

**AGENDA  
HUNTINGTON BEACH PLANNING COMMISSION**

**WEDNESDAY, JANUARY 23, 2013**

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



**CHAIR MARK BIXBY**

**VICE-CHAIR TIMOTHY J. RYAN  
COMMISSIONER ERIK PETERSON  
COMMISSIONER BOB FRANKLIN**

**COMMISSIONER BOB DINGWALL  
COMMISSIONER DAN KALMICK  
COMMISSIONER EDWARD PINCHIFF**

**DIRECTOR OF PLANNING AND BUILDING, SCOTT HESS, AICP  
LEGAL COUNSEL, PAUL D'ALESSANDRO  
ACTING PLANNING MANAGER, JANE JAMES**

**THE 7:00 PM PORTION OF THE MEETING IS TELEVISED LIVE ON CABLE TV CHANNEL 3. DVDs 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 AND BUILDING DEPARTMENT, THE CENTRAL LIBRARY AND ON THE CITY'S WEBSITE ([WWW.SURFCITY-HB.ORG](http://WWW.SURFCITY-HB.ORG)) FOR PUBLIC INSPECTION. ANY PERSON HAVING QUESTIONS ON ANY AGENDA ITEM MAY CALL THE PLANNING AND BUILDING 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.

**PUBLIC COMMENTS** (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 Public Comments. Please be advised that testimony provided on Public Hearing items during Public Comments 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 comments 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.

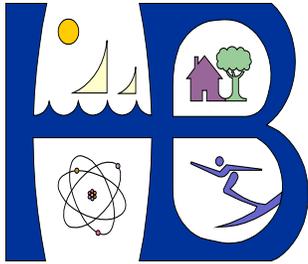
**CONSENT CALENDAR** Consent Calendar items are considered routine items that normally do not require separate consideration. The Planning Commission may make one motion for approval of all items listed under the CONSENT CALENDAR.

**NON-PUBLIC HEARING ITEMS** These items are considered by the Planning Commission separately and require separate motions. These transactions are considered ministerial 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 and Building Director for the information of the Planning Commission and the public.

**Adjournment**



## **AGENDA**

### **HUNTINGTON BEACH PLANNING COMMISSION**

**WEDNESDAY, JANUARY 23, 2013**

**HUNTINGTON BEACH CIVIC CENTER**

**2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648**

**5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)**

**CANCELLED – NO STUDY SESSION**

**7:00 P.M. – COUNCIL CHAMBERS**

**CALL PLANNING COMMISSION MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL: *Shier Burnett, Peterson, Bixby, Mantini, Delgleize, Franklin, Ryan***

**AGENDA APPROVAL**

**PRESENTATION OF PLANNING COMMISSION RESOLUTION NO. 1667 IN APPRECIATION TO OUTGOING COMMISSIONER BARBARA DELGLEIZE – Chair Mantini**

**PRESENTATION OF PLANNING COMMISSION RESOLUTION NO. 1666 IN APPRECIATION TO OUTGOING COMMISSIONER ELIZABETH SHIER BURNETT – Chair Mantini**

**PRESENTATION OF PLANNING COMMISSION RESOLUTION NO. 1665 AND PLAQUE IN APPRECIATION TO OUTGOING CHAIRPERSON JANIS MANTINI – Vice- Chair Bixby**

**RECESS TO ALLOW RE-SEATING ARRANGEMENTS FOR NEW CHAIRPERSON, VICE-CHAIRPERSON AND PLANNING COMMISSION**

**ROLL CALL: *Dingwall, Peterson, Ryan, Bixby, Kalmick, Franklin, Pinchiff***

**NOMINATION AND ELECTION OF CHAIRPERSON**

**NOMINATION AND ELECTION OF VICE-CHAIRPERSON**

**A. PUBLIC COMMENTS**

Anyone wishing to speak during PUBLIC COMMENTS must fill out and submit a form to speak. The Planning Commission can take no action on this date, unless the item is agendaized. Anyone 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 PUBLIC COMMENTS. 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 PUBLIC COMMENTS. 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 PUBLIC COMMENTS 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. APPEAL OF DESIGN REVIEW NO. 12-010 (9/11 MEMORIAL) Applicant/Artist: Patrick Vogel Appellant: Council Members Joe Shaw and Devin Dwyer Property Owner: City of Huntington Beach Request: To permit the installation of a 9/11 Memorial at the Huntington Beach Civic Center, which measures 19 ft. in height, 19 ft. in circumference and is illuminated with a water feature. Location: 2000 Main Street, 92648 (Huntington Beach Civic Center) Project Planner: Rosemary Medel**

**STAFF RECOMMENDATION:** Motion to: "Refer Design Review No. 12-010 to the City Council for discussion and action."

- B-2. CONDITIONAL USE PERMIT NO. 12-025 (RITTER'S RESTAURANT AND ALCOHOL SALES) Applicant/Business Owner: Linh Nguyen Property Owner: CIM Huntington Beach, LLC. Request: To permit the establishment of a 1,763 square foot restaurant with beer and wine sales within The Strand development. Location: 180 5<sup>th</sup> Street, Suite 130, 92648 (The Strand, southwest corner of 5<sup>th</sup> and Walnut Avenue) Project Planner: Rosemary Medel**

**STAFF RECOMMENDATION:** Motion to: "Approve Conditional Use Permit No. 12-025 with findings and suggested conditions of approval (Attachment No. 1)."

- B-3. CONDITIONAL USE PERMIT NO. 12-030 (WAHOO'S RESTAURANT LIVE ENTERTAINMENT) Applicant/Business Owner: Scott Fessenden Property Owner: Michael & Sandra Hughes Trust Request: To permit live entertainment consisting of live music, acoustic guitar, and comedy acts on an approximately 182 sq. ft. stage area within the existing restaurant. Location: 7891 Warner, 92647 (north side of Warner Avenue, west of Beach Boulevard) Project Planner: Ethan Edwards**

**STAFF RECOMMENDATION:** Motion to: "Approve Conditional Use Permit No. 12-030 with findings and suggested conditions of approval (Attachment No.1)."

- B-4. VARIANCE NO. 2012-005 (REISEN GARAGE – FORMER HOTEL EVANGELINE)**  
**Applicant/Consultant:** Brian Edwards **Property Owner:** Erich Reisen **Request:** To (a) construct an approximately 560 sq. ft. detached three car garage with a second floor storage area at a height of 23 ft., 8 in. in lieu of the maximum 15 ft. height for accessory structures and (b) allow two required open parking spaces to deviate from the parking design standards by permitting a tandem configuration on-site to provide a total six (6) on-site parking spaces (3 enclosed) as required by the Huntington Beach Zoning and Subdivision Ordinance. The subject request is in conjunction with the adaptive reuse of an existing legal non-conforming structure listed as a Historic Landmark in the City's General Plan. **Location:** 421 8<sup>th</sup> Street, 92648 (west side of 8<sup>th</sup> Street, between Orange Avenue and Pecan Avenue) **Project Planner:** Hayden Beckman

**STAFF RECOMMENDATION:** Motion to: "Approve Variance No. 12-005 with suggested findings and suggested conditions of approval (Attachment No. 1)."

- B-5. CONDITIONAL USE PERMIT NO. 12-029 / VARIANCE NO. 13-001 (SURF CITY CHRISTIAN PRESCHOOL EXPANSION)** **Applicant/Architect:** Marcus Paris, DeRevere & Associates **Property Owner:** Surf City Christian Preschool **Request:** CUP: To permit the expansion of an existing 2,890 sq. ft. preschool by constructing a new 2,800 sq. ft. building, an 18-space parking lot, and site improvements. **VAR:** To permit a 7 ft., 2 in. street side yard setback in lieu of a minimum of 10 ft. street side yard setback for the new preschool building. **Location:** 5432 Heil Avenue, 92649 (southwest corner of Graham Street and Heil Avenue) **Project Planner:** Jill Arabe

**STAFF RECOMMENDATION:** Motion to: "Continue Conditional Use Permit No. 12-029 and Variance No. 13-001 to February 26, 2013 at the applicant's request."

**C. CONSENT CALENDAR**

**C-1. PLANNING COMMISSION MINUTES DATED DECEMBER 13, 2011**

**RECOMMENDED ACTION:** Motion to: "Approve the December 13, 2011, Planning Commission Minutes as submitted."

**C-2. PLANNING COMMISSION MINUTES DATED FEBRUARY 28, 2012**

**RECOMMENDED ACTION:** Motion to: "Approve the February 28, 2012, Planning Commission Minutes as submitted."

**C-3. PLANNING COMMISSION MINUTES DATED MAY 8, 2012**

**RECOMMENDED ACTION:** Motion to: "Approve the May 8, 2012, Planning Commission Minutes as submitted."

**C-4. PLANNING COMMISSION MINUTES DATED AUGUST 14, 2012**

**RECOMMENDED ACTION:** Motion to: "Approve the August 14, 2012, Planning Commission Minutes as submitted."

**C-5. PLANNING COMMISSION MINUTES DATED SEPTEMBER 11, 2012**

**RECOMMENDED ACTION:** Motion to: "Approve the September 11, 2012, Planning Commission Minutes as submitted."

**C-6. PLANNING COMMISSION MINUTES DATED SEPTEMBER 25, 2012**

**RECOMMENDED ACTION:** Motion to: "Approve the September 25, 2012, Planning Commission Minutes as submitted."

**C-7. PLANNING COMMISSION MINUTES DATED OCTOBER 9, 2012**

**RECOMMENDED ACTION:** Motion to: "Approve the October 9, 2012, Planning Commission Minutes as submitted."

**C-8. PLANNING COMMISSION MINUTES DATED OCTOBER 23, 2012**

**RECOMMENDED ACTION:** Motion to: "Approve the October 23, 2012, Planning Commission Minutes as submitted."

**C-9. PLANNING COMMISSION MINUTES DATED NOVEMBER 13, 2012**

**RECOMMENDED ACTION:** Motion to: "Approve the November 13, 2012, Planning Commission Minutes as submitted."

**C-10. PLANNING COMMISSION MINUTES DATED NOVEMBER 27, 2012**

**RECOMMENDED ACTION:** Motion to: "Approve the November 27, 2012, Planning Commission Minutes as submitted."

**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 Dingwall –  
Commissioner Peterson –  
Vice-Chairperson Ryan –  
Chairperson Bixby –  
Commissioner Kalmick –  
Commissioner Franklin –  
Commissioner Pinchiff –

**ADJOURNMENT:** Adjourn to the next regularly scheduled meeting of Tuesday, February 12, 2013.

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 Eighty-Seven Dollars (\$1,587.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and Three Thousand Forty-Five Dollars (\$3,045.00) 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 and Building Department and on the City's website (<http://www.huntingtonbeachca.gov/>), for inspection by the public. A copy of the agenda packet is also available at the Central Library (7111 Talbert Avenue).

**DVDs 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 and Building Department, the Central Library and on the City's website ([www.surfcity-hb.org](http://www.surfcity-hb.org)) anytime on Wednesday preceding the Tuesday Planning Commission meeting.