the item should be scheduled for the Planning Commission Study Session of August 25, 2008 and then to the September 9, 2008 Public Hearing, in order for the applicant to provide re-designed plans for review to staff. Applicant Greg Howell agreed to this timeline.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SPEAKER, TO CONTINUE COASTAL DEVELOPMENT PERMIT NO. 07-018 AND CONDITIONAL USE PERMIT NO. 07-044 TO THE AUGUST 26, 2008 PLANNING COMMISSION STUDY SESSIONI AND THEN TO THE SEPTEMBER 9, 2008 NOTICED PUBLIC HEARING, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED MARCH 11, 2008

RECOMMENDED ACTION: Motion to: "Approve the March 11, 2008, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY DWYER, SECONDED BY SHAW, TO APPROVE THE PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

Commissioner Scandura said that he'd like to dedicate this evening's meeting to the memory of Tong Qiao (his coworker) who was recently killed in the line of duty.

Commissioner Dwyer reported that he would not be in attendance at the July 8, 2008, Planning Commission meeting.

Chairman Livengood wished the Planning Commission and staff an enjoyable 4th of July Holiday.

ADJOURNMENT: Adjourned at 8:35 PM to the next regularly scheduled meeting of July 8, 2008.

APPROVED BY:

Scott Hess, Secretary

Tom Livengood, Chair