

AGENDA
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, SEPTEMBER 11, 2007

HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET
HUNTINGTON BEACH, CALIFORNIA 92648



CHAIR JOHN SCANDURA

VICE-CHAIR TOM LIVENGOOD
COMMISSIONER BLAIR FARLEY
COMMISSIONER FRED SPEAKER

COMMISSIONER JOE SHAW
COMMISSIONER DEVIN DWYER
COMMISSIONER ELIZABETH SHIER-BURNETT

DIRECTOR OF PLANNING, SCOTT HESS, AICP
LEGAL COUNSEL, LEONIE MULVIHILL
PRINCIPAL PLANNER, HERB FAULAND

THE 7:00 PM PORTION OF THE MEETING IS TELEVISED LIVE ON CABLE TV CHANNEL 3. VIDEO TAPES OF MEETINGS ARE AVAILABLE FOR PUBLIC CHECKOUT AT THE CENTRAL LIBRARY. COPIES OF STAFF REPORTS AND/OR WRITTEN MATERIALS ON EACH AGENDA ITEM ARE ON FILE IN THE PLANNING DEPARTMENT, THE CENTRAL LIBRARY AND ON THE CITY'S WEBSITE (WWW.SURFCITY-HB.ORG) FOR PUBLIC INSPECTION. ANY PERSON HAVING QUESTIONS ON ANY AGENDA ITEM MAY CALL THE PLANNING DEPARTMENT TO MAKE AN INQUIRY CONCERNING THE NATURE OF THE AGENDA ITEM AT (714) 536-5271.

Planning Commission Agenda Information Sheet

The following is a brief explanation of the Planning Commission Agenda Structure:

AGENDA APPROVAL The Planning Commission will announce if any closed public hearing items will be re-opened and may wish to change the order of the items on the agenda.

ORAL COMMUNICATION (FILL OUT REQUEST TO SPEAK FORM) Anyone wishing to address the Planning Commission, only on items not on tonight's agenda, must fill out and mark the appropriate box and submit a form to speak prior to Oral Communication. Please be advised that testimony provided on Public Hearing items during Oral Communications are not part of the permanent entitlement record. The speaking forms are available at the lower entrance to the Council Chambers. Give the form to the Secretary. Staff will call all speakers by name. There is a four-minute time limit per speaker. Time may not be donated to another. All proceedings are recorded. No action can be taken by the Planning Commission on these communications on this date, unless agendized.

PUBLIC HEARING ITEMS (FILL OUT REQUEST TO SPEAK FORM) Public hearings allow citizens the opportunity to speak in favor or against specific items. More detailed information on public hearings may be found on the page attached to the back of this agenda. Complete the form by marking the appropriate box and indicating the hearing item you wish to provide testimony on. Please note if the public hearing items have been closed or are still open for testimony. The agenda and staff report will indicate if the public hearing is open or closed. The Planning Commission at their discretion may re-open a closed public hearing and the Commission will make the announcement during Agenda Approval. The speaking forms are available at the lower entrance to the Council Chambers. Give the form to the Secretary. Staff will call all speakers by name. There is a four-minute time limit per speaker. Individuals may choose to donate their 4 minutes of time to another speaker, and the maximum time donation limit is 8 minutes (2 individuals), for a total of 12 minutes per speaker. Individuals who donate time must be present when the item is being discussed. All proceedings are recorded. If you have documents to distribute, there should be enough copies for all Planning Commissioners, staff, and the public. The documents become part of the public record and will not be returned.

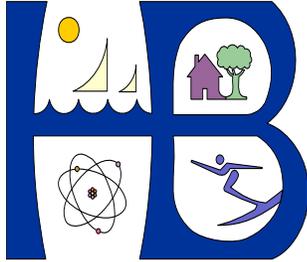
CONSENT CALENDAR Consent Calendar items are considered routine items that normally do not require separate consideration. The Planning Commission may make one motion for approval of all items listed under the CONSENT CALENDAR.

NON-PUBLIC HEARING ITEMS These items are considered by the Planning Commission separately and require separate motions. These transactions are considered administrative and public testimony is not heard.

PLANNING COMMISSION ITEMS / INQUIRIES Items of business or concern are presented by Planning Commissioners and discussed with staff. Informational updates and reports are made by Commissioners who serve as liaisons to various committees.

PLANNING ITEMS Updates and reports from the Planning Director for the information of the Planning Commission and the public.

Adjournment



AGENDA

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, SEPTEMBER 11, 2007
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

6:00 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

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

AGENDA APPROVAL

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. MITIGATED NEGATIVE DECLARATION NO. 06-008/CONDITIONAL USE PERMIT NO. 06-035/VARIANCE NO. 07-001 (FIRST CHRISTIAN CHURCH REMODEL/EXPANSION – STAFF UPDATE) 1207 Main Street, 92648 – Ron Santos

B. STUDY SESSION ITEMS - NONE

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

D. PLANNING COMMISSION COMMITTEE REPORTS

E. PUBLIC COMMENTS – Regarding Project Review and Study Session portions of Meeting

Anyone wishing to speak on Project Review or Study Session items during PUBLIC COMMENTS may do so by filling out a Request To Speak form and giving it to the Secretary. (4 MINUTES PER PERSON, NO DONATING OF TIME TO OTHERS)
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F. PLANNING COMMISSION COMMENTS

6:30 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE

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

AGENDA APPROVAL

A. ORAL COMMUNICATIONS

Anyone wishing to speak during ORAL COMMUNICATIONS must fill out and submit a form to speak. The Planning Commission can take no action on this date, unless the item is agendaized. Any one wishing to speak on items not on tonight's agenda, a closed public hearing item, or on non-public hearing items may do so during ORAL COMMUNICATIONS. Please note comments on closed public hearing items will not be part of the permanent entitlement record. Speakers on items scheduled for PUBLIC HEARING will be invited to speak during the public hearing. (4 MINUTES PER PERSON, NO DONATING OF TIME TO OTHERS)

B. PUBLIC HEARING ITEMS:

Anyone wishing to speak during an open PUBLIC HEARING must fill out and submit a form to speak. The public may address the Planning Commission only during the open PUBLIC HEARING items or during ORAL COMMUNICATIONS. Please review the agenda to determine whether the PUBLIC HEARING item is open or closed. If the PUBLIC HEARING on an item is closed, you will not be permitted to speak during that portion of the agenda and may wish to address your concerns during the ORAL COMMUNICATIONS portion of the agenda. Speakers on items scheduled for PUBLIC HEARING will be invited to speak during the public hearing. (4 MINUTES PER PERSON, WITH A MAXIMUM TIME DONATION OF 8 MINUTES, FOR A TOTAL OF 12 MINUTES PER SPEAKER)

PROCEDURE: Commission Disclosure Statement(s), Staff Report Presentation, Commission Questions, Public Hearing, Discussion/Action.

- B-1. ZONING TEXT AMENDMENT NO. 07-003 (MEDICAL MARIJUANA DISPENSARIES)(CONTINUED FROM AUGUST 14, 2007 WITH PUBLIC HEARING CLOSED)** **Applicant:** City of Huntington Beach **Request:** To amend Chapters 204 and 212 of the Huntington Beach Zoning and Subdivision Ordinance to delete all references to medical marijuana dispensaries. **Location:** Industrial Districts Citywide **Project Planner:** Ricky Ramos

STAFF RECOMMENDATION: Motion to: "Continue Zoning Text Amendment No. 07-003 to the September 25, 2007 Planning Commission meeting."

B-2. NEGATIVE DECLARATION NO. 06-002/ANNEXATION NO. 06-001/ZONING TEXT AMENDMENT NO. 06-001/ZONING MAP AMENDMENT NO. 06-001 (BRIGHTWATER SPECIFIC PLAN)

Applicant: Hearthside Homes (Ed Mountford) **Request:** **ND:** To analyze the potential environmental impacts associated with the implementation of the proposed project. **ANX:** To annex approximately 105.3 acre Brightwater Development Project (BDP) into the City of Huntington Beach; **ZTA:** To create the Brightwater Specific Plan (SP 15); **ZMA:** To amend the City of Huntington Beach Zoning Map to: 1) prezone with the Brightwater Specific Plan a 105.235 acre portion of the BDP site presently located within an unincorporated portion of Orange County; 2) prezone a 0.065 acre portion of the unincorporated area with Residential Low Density (RL) zoning for inclusion in the Sandover project; and 3) rezone 0.365 acres of the subject property currently located within the City of Huntington Beach from RL to Brightwater Specific Plan. **Location:** Northeast corner of the Bolsa Chica Mesa and generally bounded by Los Patos Avenue to the north, Warner Avenue to the northwest and the terminus of Bolsa Chica Street to the east. **Project Planner:** Sandra Campbell

STAFF RECOMMENDATION: Motion to:

- A. “Approve Negative Declaration No. 06-02 with findings (No. 1).”
- B. “Recommend approval of Zoning Text Amendment No. 06-01 with findings for approval (Attachment No. 1) and forward the Draft Resolution (Attachment No. 3) to the City Council for adoption.”
- C. “Recommend approval of Zoning Map Amendment No. 06-01 with findings for approval (Attachment No. 1) and forward Draft Ordinance (Attachment No. 2) to the City Council for adoption.”
- D. “Approve Annexation No. 06-01 as a minute action and forward recommendation to the City Council.”

B-3. MITIGATED NEGATIVE DECLARATION NO. 06-008/CONDITIONAL USE PERMIT NO. 06-035/VARIANCE NO. 07-001 (FIRST CHRISTAIN CHURCH REMODEL/EXPANSION) (CONTINUED FROM AUGUST 28, 2007 WITH PUBLIC HEARING TO BE OPENED)

Applicant: Art Cueto. **Request:** . **MND:** To analyze the potential environmental impacts associated with implementation of the proposed project. **CUP:** To permit the expansion and remodel of an existing church complex, including construction of a three-level parking structure; **VAR:** To permit joint use parking (298 spaces) located at a distance in excess of 250 feet from the project site (at Huntington Beach High School) during the construction phase **Location:** 1207 Main Street, 92648 (southeast corner of Adams Avenue and 17th Street). **Project Planner:** Ron Santos

STAFF RECCOMENDATION: Motion to:

- A. "Approve Mitigated Negative Declaration No. 06-008 with findings and suggested mitigation measures (Attachment No. 1 to Planning Commission Staff Report dated August 28, 2007);"
- B. "Approve Conditional Use Permit No. 06-035/ Variance No. 07-001 with findings and suggested conditions of approval (Attachment No. 1 to Planning Commission Staff Report dated August 28, 2007)."

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED MAY 8, 2007

C-2. PLANNING COMMISSION MINUTES DATED JULY 10, 2007

D. NON-PUBLIC HEARING ITEMS - NONE

E. PLANNING ITEMS

- E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING
- E-2. CITY COUNCIL ITEMS FOR NEXT MEETING
- E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS - NONE

F-2. PLANNING COMMISSION COMMENTS

Commissioner Shier-Burnett -
Commissioner Speaker -
Vice Chairperson Livengood –
Chairperson Scandura -
Commissioner Shaw -
Commissioner Dwyer -
Commissioner Farley -

ADJOURNMENT: Adjourn to the next regularly scheduled meeting of September 25, 2007.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Planning Commission is final unless an appeal is filed to the City Clerk by you or by an interested party. Said appeal must be in writing and must set forth in detail the action and grounds by which the applicant or interested party deems himself aggrieved. Said appeal must be accompanied by a filing fee of One Thousand Five Hundred Forty-One Dollars (\$1,541.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property or Two Thousand Three Hundred Seventy-Nine Dollars (\$2,379.00) if the appeal is filed by any other party. The appeal shall be submitted to the City Clerk within ten (10) calendar days of the date of the Planning Commission's action.

Copies of staff reports and/or written materials on each agenda item are on file in the Planning Department, for inspection by the public. A copy of the agenda packet is also available at the Central Library (7111 Talbert Avenue).

DVD'S OF MEETINGS ARE AVAILABLE FOR PUBLIC CHECK OUT AT THE CENTRAL LIBRARY, AND FOR DUPLICATION SERVICES IN THE CITY CLERK'S OFFICE.

HUNTINGTON BEACH PLANNING COMMISSION

Public Hearing Procedures

This statement has been prepared to provide a better understanding of the procedures for public hearings before the Planning Commission.

Regular meetings of the Planning Commission are held on the second and fourth Tuesdays of each month beginning at 5:15 p.m. in Room B-8 for a study session and then at 7:00 PM in the Council Chambers. Adjourned meetings, special meetings, and Study Sessions may be scheduled at other times.

Planning Commission proceedings are governed by the Planning Commission By-Laws, Robert's Rules of Order and the Brown Act. The following is the typical sequence of events on public hearing items:

- A. The Chairperson shall announce the item and if the public hearing is open or closed.
- B. The Planning Commission shall disclose any discussions, conversations, etc., with applicants, applicant's representatives or property owners.
- C. The staff report is presented.
- D. Questions by the Planning Commission concerning the staff report may be answered at this time.
- E. The public hearing is opened by the Chairperson.
- F. The applicant or appellant is given an opportunity to address the Commission. Time is not limited but left to the Chairperson's discretion.
- G. Public Comments: Staff will call all speakers by name. Please proceed to the podium. Individuals favoring and opposing the proposal are given an opportunity to address the Commission (up to four (4) minutes), or may choose to donate their time to another speaker if the "Request to Speak" form is filled out and given to the Secretary. A speaker who addresses the Commission on behalf of individuals who donate time are allowed a maximum of 12 minutes. Individuals who donate time must be present when the item is being discussed. Please state your name before addressing the Commission.
- H. The Commission may ask questions of speakers addressing the Commission.
- I. The public hearing is closed.
- J. The Commission will deliberate the matter at this time.
- K. The Commission then acts on the matter by continuing, approving, conditionally approving, or denying the petition.

The Planning Commission receives a staff report packet on the Tuesday preceding the meeting, allowing time to review each case and make further investigations in the field prior to the scheduled meeting.

Staff reports are available in the Planning Department, the Central Library and on the City's website (www.surfcity-hb.org) anytime on Wednesday preceding the Tuesday Planning Commission meeting.



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Ricky Ramos, Associate Planner *RR*
DATE: September 11, 2007

SUBJECT: **ZONING TEXT AMENDMENT NO. 07-003 (MEDICAL MARIJUANA DISPENSARIES) (Continued from the August 14, 2007 meeting with the public hearing closed)**

APPLICANT: City of Huntington Beach, 2000 Main St, Huntington Beach, CA 92648

LOCATION: Industrial Districts Citywide

STATEMENT OF ISSUE:

Staff is recommending continuance of this item to the September 25, 2007 Planning Commission meeting.

RECOMMENDATION:

Motion to:

“Continue Zoning Text Amendment No. 07-003 to the September 25, 2007 Planning Commission meeting.”

B-2. NEGATIVE DECLARATION NO. 06-002/ANNEXATION NO. 06-001/ZONING TEXT AMENDMENT NO. 06-001/ZONING MAP AMENDMENT NO. 06-001

(BRIGHTWATER SPECIFIC PLAN) Applicant: Hearthside Homes (Ed Mountford)

Request: **ND:** To analyze the potential environmental impacts associated with the implementation of the proposed project. **ANX:** To annex approximately 105.3 acre Brightwater Development Project (BDP) into the City of Huntington Beach; **ZTA:** To create the Brightwater Specific Plan (SP 15); **ZMA:** To amend the City of Huntington Beach Zoning Map to: 1) prezone with the Brightwater Specific Plan a 105.235 acre portion of the BDP site presently located within an unincorporated portion of Orange County; 2) prezone a 0.065 acre portion of the unincorporated area with Residential Low Density (RL) zoning for inclusion in the Sandover project; and 3) rezone 0.365 acres of the subject property currently located within the City of Huntington Beach from RL to Brightwater Specific Plan. **Location:** Northeast corner of the Bolsa Chica Mesa and generally bounded by Los Patos Avenue to the north, Warner Avenue to the northwest and the terminus of Bolsa Chica Street to the east. **Project Planner:** Sandra Campbell

This is a large document. It has been separated from the agenda document and broken into three parts to facilitate downloading. Please use the links below to view this agenda item.

[Part 1](#)

[Part 2](#)

[Part 3](#)

B-3. MITIGATED NEGATIVE DECLARATION NO. 06-008/CONDITIONAL USE PERMIT NO. 06-035/VARIANCE NO. 07-001 (FIRST CHRISTIAN CHURCH REMODEL/EXPANSION) (CONTINUED FROM AUGUST 28, 2007 WITH PUBLIC HEARING TO BE OPENED) **Applicant:** Art Cueto. **Request:** . **MND:** To analyze the potential environmental impacts associated with implementation of the proposed project. **CUP:** To permit the expansion and remodel of an existing church complex, including construction of a three-level parking structure; **VAR:** To permit joint use parking (298 spaces) located at a distance in excess of 250 feet from the project site (at Huntington Beach High School) during the construction phase **Location:** 1207 Main Street, 92648 (southeast corner of Adams Avenue and 17th Street). **Project Planner:** Ron Santos

This is a massive document. It has been separated from the agenda document and broken into eleven parts to facilitate downloading. Please use the links below to view this agenda item.

[B-3 Part 1](#)

[B-3 Part 2](#)

[B-3 Part 3](#)

[B-3 Part 4](#)

[B-3 Part 5](#)

[B-3 Part 6](#)

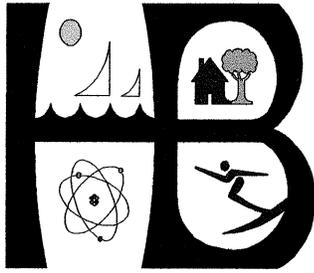
[B-3 Part 7](#)

[B-3 Part 8](#)

[B-3 Part 9](#)

[B-3 Part 10](#)

[B-3 Part 11](#)



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JULY 10, 2007

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: A P P P P P P
Shier-Burnett, Speaker, Livengood, Scandura, Shaw, Dwyer, Farley
(Commissioner Shier-Burnett arrived at 5:20 pm)

AGENDA APPROVAL

Chair Scandura welcomed new Planning Commissioner Joe Shaw who will be replacing Flossie Horgan.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY DWYER, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF JULY 10, 2007, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. CONDITIONAL USE PERMIT NO. 07-021 (RA SUSHI-THE STRAND) 155 FIFTH STREET, UNIT 183, 92648 - Rami Talleh

Rami Talleh, Associate Planner, gave an overview of the proposed project emphasizing the concerns received from the Police and Economic Development Departments outlined in attachments 6.1 and 7.1. He stated that their concerns relate to the operating hours and the bi-folding windows. Talleh confirmed that the applicant is currently working with the Police and Economic Development Departments to resolve these issues.

Talleh confirmed the request is solely for restaurant use; no dancing or outdoor dining is proposed.

Commissioner Speaker excused himself from this item due to a conflict.

A-2. FLOOD MANAGEMENT PLAN ANNUAL REVIEW – Ricky Ramos

Ricky Ramos, Associate Planner, presented the annual review as part of the FEMA re-certification process. He outlined the changes from last year.

In response to a question from Commissioner Dwyer, Leoni Mulvihill, Senior Deputy City Attorney, stated that AB 32 affects greenhouse gas emissions and the legislature is adopting regulations to implement AB 32.

Discussion ensued between Commissioners and staff regarding AB 32, the Brightwater Annexation, Reverse 911 System, Mitigation for the Wintersburg Channel and Tsunami evacuation signage.

B. STUDY SESSION ITEMS:

B-1. PLANNING COMMISSION GOALS 2007 - COMMITTEE ASSIGNMENTS

Chair Scandura presented the committee assignments as follows;

Green Building Committee - Commissioner Dwyer will replace Commissioner Horgan.

Neighborhood Compatibility Sub-Committee – Shaw/Dwyer - Farley alternate.

Entitlement Process and the Zucker Report – Shier-Burnett/Livengood – Shaw alternate.

Scandura noted that these committees will be kept informal and their purpose is simply to monitor progress for the Planning Commission and not bias a specific project.

Discussion ensued between the Commissioners and staff with regard to the Study Session and Public Hearing process.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SPEAKER, TO APPROVE THE PLANNING COMMISSION COMMITTEE ASSIGNMENTS, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS):

Herb Fauland, Acting Planning Manager, reviewed the agenda items for the 7:00 p.m. portion of the meeting. He advised of one late communication received regarding public hearing Item B-1.

D. PLANNING COMMISSION COMMITTEE REPORTS

D-1. GREEN BUILDINGS COMMITTEE – ENVIRONMENTAL BOARD MEETING

Commissioner Shier-Burnett reported on the input received at the June 7, 2007, Environmental Board Meeting and presented a document outlining the Board's recommendations.

Shier-Burnett stated that Chandra Krout will make a presentation on Green Building at the City Council Study Session at 4:00 pm on Monday July 16, 2007. She requested input from the Commissioners for incorporation into the report to be presented to the City Council in August.

Commissioner Speaker reported that he will be attending his first Design Review Board meeting on August 9, 2007.

E. PUBLIC COMMENTS (Regarding Study Session Portion of Meeting):

Michelle Wright, Covington, VA, on behalf of Benihana Inc. and the Ra Sushi concept, spoke in support of Item A-1. She thanked staff and noted the efficient progress made through the review process and indicated her willingness to comply with the City's requirements. Ms. Wright stated that they are working with staff regarding the hours of operation and the windows issues to arrive at an appropriate solution.

F. PLANNING COMMISSION COMMENTS:

Commissioner Shier-Burnett welcomed new Commissioner Joe Shaw.

Commissioner Shaw thanked the Commission and staff for their warm welcome.

6:30 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Livengood

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

AGENDA APPROVAL

A MOTION WAS MADE BY FARLEY, SECONDED BY DWYER, TO APPROVE THE PLANNING COMMISSION AGENDA OF JULY 10, 2007, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

Chair Scandura welcomed Commissioner Joe Shaw to the Planning Commission. He stated that Commissioner Shaw is a resident and past business owner in the City. He replaces Commissioner Flossie Horgan, and was appointed by Mayor Pro-Tem Debbie Cook.

A. ORAL COMMUNICATIONS - NONE

B. PUBLIC HEARING ITEMS:

B-1. CONDITIONAL USE PERMIT NO. 07-017 (SHARKEEZ DANCING). Applicant: Michael C. Adams Associates. **Request:** To permit dancing in conjunction with previously approved entertainment within an existing 2,625 sq. ft. restaurant. The request includes a proposal to address the requirement for one additional parking space by limiting use of previously approved outdoor dining area within the public right-of-way to customer queuing when dancing occurs. **Location:** 211 Main Street, 92648 (Northwest side of Main Street, between Olive Ave and Walnut Ave). **Project Planner:** Ron Santos

STAFF RECOMMENDATION: Motion to: "Continue Conditional Use Permit No. 07-017 to the July 24, 2007 Planning Commission meeting with the Public Hearing Open."

Fauland, stated that staff received a letter from Mike Adams, Michael C. Adams & Associates, dated June 27, 2007 requesting this item be continued to the July 24, 2007 Planning Commission meeting to allow time to review and respond to data and information that is to be provided from the Police Department. He indicated that one late communication was received from Wayne Carvalho, Carvalho & Associates, dated Friday July 6, 2007 with an attachment from Michael C. Adams & Associates, dated July 6, 2007 outlining suggested conditions of approval that the Planning Commission should consider during their deliberations on July 24, 2007.

A MOTION WAS MADE BY SHIER-BURNETT, SECONDED BY DWYER, TO CONTINUE CONDITIONAL USE PERMIT NO. 07-017 AT THE APPLICANT'S REQUEST, TO THE JULY 24, 2007 PLANNING COMMISSION MEETING WITH THE PUBLIC HEARING OPEN, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

B-2. APPEAL OF DESIGN REVIEW BOARD'S APPROVAL OF DESIGN REVIEW NO. 07-010 / PLANNED SIGN PROGRAM NO. 07-002 (AOUIZERAT PROPERTY). Applicant: Margaret Van Herk. **Appellant:** City Council Member Keith Bohr. **Request:** To adopt a planned sign program for a mixed use building that will allow for the installation of wall signs on a building wall not adjacent to a business suite. **Location:** 526 Main Street, 92648 (east side of Main St., between 6th St. and Acacia Ave.) **Project Planner:** Jill Arabe

STAFF RECOMMENDATION: Motion to: "Approve Design Review No. 07-010 and Planned Sign Program No. 07-002 with suggested findings and conditions of approval."

The Commission made the following disclosures:

- Commissioner Shier-Burnett recused herself because she has a real property interest within the 500 ft. radius.
- Commissioner Livengood visited the site and took action as a member of the Design Review Board.
- Commissioner Speaker drove by the site.
- Chair Scandura visited the site and was involved with a previous approval.
- Commissioner Shaw visited the site, spoke with one of the owners of The Skin Spa, spoke with Councilman Bohr and staff.
- Commissioner Farley drove by the site.
- Commissioner Dwyer drove by the site.

Jill Arabe, Planning Aide, gave a presentation of the proposed project outlining the reasons for Council Member Bohr's appeal to the Design Review Board's approval.

In response to a question from Commissioner Shaw, Ms. Arabe stated that staff had no concerns with the compatibility issue now that the signs are to be non-illuminated.

Discussion ensued between staff and the Commission regarding compatibility and illumination, and the proposed lettering style.

Commissioner Shaw stated his opinion that due to the height of the sign it does not appear to be the best solution.

THE PUBLIC HEARING WAS OPENED.

Gil Auizerat, property owner, spoke on behalf of the managing partners. He stated that there are unique circumstances with the site that makes it impossible for standard signage to accomplish its purpose. He indicated he had met with Council Member Bohr, showed him the property and explained the reason for the placement of the signs. He felt that Council Member Bohr's concerns have been addressed.

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

Commissioners Farley, Dwyer, Shaw and Chair Scandura indicated their approval of the design and the compromise achieved.

A MOTION WAS MADE BY SPEAKER, SECONDED BY LIVENGOOD, TO APPROVE DESIGN REVIEW NO. 07-010 AND PLANNED SIGN PROGRAM NO. 07-002, WITH SUGGESTED FINDINGS AND CONDITIONS FOR APPROVAL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS AND CONDITIONS OF APPROVAL

DESIGN REVIEW NO. 07-010
PLANNED SIGN PROGRAM NO. 07-002

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15311, Class 11 of the CEQA Guidelines, because the construction or placement of on-premise signs accessory to existing facilities is exempt from further environmental review.

FINDINGS FOR APPROVAL – DESIGN REVIEW NO. 07-010/ PLANNED SIGN PROGRAM NO. 07-002:

1. The proposed signs are compatible with the style or character of existing improvements on the site and are well-related to each other, reflecting a common theme and design style. The unique design of the building façade and floor plan necessitates the placement of wall signs on the second floor for business identification. The size of the signs is proportional to the building and in compliance with code requirements. The colors and materials of the proposed signs are compatible with the light color of the building. Non-illuminated signs will not be obtrusive to the residents. The proposed planned sign program is consistent with the General Plan, the Downtown Specific Plan, Design Guidelines, and HBZSO.

CONDITION OF APPROVAL – DESIGN REVIEW NO. 07-010/ PLANNED SIGN PROGRAM NO. 07-002:

1. The Planned Sign Program dated May 24, 2007 and maintained in entitlement folder DR 07-010 / PSP 07-002 shall be the conceptually approved criteria.

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

E. PLANNING ITEMS

- E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING**
Herb Fauland, Acting Planning Manager - reported there were no items from the previous City Council meeting.
- E-2. CITY COUNCIL ITEMS FOR NEXT MEETING**
Herb Fauland, Acting Planning Manager – reported on the items scheduled for the next City Council meeting.
- E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING**
Herb Fauland, Acting 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 Shier-Burnett - Welcomed Commissioner Shaw

Commissioner Speaker – Welcomed Commissioner Shaw

Vice Chairperson Livengood – Welcomed Commissioner Shaw

Chairperson Scandura – Welcomed Commissioner Shaw

Commissioner Dwyer – Welcomed Commissioner Shaw and recommended developers or persons intending to build in the City, attend the City Council Study Session at 4:00 pm on Monday, July 16, 2007 for a presentation on Green Building programs.

Commissioner Farley – Welcomed Commissioner Shaw

Commissioner Shaw – Thanked the Planning staff, Commissioners, Council Member Cook and Flossie Horgan, and indicated his desire to do his best to represent the citizens of Huntington Beach.

ADJOURNMENT:

Adjourned at 7:20 p.m. to the next regularly scheduled meeting of July 24, 2007.

APPROVED BY:

Scott Hess, Secretary

John Scandura, Chair