MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JANUARY 23, 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, A Dwyer, P Shier-Burnett, A Livengood, P Shaw, P Speaker, P Scandura*

Chair Livengood was absent. Commissioner Dwyer arrived at 5:30 PM.

AGENDA APPROVAL – Commissioner Scandura recommended moving Public Comments after Item No. A-1.

A MOTION WAS MADE BY SPEAKER, SECONDED BY SCANDURA, TO MOVE PUBLIC COMMENTS AFTER ITEM NO. A-1 AND TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF JANUARY 23, 2008, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

THE AGENDA WILL RELECT ITEMS IN THEIR ORIGINAL ORDER.

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. CONDITIONAL USE PERMIT NO. 07-036 (Huntington Beach Wetlands Restoration) – Rami Talleh, Associate Planner

Rami Talleh, Associate Planner, gave an overview of proposed project and highlighted the proposed restoration phases.

Gary Gorman of the Huntington Beach Wetlands Conservancy gave a PowerPoint presentation and noted that he and consultant Chris Webb (of Moffatt Nichol) would be available to answer questions.

Commissioner Scandura raised the issue of dredging/grading and asked if the Planning Commission was strictly to decide on those particular issues. Planning Manager Herb Fauland

Commissioner Scandura raised the issue of dredging/grading and asked if the Planning Commission was strictly to decide on those particular issues. Planning Manager Herb Fauland stated that this project falls under multiple jurisdictions (Local zoning, County of Orange and Coastal Commission), and that all the issues are analyzed under the Conditional Use Permit. Director of Planning Scott Hess stated that the Planning Commission's decision will include an 'approval in concept', with final approval resting with the Coastal Commission.

Commissioner Shaw asked about removal of the dredged material, and Gorman stated that the sandy material would be transported to the beach, with the silt and clay debris being removed elsewhere. Gorman also said that the Wetlands site has been generally unchanged for thousands of years and that monitors will be onsite during the excavation process.

General discussion ensued regarding truck trips and potential adverse affects on residents. Staff noted that the County of Orange approved the Mitigated Negative Declaration, which addressed the total amount of truck trips and routes to be used. Hess commented that another Planning Commission Study Session regarding this project is slated for February 26th, with a Planning Commission Public Hearing scheduled for March 11th. The possibility of a Caltrans staging area was also discussed, and Webb said that was not required, as the trucks would be entering and leaving via Brookhurst Street (not Pacific Coast Highway). Hess asked about the Mitigated Negative Declaration notice to residents and Gorman replied that all residents beyond 300' (546 homes) had been noticed.

B. STUDY SESSION ITEMS

B-1. PLANNING COMMISSION WORKSHOP – Vice Chair Shier-Burnett

Potential times, dates, topics and location for the upcoming workshop were discussed. Herb Fauland, Planning Manager, proposed a two-hour daytime slot and asked the Planning Commissioners to advise him of their availability for weekdays in March 2008.

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Herb Fauland, Planning Manager, advised of one Late Communication for Item No. C-1 (Planning Commission Committee Assignments) and noted that there were no Late Communications for Item No. B-1 (Appeal of Zoning Administrator's Approval of Coastal Development Permit No. 07-013).

D. PLANNING COMMISSION COMMITTEE REPORTS

Commissioner Dwyer reported on his recent attendance at the Beach/Edinger corridor meeting on January 7th, and Director of Planning Scott Hess noted that another Beach/Edinger corridor workshop would be held on January 30th. Commissioner Shaw indicated that he would like to talk about similar mixed-use projects in other cities, and would also like to tour the Beach/Edinger corridor

Vice-Chair Shier-Burnett reported on the upcoming City/School District Quarterly meeting scheduled for Friday, January 25th, and the recent Environmental Board meeting.

E. PUBLIC COMMENTS - NONE

F. PLANNING COMMISSION COMMENTS

Planning Director Scott Hess reported that the City has issued demolition permits for the former Mandic Motors at 424 Main Street. Hess also mentioned that Makar Properties has submitted an entitlement plan amendment for a reduction in the number of hotel rooms and the corresponding number of parking spaces. He noted the application is currently under review by staff. Hess concluded his remarks by announcing the promotions of Mary Beth Broeren and Herb Fauland to Planning Managers and congratulated Hayden Beckman, Planning Aide, on becoming a 'Certified Green Building Professional'.

6:30 PM – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Scandura

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

Commissioner Dwyer entered the room at 7:05 PM.

AGENDA APPROVAL

A MOTION WAS MADE BY SCANDURA, SECONDED BY SPEAKER, TO APPROVE THE PLANNING COMMISSION AGENDA OF JANUARY 23, 2008, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. ORAL COMMUNICATIONS - NONE

B. PUBLIC HEARING ITEMS

B-1. APPEAL OF ZONING ADMINISTRATOR'S APPROVAL OF COASTAL DEVELOPMENT PERMIT NO. 07-013 (TADDEO RESIDENCE) **Applicant:** Greg Howell **Appellant:** Planning Commissioner Joe Shaw **Request:** To permit the demolition of an existing single family dwelling and construction of an approximately 4,194 sq. ft., two story, single family dwelling. The request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/ privacy issues, such as window alignments,

building pad height, and floor plan layout. **Location:** 16251 Typhoon Lane, 92649 (west side of Typhoon Lane, between Sagamore and Venture Drives – Trinidad Island, Huntington Harbor) **Project Planner:** Andrew Gonzales

"**STAFF RECOMMENDATION:** Motion to: "Approve Coastal Development Permit No. 07-013 with suggested findings and conditions of approval."

The Commission made the following disclosures:

- Commissioner Dwyer has listened to the audio of the January 8th Planning Commission Study Session and has spoken to the applicant and to staff.
- Commissioner Speaker has visited the site and spoken to staff.
- Commissioner Shaw has visited the site, spoken to staff and to the neighbors.
- Vice Chair Shier-Burnett has visited the site, spoken to staff and to the neighbors.
- Commissioner Scandura has visited the site, spoken to staff and to the owners (the Taddeos)
- Commissioner Farley has spoken to staff and the neighbors.

Assistant Planner Andrew Gonzales gave a PowerPoint presentation on the project.

Commissioner Scandura asked staff if further documentation or permits had been received in the last week and staff said no.

Commissioner Shaw asked if the Taddeos would be able to use the 5' easement in question after construction, and Commissioner Dwyer responded that the Planning Commission's decision is to approve or deny the Coastal Development Permit only and not to address usage rights regarding the easement.

Vice Chair Shier-Burnett stated that the definitions of what can and cannot be used are addressed in Attachment 8.14 of the Staff Report.

Discussion ensued regarding the barbecue and planter currently constructed within the Evans/Halsey easement.

THE PUBLIC HEARING WAS OPENED.

Robert Taddeo, owner, spoke in favor of the project. He said that the home has been passed down from his father with no deviation from the original plan, and that he will erect fences and barricades during the construction phase to minimize disruption to the neighbors.

Mary Taddeo, owner, spoke in favor of the project. She said that the 5' easement doesn't encroach on the neighbors' property and that they pay property taxes on a 60' x 108' lot, not a 55' by 108' lot. She noted that the barbecue and planter are actually on the Taddeo's property, and will have to be removed to allow the Taddeos to proceed with construction.

Kathy Halsey, neighbor, spoke in opposition to the project. She said that although the Taddeos maintain that the 5' easement belongs to them, Halsey has done a title search through her attorney and says that the First Deed lists the easement as the property of Lot

#125 (the Evans/Halsey residence). She said that the property description was slightly altered on the deed belonging to Robert Taddeo's father and that the reference to ownership of the 5' easement was omitted from the Taddeo's current deed. She also said that she and Don Evans purchased the permanent barbecue as part of the house.

John Erskine, attorney, said that he was in attendance to decide whether or not to represent Evans and Halsey in this matter. He said that First American Title made a mistake regarding ownership of the easement. He also said that the Taddeos don't intend to start construction, but will arbitrate. He suggests a continuance.

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

Senior Deputy City Attorney Leonie Mulvihill advised that the City shouldn't enforce private easement rights and noted that resolution between the neighbors would be required, since the Conditional Use Permit doesn't address the disputed easement area.

Commissioner Dwyer asked if the easement ownership is eventually proved to be in error on the current deed, then what would be the City's purview? Commissioner Speaker noted that the Planning Commission must decide if the project meets requirements, not to decide on easement ownership issues.

Commissioner Scandura recommended moving forward with a decision based on the documents at hand and assuming the project is compliant with existing codes.

Director of Planning Scott Hess said that there is no new documentation that would change staff's original recommendation of approval.

Commissioner Farley indicated that he recommends approval of the project by the Planning Commission and suggest private mediation between the neighbors.

A MOTION WAS MADE BY SHAW, SECONDED BY SCANDURA, TO APPROVE COASTAL DEVELOPMENT PERMIT NO. 07-013 WITH SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS AND CONDTIONS OF APPROVAL

COASTAL DEVELOPMENT PERMIT NO. 2007-013

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator 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 is located within an urbanized residential zone and involves the construction of a new single family dwelling.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2007-013:

1. Coastal Development Permit No. 2007-013 for the demolition of an existing single family dwelling and construction of an approximately 4,194 sq. ft., two story, single family dwelling conforms with the General Plan, including the Local Coastal Program land use designation of Residential Low-Density. The project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage development within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a previously developed site, contiguous to existing residential development.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code, including maximum site coverage, maximum building height, minimum yard setbacks, and minimum on-site parking.

3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer and roads.

4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access or impact public views to coastal resources.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2007-013:

1. The site plan, floor plans, and elevations received and dated October 9, 2007, shall be the conceptually approved design.

2. Prior to submittal of building permits, an exhibit shall be provided to the Planning Department verifying that the proposed first floor nook, kitchen, and laundry room windows will not align with first floor windows of the adjacent residence to the north. Any windows on the new residence that line up with those on the adjacent residence shall be moved so as not to align with existing windows.

3. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (http://www.usgbc.org/DisplayPage.aspx?CategoryID=19) or Build It Green's Green Building Guidelines and Rating Systems (http://www.builditgreen.org/index.cfm?fuseaction=guidelines).

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

C-1. PLANNING COMMISSION COMMITTEE ASSIGNMENTS – Vice Chair Shier-Burnett

RECOMMENDATION: Motion to: "Approve Planning Commission Committee Assignments as submitted."

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

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

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
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 Farley – None

Commissioner Dwyer – None

Vice Chairperson (Acting Chair) Shier-Burnett – thanked outgoing Chairman Scandura for his assistance. Shier-Burnett also spoke of her attendance at a California State Assembly hearing and noted that public speakers were only allowed to state their name, city of residence and whether or not they were for or against a proposal; she noted that the City's practice of allowing public speakers four minutes to address items ensures a more informed decision making process.

Chairperson Livengood – Absent

Commissioner Shaw – thanked the Planning Commission and staff for their efforts.

Commissioner Speaker - None

Commissioner Scandura – thanked Acting Chair Shier-Burnett for running the meeting.

Adjourned at 7:48 p.m. to the next regularly scheduled meeting of Tuesday, February 12, 2008.

Note: Staff announced that the February 12, 2008, meeting is tentatively scheduled to be cancelled.

APPROVED BY:

Scott Hess, Secretary

Tom Livengood, Chair