



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JANUARY 10, 2006
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* *A* *P* *P* *P*
Dwyer, Scandura, Dingwall, Ray, Livengood, Burnett, Horgan
Chair Ray arrived at 5:25 p.m.

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SCANDURA TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF JANUARY 10, 2006, BY THE FOLLOWING VOTE:

AYES: Livengood, Dwyer, Scandura, Dingwall, Burnett, Horgan
NOES: None
ABSENT: Ray
ABSTAIN: None

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS):

COMMISSIONER BURNETT EXCUSED HERSELF DUE TO A POSSIBLE CONFLICT OF INTEREST.

A-1. **CONDITIONAL USE PERMIT NO. 05-10/COASTAL DEVELOPMENT PERMIT NO. 05-13 (MAIN STREET LOFTS – 438 MAIN STREET) – Paul Da Veiga**

Paul Da Veiga, Associate Planner, presented an overview of the proposed project.

Commission discussions with staff ensued concerning the following:

- The location of garage entrance and appropriate number of parking spaces
- Whether alley will be increased in width
- Location within Coastal Zone
- Number of windows in structure

A-2. CONDITIONAL USE PERMIT NO. 05-30 (ALOHA GRILL EXPANSION/IN-LIEU FEES/LIVE ENTERTAINMENT – 221 MAIN STREET) – Paul Da Veiga

Paul Da Veiga, Associate Planner, presented an overview of the proposed project.

Commission discussions with staff ensued concerning the following:

- Request for a dance floor
- Where the entrance to the space is located
- Whether a fire door is present and exiting requirements

B. STUDY SESSION ITEMS

B-1. MAJOR PROJECTS REVIEW (Continued from December 13, 2005) – Chair Steve Ray

Chair Ray asked the Commission to review the objective regarding the implementation of a new Major Projects Review process. Legal Counsel Leoni Mulvihill presented several legal issues regarding the wording of the document. Mulvihill suggested minor re-writing of the document and review by the City Attorney's Office prior to returning for approval.

Chair Ray requested staff's opinion on the issue. Staff member Herb Fauland stated that staff does not oppose the newly created process but also concurs with the recommendations of the City Attorney's Office. Mulvihill added that the new process may jeopardize the State's Permit Streamlining requirements and the City's process.

Staff member Scott Hess added that the City is required by State Law to provide the public a clear and direct process in which to process their projects without it being an arbitrary decision. He stated that the City's zoning ordinance provides the processing requirements for the different types of projects to be reviewed. Livengood suggested coming back to this issue at a later date after more review. Chair Ray recommended continuing this item to a future date and appointed a committee of Dingwall, Livengood and Ray to meet with staff to resolve the issues.

B-2. ANNUAL PLANNING COMMISSION WORKSHOP – Chair Ray

Item continued by acclamation to January 24, 2006.

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) – Herb Fauland

Fauland advised that after the election of the new Chair there would be a five minute recess in order to change seating order.

D. PLANNING COMMISSION COMMITTEE REPORTS – None.

E. PUBLIC COMMENTS (Regarding Study Session portion of Meeting) – None.

F. PLANNING COMMISSION COMMENTS

Commissioner Dwyer inquired if he could represent the Planning Commission at the City Council meeting on the appeal of ZTA # 05-03 (Appeals/Specific Plans). Chair Ray designated Commissioner Dwyer to attend the January 17, 2006, City Council meeting on the appeal.

Commissioner Burnett asked if the Planning Commission meeting would be webcast similar to the City Council meetings. Staff indicated that the Planning Commission meeting may be webcast in the future.

Commissioner Livengood stated that the Planning Commission must conclude their Study Sessions on time. He stated the Planning Commission must respect the public's time and interest by starting the televised portion of the meeting on time.

6:45 P.M. – RECESS FOR DINNER

7:15 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Chair Ray

ROLL CALL: *P* *P* *P* *P* *P* *P* *P*
Dwyer, Scandura, Dingwall, Ray, Livengood, Burnett, Horgan

AGENDA APPROVAL

A MOTION WAS MADE BY DWYER, SECONDED BY DINGWALL, TO APPROVE THE PLANNING COMMISSION AGENDA OF JANUARY 10, 2006, BY THE FOLLOWING VOTE:

AYES: Dwyer, Scandura, Dingwall, Ray, Livengood, Burnett, Horgan
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

NOMINATION AND ELECTION OF CHAIR AND VICE CHAIR

A MOTION WAS MADE BY SCANDURA, SECONDED BY LIVENGOOD, TO NOMINATE AND ELECT ROBERT DINGWALL AS PLANNING COMMISSION CHAIR, BY THE FOLLOWING VOTE:

AYES: Dwyer, Scandura, Ray, Livengood, Burnett, Horgan
NOES: None
ABSENT: None
ABSTAIN: Dingwall

MOTION PASSED

A 5 MINUTE RECESS WAS CALLED TO REARRANGE THE SEATING ON THE DAIS

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY HORGAN, TO NOMINATE AND ELECT JOHN SCANDURA AS PLANNING COMMISSION VICE-CHAIR, BY THE FOLLOWING VOTE:

AYES: Dwyer, Dingwall, Scandura, Ray, Livengood, Burnett, Horgan
NOES: None
ABSENT: None
ABSTAIN: None

MOTION PASSED

PRESENTATION OF PLANNING COMMISSION RESOLUTION NO. 1607: APPRECIATION OF SERVICE TO STEVE RAY

Chair Dingwall presented Planning Commission Resolution No.1607 to outgoing Chair Ray in appreciation of his service as Chair for the past year.

A. ORAL COMMUNICATIONS – None.

B. PUBLIC HEARING ITEMS - None.

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED AUGUST 23, 2005

RECOMMENDED ACTION: Motion to: "Approve the August 23, 2005, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY RAY, SECONDED BY LIVENGOOD, TO APPROVE THE AUGUST 23, 2005, PLANNING COMMISSION MINUTES AS MODIFIED, BY THE FOLLOWING VOTE:

AYES: Dwyer, Scandura, Dingwall, Ray, Livengood, Burnett, Horgan
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

C-2. PLANNING COMMISSION MINUTES DATED OCTOBER 11, 2005

RECOMMENDED ACTION: Motion to: "Approve the October 11, 2005 Planning Commission Minutes as submitted."

A MOTION WAS MADE BY HORGAN, SECONDED BY DWYER, TO APPROVE THE OCTOBER 11, 2005, PLANNING COMMISSION MINUTES AS MODIFIED, BY THE FOLLOWING VOTE:

AYES: Dwyer, Scandura, Dingwall, Ray, Livengood, Burnett, Horgan
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS:

D-1. PLANNING COMMISSION BYLAWS – Steve Ray

Commissioner Ray presented recommendations to amend the current Bylaws. Ray also suggests a change to the wording for attendance at Commission meetings. Leoni Mulhilvill stated Municipal Code Section (2.100.85) governs this matter and advised it would not be necessary to make such a change. Discussion ensued and Chair Ray withdrew his suggested amendment.

A MOTION WAS MADE BY RAY, SECONDED BY LIVENGOOD, TO APPROVE THE PLANNING COMMISSION BYLAWS AS MODIFIED AND FORWARD TO THE CITY COUNCIL, BY THE FOLLOWING VOTE:

AYES: Dwyer, Scandura, Dingwall, Ray, Livengood, Burnett, Horgan
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

D-2. PLANNING COMMISSION RULES – Steve Ray

Commissioner Ray presented recommendations to amend the current Planning Commission Rules. Commissioner Ray then outlined the minor amendments.

Discussion then ensued regarding usage of the word “should” versus “shall” in all paragraphs of the “Working With Staff” section.

Commissioner Livengood suggested that the paragraph “Working With Staff” remain under Rules and not be moved to the Protocols document. This suggestion was received favorably.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY RAY, TO APPROVE THE PLANNING COMMISSION RULES AS MODIFIED AND FORWARD TO THE CITY COUNCIL, BY THE FOLLOWING VOTE:

AYES: Dwyer, Scandura, Dingwall, Ray, Livengood, Burnett, Horgan
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

D-3. PLANNING COMMISSION PROTOCOL:

Chair Ray presented recommendations to amend the current Planning Commission Protocols to remove paragraph seven.

A MOTION WAS MADE BY RAY, SECONDED BY SCANDURA, TO APPROVE THE PLANNING COMMISSION PROTOCOLS AS MODIFIED, BY THE FOLLOWING VOTE:

AYES: Dwyer, Scandura, Dingwall, Ray, Livengood, Burnett, Horgan
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING

Scott Hess, Planning Manager – reported on the items from the previous City Council meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING

Scott Hess, Planning Manager – reported on the items scheduled for the next City Council meeting.

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING

Herb Fauland, Principal Planner – 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 Dwyer – Thanked Commissioner Ray for his leadership as Chair and also thanked the Orange County Marathon's organizers for their fundraising efforts benefiting local charities.

Commissioner Scandura – Wished everyone a Happy New Year. Congratulated Chair Dingwall on his appointment and thanked the Commission for electing him as Vice Chair.

Commissioner Dingwall - Thanked the Commission for their vote of confidence in appointing him as Chair. Thanked Commissioner Ray for all his assistance and congratulated new Vice Chair Scandura. Chair Dingwall deferred new committee appointments to a later date .

Commissioner Ray - Congratulated Chair Dingwall and Vice Chair Scandura on their new positions. Thanked the staff for their assistance throughout the year.

Commissioner Livengood – He thanked outgoing Chair Ray for his leadership as Chair. Asked staff to get a timeline for the Home Depot project and to agendaize new Committee appointments.

Commissioner Burnett – Thanked Commissioner Ray for his good work and welcomed new Chair Dingwall.

Commissioner Horgan - She welcomed the new Chair and Vice Chair. Advised of the December 21st purchase by the State of the lower bench at Bolsa Chica. Also, purchase of the 15 acres of land from the Ocean View School District may be finalized by the end of January.

ADJOURNMENT:

Adjourned at 8:20 p.m. to the next regularly scheduled meeting of Tuesday, January 24, 2006.

APPROVED BY:

Howard Zelefsky, Secretary

Robert Dingwall, Chair