MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, AUGUST 12, 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

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

Commissioner Farley was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY DWYER, SECONDED BY SPEAKER, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF AUGUST 12, 2008, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS) - NONE

B. STUDY SESSION ITEMS

B-1. REVIEW OF TENTATIVE PLANNING COMMISSION SCHEDULE (SPECIAL MEETINGS) – Rami Talleh, Senior Planner

Chair Livengood tentatively proposed an earlier start time for the Planning Commission Study Session scheduled for September 9, 2008.

Commissioner Speaker recommended that the Planning Commissioners provide their questions to staff prior to the Study Session scheduled for August 26, 2008.

Commissioner Scandura suggested moving the Zoning Text Amendment for The Ripcurl project to the regularly scheduled meeting of September 23, 2008.

Chair Livengood reported that he would advise the Planning Commission of any special meetings.

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Rami Talleh, Senior Planner, advised that there are four Late Communications and Revised Findings for Denial for Item No. B-1.

D. PLANNING COMMISSION COMMITTEE REPORTS

D-1. NEIGHBORHOOD COMPATIBILITY SUB-COMMITTEE (STATUS UPDATE) – Planning Commissioner John Scandura

Commissioner Scandura reported that the first Neighborhood Compatibility Sub-Committee meeting took place on July 29, 2008, with Planning Manager Herb Fauland and Commissioners Scandura, Dwyer and Shaw in attendance. Scandura said that the Sub-Committee is reviewing the ordinances and guidelines of five different cities. He also noted that the second Neighborhood Compatibility Sub-Committee meeting is scheduled for August 26, 2008.

Chair Livengood asked Scandura if any of the five cities under review allowed the construction of three-story single family residences and Scandura said that they don't.

Chair Livengood commented on the 'mansionization' trend occurring in Huntington Beach and recommended operating within the restrictions of the existing zoning code or changing the code.

Commissioner Dwyer said that he thinks three Planning Commission members may be too many for a Sub-Committee. Senior Deputy City Attorney Leonie Mulvihill said that three members of a judicial body may serve on a Committee; however, if four members were to serve, then it is considered a quorum and would be a violation of the Brown Act.

E. PUBLIC COMMENTS

Phil Larschan, Old World Owners Association, spoke in opposition to Item No. B-2 and asked that the project be continued for 60 days to allow the Old World Owners Association time to review the proposal.

F. PLANNING COMMISSION COMMENTS

Commissioner Dwyer asked if the City's Legal Counsel had an opinion on the letter received from the lawyers for the applicant on Item No. B-1 (regarding TOMRA Pacific) and Senior Deputy City Attorney Leonie Mulvihill indicated that staff did not receive this package until August 11, 2008.

Commissioner Speaker noted that it is the Planning Commission's purview to make a decision on Item No. B-1 based on the land use only.

Commissioner Scandura noted that the mandatory processing period for Item No. B-2 ends on August 29, 2008. If a continuance were to be granted, the continuance could not exceed two weeks.

Commissioner Shier-Burnett spoke regarding the Green Committee and noted that they are focusing on their goals and will attend the Green Expo on September 20, 2008 at the Central Library. She also noted that the Environmental Board will have a booth there.

Commissioner Dwyer reported that he is running for City Council.

Commissioner Speaker recommended that the Planning Commission read the Environmental Impact Report on The Ripcurl Project carefully and thoroughly. The Ripcurl EIR No. 07-004 will be reviewed by the Planning Commission at the August 26, 2008, Study Session.

6:05 PM – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Scandura

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

Commissioner Farley was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY SPEAKER, SECONDED BY DWYER, TO APPROVE THE PLANNING COMMISSION AGENDA OF AUGUST 12, 2008, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. ORAL COMMUNICATIONS – NONE

B. PUBLIC HEARING ITEMS

B-1. CONDITIONAL USE PERMIT NO. 07-047 (APPEAL – RALPH'S RECYCLING CENTER) **Applicant:** Enrique Vazquez **Appellant:** Enrique Vazquez, Sloan Vazquez, LLC **Request:** To permit the establishment of a 498 square foot prefabricated recycling operation center as an accessory use within an existing commercial shopping center parking lot. **Location:** 10081 Adams Avenue, 92646 (northeast corner of Brookhurst Street and Adams Avenue) **Project Planner:** Jill Arabe

STAFF RECOMMENDATION: Motion to: "Deny Conditional Use Permit No. 07-047 with findings for denial."

The Commission made the following disclosures:

- Commissioner Dwyer has visited the site three times and has spoken to staff
- Vice-Chair Shier-Burnett has visited the site twice and attended the Study Session
- Commissioner Shaw has visited the site and attended the Study Session
- Commissioner Speaker has visited the site seven times and attended the Study Session
- Commissioner Scandura has visited the site twice, discussed the project with Councilman Gil Coerper and attended the Study Session
- Chair Livengood has visited the site and attended the Study Session

Jill Arabe, Planning Aide, gave an overview of the project.

Commissioner Scandura stated that although he is in favor of recycling, he does not support the project's proposed location; he said that he would be in favor if the project site is relocated to the front of Ralph's.

Commissioner Speaker said that he concurs with Commissioner Scandura. He also said he agrees with the Huntington Bay residents and the Huntington Beach Police, who are opposed to the project.

Commissioner Shaw concurred with Commissioners Scandura and Speaker and stated that he would have supported the project had the site been moved to the front of Ralph's, but the applicant would not agree.

Vice-Chair Shier-Burnett said that she didn't fully appreciate the problems with the site's proposed location until the project came before the Planning Commission. She said that the proposed site, with its close proximity to homes and the Santa Ana riverbed, would be in a horrendous location. She also said that she asked the applicant for examples of existing recycling centers with a close proximity to homes and received no response.

THE PUBLIC HEARING WAS OPENED.

Paige Gosney from TOMRA, on behalf of the applicant, spoke in favor of Item No. B-1.

Karen Copeland, resident of Huntington Bay, spoke in opposition to Item No. B-1, saying that the project would impact the residents' quality of life.

Alice Rafidi, resident of Huntington Bay, spoke in opposition to Item No. B-1, citing concerns with noise and possible rodent and insect infestation.

James Peterson, citizen, spoke in opposition to Item No. B-1 on behalf of his son, who is a resident of Huntington Bay.

Leslie Riasanovsky, resident of Huntington Bay, spoke in opposition to Item No. B-1, noting that Huntington Bay residents already have curbside recycling in place with Rainbow Disposal.

John Riasanovsky, resident of Huntington Bay, spoke in opposition to Item No. B-1.

Paul Haussler, President of the Huntington Bay Homeowner's Association, spoke in opposition to Item No. B-1, citing concerns with possible criminal activity and transient loitering.

Bob Riedesel, member of neighboring Meredith Gardens Homeowner's Association, spoke in opposition to Item No. B-1.

William Horan, resident of Huntington Bay, spoke in opposition to Item No. B-1, noting that the recycling center would be located too close to private homes.

Sandra Pearce, resident of Huntington Bay, spoke in opposition to Item No. B-1.

Tina Washburn, resident of Huntington Bay, spoke in opposition to Item No. B-1, saying that she has concerns about noise and possible rodent and insect infestation.

Karen Wagor, resident of Huntington Bay, spoke in opposition to Item No. B-1, saying that she has concerns with transients rifling through residents' trash cans.

Stacy Vingerelli, resident of Huntington Bay, spoke in opposition to Item No. B-1.

Nick Carter, member of the Huntington Bay Homeowner's Association, spoke in opposition to Item No. B-1.

Suzanne Halstead, resident of Huntington Bay, spoke in opposition to Item No. B-1.

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

Vice-Chair Shier-Burnett said that the Police Department opposes the project at its proposed location and that the Planning Commission should heed the Police Department's advice.

Commissioner Dwyer stated that he is in agreement with Commission Speaker and that he is opposed to the project in its proposed location. He also recommended that the findings for denial should include language indicating that the entire shopping center is inappropriate for a recycling center, with the exception of the interior of Ralph's.

Senior Planner Rami Talleh read staff's recommendation and the revised findings for denial to the Planning Commission.

A MOTION WAS MADE BY SCANDURA, SECONDED BY SHAW, TO DENY CONDITIONAL USE PERMIT NO. 07-047 WITH REVISED FINDINGS FOR DENIAL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS FOR DENIAL

CONDITIONAL USE PERMIT NO. 2007-047

FINDINGS FOR DENIAL – CONDITIONAL USE PERMIT NO. 2007-047:

1. Conditional Use Permit No. 2007-047 for the establishment, maintenance and operation of a portable beverage-recycling center as an accessory use within an existing commercial shopping center will 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 portable recycling center is proposed to be located at the northeast corner of the subject site behind the existing commercial buildings. The location is not visible from the street, creating security concerns. Access from the street to the location of the proposed facility is not designed to accommodate increased traffic to the rear of the site. There is no convenient access to the proposed facility. The facility will increase operational and traffic-generated noise along the rear of the existing buildings during normal business hours of operation. The location of the proposed facility is approximately 130 feet from the adjacent residential district to the north and east of the subject site. The adjacent residential uses are not sufficiently buffered from potential nuisance/noise impacts resulting from customer drop-off of recyclable materials and normal operation of the facility. In addition, the facility also has the potential to create nuisance impacts to the surrounding area.

2. The conditional use permit will not be compatible with surrounding uses because the proposed use is an outdoor commercial facility within close proximity of residential uses. The recycling operations will occur and be oriented away from street frontages, which is inconsistent with the existing uses in the shopping center. In addition, the facility also has the potential to create nuisance impacts to the surrounding area.

3. The granting of the conditional use permit will adversely affect the General Plan. It is not consistent with the following goals and policies of the General Plan:

   A. *Land Use Element*

   Policy LU 10.1.6 Require that commercial projects abutting residential properties adequately protect the residential use from the excessive or incompatible impacts of noise, light, vehicular, traffic, visual character, and operational hazards.

   The existing commercial buildings are oriented toward the arterial streets. Existing business operations occur inside the buildings and business entrance doors are facing the streets. Noise and traffic are limited at the rear of the buildings to parking and the loading/unloading of trucks for the Ralph's Supermarket. The proposed facility is located behind the commercial buildings and within close proximity to the adjacent residential

use. The residences are separated by an eight (8) ft. high block wall with a pedestrian access gate. The existing ambient noise level exceeds the maximum allowable 55 decibels. As a result, the nature of the proposed operations will have a nuisance impact. The proposed project will not protect the abutting multi-family residential properties from potential noise impacts. It will increase activity closer to adjacent residential properties.

B. *Noise Element*

Objective N 1.3 Minimize the adverse impacts of traffic-generated noise on residential and other "noise sensitive" uses.

Objective N 1.4 Minimize noise spillover or encroachment from commercial and industrial land uses into adjoining residential neighborhoods or "noise sensitive" uses.

The use will generate more vehicular and pedestrian traffic closer to residential properties. The recycling operations and pickup of storage containers will intensify the activity/noise level.

B-2. CONDITIONAL USE PERMIT NO. 08-003/ENTITLEMENT PLAN AMENDMENT NO. 08-003 (TOWERS OF BELLA TERRA PARKING CONTROL GATES - AMENDMENT TO NEGATIVE DECLARATION N0. 05-001/CONDITIONAL USE PERMIT NO. 05-015)) **Applicant:** Patricia Apel, DJM Capital Partners, Inc. **Request**: **CUP**: To permit the installation of four (4) parking control gates in order to implement a paid parking program at the Towers of Bella Terra site. **EPA:** To amend Condition of Approval No. 2 (Items No. 2 and No. 4) of Conditional Use Permit No. 05-015 (24-Hour Fitness) which required the removal of physical barriers (parking control gates) in the parking structure and to prohibit restrictions on parking after 4:00 PM. **Location:** 7755 Center Avenue, 92647 (north of Center Avenue, west of Huntington Village Lane) **Project Planner:** Tess Nguyen

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 08-003/Entitlement Plan Amendment No. 08-003."

The Commission made the following disclosures:

- Commissioner Dwyer has visited the site and talked with staff
- Vice Chair Shier-Burnett has visited the site
- Commissioner Shaw has visited the site
- Commissioner Speaker has visited the site
- Commissioner Scandura has visited the site and talked with staff
- Chair Livengood has visited the site

Tess Nguyen, Associate Planner, gave an overview of the project.

THE PUBLIC HEARING WAS OPENED.

Patricia Apel, the applicant, spoke in favor of Item No. B-2 and said that she agrees with staff's recommendation.

Phil Larschan, of the Old World Owners Association, spoke in opposition to Item No. B-2, saying that he was not notified of the Public Hearing in a timely manner; he requested a continuance of sixty days.

Marie Tran, Old World Owners Association, spoke in opposition to Item No. B-2, saying that she would also like to see a continuance on this item. She thanked staff and the applicant for their efforts.

James Burgard, Old World Owners Association, spoke in opposition to Item No. B-2 and agreed with the request for a continuance.

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

Chair Livengood asked about the timing on Public Notifications and staff stated that the Notice of Public Hearing is mailed to those within a 500' radius of the proposed site ten days prior to a Public Hearing. Staff also said that the agenda and staff reports are posted on the Huntington Beach website a week prior to each Public Hearing.

Chair Livengood asked the Planning Commission if they felt that this item should be continued and Commissioner Dwyer concurred, stating that it would give the applicant and Old World Owners Association time to define their reciprocal parking agreements.

Senior Deputy City Attorney Leonie Mulvihill said that staff was never provided with complete copies of the reciprocal parking agreement and that there has been little or no discussion between Bella Terra (the applicant) and the Old World Owners Association.

Vice Chair Shier-Burnett asked if the Planning Commission could continue this item to the August 26, 2008, regular meeting and Mulvihill said yes. Commissioners Shaw and Speaker also noted that they are in favor of a continuance.

Commissioner Scandura asked staff about Public Notification and staff indicated that the homeowners and Old World Owners Association had been noticed for the August 12, 2008 meeting. Scandura also asked the outcome if no decision is reached by the end of the mandatory processing period (August 29, 2008) and Mulvihill indicated that the project would then be automatically approved.

Chair Livengood recommended a two week continuance to August 26, 2008, and requested that staff revise staff report attachments 3.1 (Paid Parking) and 3.4 (Parking Lot Signage). Vice Chair Shier-Burnett indicated that attachment 3.1 is already revised and recommended that Bella Terra (the applicant) and the Old World Owners Association meet prior to August 26, 2008, to reach agreement on their reciprocal parking agreement.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SCANDURA, TO CONTINUE CONDITIONAL USE PERMIT NO. 08-003/ENTITLEMENT PLAN AMENDMENT NO. 08-003 TO THE AUGUST 26, 2008 NOTICED PUBLIC HEARING, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED APRIL 22, 2008

RECOMMENDED ACTION: Motion to: "Approve the April 22, 2008, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY SCANDURA, SECONDED BY SPEAKER, TO APPROVE THE APRIL 22, 2008 PLANNING COMMISSION MINUTES WITH A MINOR CORRECTION, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

C-2. PLANNING COMMISSION MINUTES DATED MAY 13, 2008

RECOMMENDED ACTION: Motion to: "Approve the May 13, 2008, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY SHIER-BURNETT, SECONDED BY SPEAKER, TO APPROVE THE MAY 13, 2008 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

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
Rami Talleh, Senior 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

Commissioners Speaker and Scandura expressed their condolences to the husband and family of Ellen Dunn, a longtime City employee, who passed away today.

ADJOURNMENT: Adjourned at 9:15 PM to the next regularly scheduled meeting of August 26, 2008.

APPROVED BY:

Scott Hess, Secretary

Tom Livengood, Chair