MINUTES
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, AUGUST 26, 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, P Shier-Burnett, P Livengood, A Shaw, P Speaker, P Scandura*

Commissioner Shaw arrived at 5:21 PM.

AGENDA APPROVAL

A MOTION WAS MADE BY SPEAKER, SECONDED BY DWYER, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF AUGUST 26, 2008, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. COASTAL DEVELOPMENT PERMIT NO. 07-018/CONDITIONAL USE PERMIT NO. 07-044 (APPEAL – HERMAN RESIDENCE – CONTINUED FROM THE JUNE 24, 2008 MEETING) – Andrew Gonzales, Assistant Planner

Andrew Gonzales, Assistant Planner, gave an overview of the project. He reported that the applicant has provided revised plans representing a decrease of approximately 1,000 sq. ft. The revised plans encompass a decrease in lot coverage, height and third floor square footage.

Commissioner Scandura reported that he met with the project's architect to view the revised plans. He also stated that he would like to see the Planning Commission's requested items included in the staff report when this project comes before the Planning Commission on September 9, 2008.

Commissioner Dwyer requested that copies of the initial plans and the revised plans be provided to the Planning Commission at the September 9th meeting so that the two can be compared.

A-2. COASTAL DEVELOPMENT PERMIT NO. 08-011/CONDITIONAL USE PERMIT NO. 08-021 (APPEAL – SAWYER RESIDENCE) – Ron Santos, Associate Planner

Ron Santos, Associate Planner, gave an overview of the project. He reported that the Zoning Administrator's July 23, 2008, approval of this project was appealed by Mayor Pro Tem Keith Bohr on August 4, 2008. Santos also noted that the applicant will be reducing the building height by 1-1/2' and that revised plans will be presented when this project comes before the Planning Commission on September 9, 2008.

Chair Livengood asked about the lot coverage and staff stated that the coverage is approximately 50%. Livengood reported that he has visited the site and that this building is similar to the Herman residence in building square footage and lot coverage.

A-3. ENVIRONMENTAL IMPACT REPORT NO. 07-004 (THE RIPCURL) – Tess Nguyen, Associate Planner

Tess Nguyen, Associate Planner, gave an overview of the project. She noted that the Environmental Impact Report findings show that there will be no environmental impact on the surrounding area, but that one of the project impacts will be increased traffic, notably on the 405 freeway on-ramps and off-ramps during peak traffic hours.

Commissioner Speaker noted that he had ten questions for staff. Planning Director Scott Hess said that the Planning Commission should note that the Environmental Impact Report addresses The Ripcurl project as a whole, and that specific details will be addressed when the Conditional Use Permit comes before the Planning Commission.

Chair Livengood asked if the Environmental Impact Report could provide more details and Planning Manager Mary Beth Broeren said that the Environmental Impact Report could provide additional details, but the additions would not affect the final analysis or conclusions.

Commissioner Shaw asked if the General Plan Amendment would reduce trip generation and Transportation Manager Bob Stachelski said that trip generations would not be reduced from what they currently are, but would be reduced in future traffic projections.

General discussion ensued regarding the site's water supply, potential freeway on-ramp and off-ramp impacts, and zoning requirements for pedestrian and bicycle traffic.

Commissioner Speaker expressed his concerns with increased traffic and noise.

Commissioner Farley said that he has concerns with traffic safety, especially in the left hand turn lane on Gothard Street; he asked staff to provide more details

regarding the pedestrian and bicycle paths when this item comes before the Planning Commission on September 23, 2008. He also asked staff to present potential alternatives, such as reduced number of units and reduced number of parking spaces.

Chair Livengood thanked staff and the developer (Red Oak Investments) for their efforts.

B. STUDY SESSION ITEMS

B-1. REVIEW OF TENTATIVE PLANNING COMMISSION SCHEDULE (*SPECIAL MEETINGS*) – Planning Commission Chairman Tom Livengood

Commissioner Dwyer noted that he would be out of town from September 3rd-8th, 2008.

Chair Livengood noted that The Ripcurl Environmental Impact Report, Zoning Text Amendment, General Plan Amendment, Zoning Map Amendment and Conditional Use Permit will come before the Planning Commission at a Public Hearing on September 23, 2008. He also noted that a special meeting might be held on September 30, 3008, if any of these items are continued.

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Herb Fauland, Planning Manager, advised that there are two Late Communications for Item No. B-1.

D. PLANNING COMMISSION COMMITTEE REPORTS

Commissioner Scandura reported on his attendance at the Neighborhood Compatibility Committee meeting on August 26, 2008, and noted that their focus is on floor area ratio and design issues.

E. PUBLIC COMMENTS - NONE

F. PLANNING COMMISSION COMMENTS

6:33 PM – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Shaw

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

AGENDA APPROVAL

A MOTION WAS MADE BY DWYER, SECONDED BY SPEAKER, TO APPROVE THE PLANNING COMMISSION AGENDA OF AUGUST 26, 2008, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. ORAL COMMUNICATIONS – NONE

B. PUBLIC HEARING ITEMS

B-1. CONDITIONAL USE PERMIT NO. 08-003/ENTITLEMENT PLAN AMENDMENT NO. 08-003 (TOWERS AT BELLA TERRA PARKING CONTROL GATES - AMENDMENT TO NEGATIVE DECLARATION N0. 05-001/CONDITIONAL USE PERMIT NO. 05-015 – CONTINUED FROM THE AUGUST 12, 2008 MEETING) **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. **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 with findings and suggested conditions of approval."

The Commission made the following disclosures:

- Commissioner Scandura has no new disclosures since this project came before the Planning Commission on August 12, 2008.
- Commissioner Speaker has visited the site since August 12, 2008.
- Commissioner Shaw has no new disclosures since this project came before the Planning Commission on August 12, 2008.
- Chair Livengood has no new disclosures since this project came before the Planning Commission on August 12, 2008.
- Vice Chair Shier-Burnett has no new disclosures since this project came before the Planning Commission on August 12, 2008.
- Commissioner Dwyer has visited the site since August 12, 2008.

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

Senior Deputy City Attorney Leonie Mulvihill noted that it is not the Planning Commission's responsibility to determine reciprocal parking agreements. Commissioner Dwyer asked if it is the Planning Commission's purview to make a decision based on the land use only, and Mulvihill said yes.

Commissioner Scandura asked staff about the operating hours for the proposed parking control gates and staff replied that the hours would be 7:00 AM to 6:00 PM, Monday through Friday.

THE PUBLIC HEARING WAS OPENED.

Patricia Apel, the applicant, spoke in favor of Item No. B-1.

Ronda Lauer of Bella Terra/DJM Capital, spoke in support of Item No. B-1, stating that she has concerns with parking lot vandalism and believes that the parking control gates would prevent that problem.

Quyen Tran, Bella Terra tenant, spoke in favor of Item No. B-1, citing concerns with car safety.

Sarach Boolay, Bella Terra tenant, spoke in support of Item No. B-1.

Tara Halverson of BJ's restaurant spoke in favor of Item No. B-1, citing issues with parking lot vandalism and safety.

Phil Larschan, Old World Owners Association, spoke against Item No. B-1, saying that the paid parking gates will cause an overflow of parking in the Old World parking lot.

Mark Hopkins, on behalf of the Old World Owners Association, spoke in opposition to Item No. B-1, citing concerns with the reciprocal parking agreement between Old World and Bella Terra/DJM.

James Burgard, Old World Owners Association, spoke against Item No. B-1.

Yvonne Rofer, Old World Owners Association, spoke against Item No. B-1.

Ralf Eschenberg, Old World Owners Association, spoke in opposition to Item No. B-1.

Dennis Randall of DJM Capital Partners spoke in favor of Item No. B-1. He said that he believes that false statements have been presented by Old World Owners Association and that the City's purview is to grant permission for the parking control gates. He cited concerns with public safety and asked the Planning Commission to approve the project with the deletion of Condition of Approval 2-a-7.

Chair Livengood asked Mr. Randall who would be subject to paid parking, and Mr. Randall stated that parking would be free for Old World Owners Association and clients of 24 Hour Fitness, but that the Bella Terra tower office visitors would pay for parking. Commissioner Scandura noted that Bella Terra tenants currently pay a monthly fee for parking and Randall noted that this arrangement would remain the same, with the addition of the Bella Terra tower visitors paying for hourly parking. Commissioner Farley noted that Old World Owners Association and clients of 24 Hour Fitness would need to have their parking validated.

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

Commissioner Scandura said that he is in favor of the project, because the proposed parking gates would only be in operation from 7:00 AM to 6:00 PM, Monday through Friday.

Senior Deputy City Attorney Leonie Mulvihill noted that if the Conditional Use Permit is approved, then the Old World Owners Association could choose to file a lawsuit against DJM Capital Partners.

Director of Planning Scott Hess commented that Old World Owners Association could apply for a Conditional Use Permit for parking control gates.

Vice Chair Shier-Burnett commented that she is in favor of the project.

Commissioner Farley asked if the Parking Master Plan (PMP) is being followed and noted that the PMP was approved on April 18, 2007. Dennis Randall of DJM Capital Partners noted that DJM/Bella Terra is providing parking security on a 24/7 basis. Staff noted that the 24/7 security will continue unmodified.

Commissioner Shaw asked if directional signage is part of the conditions of approval, and staff replied no.

Commissioner Scandura noted that the Old World Owners Association can choose to pursue a lawsuit against DJM Capital Partners in the event that the Conditional Use Permit is approved.

Commissioner Farley remarked that there is only one manned gate proposed for this project, and staff noted that the bulk of the exiting traffic will be those with validated passes and will be able to proceed through the unmanned gates.

Commissioner Shaw said that he was not in agreement with the wording on the conditions of approval and would be voting against the project.

Dennis Randall of DJM Capital Partners stated that the applicant would agree to post directional signage; Director of Planning Scott Hess noted that directional signage is included in the Old World Owners Association Parking Master Plan.

Commissioner Shaw requested that a condition be added that Bella Terra post directional signage.

Commissioner Speaker requested that Item No. 2-a-7 be deleted from the Conditions of Approval and asked that staff modify the date in Item No. 3-e to read "August 27, 2003" instead of August 23, 2003."

A MOTION WAS MADE BY SPEAKER, SECONDED BY SCANDURA, TO APPROVE CONDITIONAL USE PERMIT NO. 08-003/ENTITLEMENT PLAN AMENDMENT NO. 08-003 WITH REVISED FINDINGS AND MODIFIED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 2008-003
ENTITLEMENT PLAN AMENDMENT NO. 2008-003

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 15303 of the CEQA Guidelines, because the project consists of installation of small new equipment within an existing mixed-use site.

FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 2008-003/ENTITLEMENT PLAN AMENDMENT NO. 2008-003:

1. Conditional Use Permit No. 2008-003/Entitlement Plan Amendment No. 2008-003 for the installation of four (4) parking control gates to implement a paid parking program at the Towers at Bella Terra site and the amendment of Condition of Approval No. 2 which relates to physical barriers and parking control gates in the parking structure 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 proposed parking control gates will not generate additional traffic or other impacts detrimental to surrounding property and inconsistent with the subject property's mixed-use zoning. The proposed gates will not impact existing on-site shared parking since access to the parking area is provided with keycards and ticket dispensers. The site continues to maintain the reciprocal parking agreement with Old World Village.

2. The conditional use permit/entitlement plan amendment will be compatible with surrounding uses because the proposed amendment represents installation of small new equipment which will not generate additional traffic and other impacts to surrounding uses.

3. The proposed conditional use permit/entitlement plan amendment 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 and any specific condition required for the proposed use in the district in which it would be located. The proposed parking control gates will comply with all the criteria for parking controls, including adequate emergency access and vehicle stacking.

4. The granting of the conditional use permit/entitlement plan amendment will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Mixed-Use—Specific Plan on the subject property. In addition, it is consistent with the following objectives and policies of the General Plan:

   A. *Land Use Element*

Objective LU 15.1 Ensure that large scale, mixed-use, and multi-phased development projects and significant land use and activity districts achieve a consistent character, are compatible with their surrounding environment, and benefit the City.

B. *Circulation Element*

Policy CE 2.3.1 Require development projects to mitigate off-site traffic impacts and pedestrian, bicycle, and vehicular conflicts to the maximum extent possible.

Objective CE 5.1 Balance the supply of parking with the demand for parking.

Policy CE 5.1.1 Maintain an adequate supply of parking that supports the present level of demand and allow for the expected increase in private transportation use.

Policy CE 5.1.2 Provide safe and convenient parking that has minimal impacts on the natural environment, the community image, or quality of life.

The Towers at Bella Terra site is a mixed-use complex, consisting of three office towers, two medical office buildings, the Hotel Huntington Beach, a 24-Hour Fitness health club, and Buca di Beppo restaurant. The site currently has a five-level parking structure, several surface parking lots, and a subterranean parking lot for the hotel. The proposed project offers the opportunity to continue to provide well-designed and convenient off-street parking facilities. The installation of parking control gates within the subject site is proposed to improve the parking management of tenants, employees, and visitors to the site. The proposed parking control gates will comply with all the criteria for parking controls, including adequate emergency access and vehicle stacking area. The proposed parking control gates will not impact existing on-site shared parking since access to the parking area is provided with keycards and ticket dispensers. The site continues to maintain the reciprocal parking agreement with Old World Village. The demand and supply of parking will be monitored to ensure adequate provision of parking for the entire site and thus minimize impacts off-site and the surrounding developments.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2008-003/ENTITLEMENT PLAN AMENDMENT NO. 2008-003:

1. The site plan received and dated February 5, 2008, shall be the conceptually approved design.

2. Prior to issuance of building permits, the following shall be completed:
   a. The Parking Management Plan (PMP) for the One Pacific Plaza, approved by the Planning Department on April 18, 2007, shall be revised to incorporate the following:
      1) A minimum of 201 visitor parking spaces shall be provided on the first and second level, southeasterly portion of the parking structure. These spaces shall have a time restriction of one to two hours in duration.
      2) All physical barriers in the parking structure shall be prohibited with the exception of a parking control gate located at the south end of the parking structure (the access lanes located in the vicinity of 24-Hour Fitness).
      3) Directional signage to direct patrons to available self-park and valet parking areas shall be provided throughout the site.

4) There shall be no restrictions on parking spaces within the field of on-site shared parking after 6:00 PM, Monday thru Friday and all day on Saturday and Sunday.
5) All parking spaces shall be clearly marked to identify use limitations.
6) All surface level parking within the field of shared parking shall be designated and clearly identified as general visitor parking.

3. The use shall comply with the following:
   a. The parking control gates shall only operate between the hours of 7:00 AM and 6:00 PM, Monday thru Friday.
   b. The parking control gates shall be opened after 6:00 PM on weekdays and on the weekends.
   c. Parking control gates No. 1, No. 2, and No. 4 shall be equipped with an intercom system that connects to the manned booth at Gate No. 3.
   d. Directional signage shall be installed to direct patrons with or without validations to the appropriate exit.
   e. Old World Village owners, tenants, and visitors shall be provided with validations for free parking consistent with the reciprocal parking agreement as outlined in the Old World Village Parking Management Plan dated August 27, 2003.
   f. Directional signage along Huntington Village Lane shall be provided by the applicant advertising free parking for Old World Village at the subject site.

4. All conditions of approval required under Negative Declaration No. 05.01/Conditional Use Permit No. 05-15 (24-Hour Fitness) shall remain in effect with the exception of the aforementioned modifications in Condition No. 2.

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
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 Dwyer reported on the Olympics and congratulated a local resident who won a Gold Medal.

Commissioner Scandura reported on the comment letters received for the Environmental Impact Report on The Ripcurl project and thanked the Environmental Board for their contribution.

ADJOURNMENT: Adjourned at 8:25 PM to the next regularly scheduled meeting of September 9, 2008.

APPROVED BY:

Scott Hess, Secretary

Tom Livengood, Chair