

CITY OF FOUNTAIN VALLEY
REGULAR MEETING OF THE PLANNING COMMISSION
FOUNTAIN VALLEY COUNCIL CHAMBERS

APRIL 8, 2009

MINUTES

CALL TO ORDER

The Fountain Valley Planning Commission meeting was called to order at 7:00 p.m. in the City Council Chambers.

SALUTE TO THE FLAG

Chair Drilling led the salute to the flag.

ROLL CALL

Commissioners present: Drilling, Gaston, Jensen, Proctor, Walker
Commissioners absent: Frank (arrived late)
Staff members present: Andy Perea, Planning Director, Steven Ayers, Planner, Matt Jenkins, Assistant Planner, Cyndee Alvarez, Planning Secretary

APPROVAL OF MINUTES

The Planning Commission minutes of March 11, 2009, were approved as amended by a unanimous vote.

Chair Drilling stated that it was customary for Commissioners to visit applicant sites; that unless any Commissioner had further disclosure statements at this time, it may be stated that no contact was made during the site visit with the applicant, his/her agent, or neighbors of the proposed project.

PUBLIC HEARINGS

1. CODE AMENDMENT 09-01 – An Amendment to the M-1 Manufacturing Use Zone Permitted Use List to Add “Specialty Sporting Goods Store and to Section 21.90.020 Regarding the Definition of Specialty Sporting Goods Store - Petition submitted by Sean McCoy on behalf of Sukut Real Properties to modify the permitted uses in the M-1 zone to allow “specialty sporting goods stores” subject to a Conditional Use Permit.

Chair Drilling opened the public hearing.

Andrew Perea, Planning Director, presented the staff report. He stated that Sukut Real Properties owns a property on Euclid Street which is currently the home of Sports Page Soccer Warehouse; Sukut Real Properties submitted a Code Amendment to permit "Specialty Sporting Goods Stores" in the M-1 Manufacturing Zone subject to Conditional Use Permit approval; that a "Specialty Sporting Goods Store" would be defined as "an establishment primarily engaged in the retail sales of a specialized line of sporting goods and equipment, including but not limited to baseball, football, basketball, soccer, tennis, golf, bicycles, lacrosse, dance or other sports; does not include retail establishments selling a variety of goods and equipment for multiple sports" and that the M-1 Manufacturing Zone currently limits retail sales to items such as furniture, furnishings and appliances, automobiles and auto parts, garden supplies and equipment, lumber yards and recreational vehicles; staff believes a parking demand of 3 spaces per 1000 sq. ft. of the building area will meet parking demands; and that staff recommends that the Planning Commission recommends that the City Council approve Code Amendment No. 09-01 to permit "Specialty Sporting Goods Store" subject to Conditional Use Permit approval.

Applicant Andy Walburger, Sukut Real Properties, was present to answer any questions.

Chair Drilling closed the public hearing.

Commissioner Walker motioned to adopt Resolution No. 09-06 recommending that the City Council adopt Code Amendment 09-01 amending Fountain Valley Municipal Code 21.10.030 to permit "Specialty Sporting Goods Store" as a permitted use in the M-1 Manufacturing zone, subject to Conditional Use Permit approval, amending Section 21.90.020 to add a definition for "Specialty Sporting Goods Store" and to establish parking requirements for "Specialty Sporting Goods Store".

Vice Chair Jensen seconded the motion.

By a unanimous vote, the Planning Commission adopted Resolution No. 09-06 recommending that the City Council adopt Code Amendment 09-01.

Mr. Perea stated that this item will be going to the City Council for a public hearing tentatively set for May 5, 2009.

2. VERIZON WIRELESS – CONDITIONAL USE PERMIT NO. 1669

Petition submitted by Core Communications on behalf of Verizon Wireless to install a new wireless communications facility consisting of twelve (12) panel antennas, four (4) GPS antennas, and one (1) microwave dish on a new 50'-0" monopalm located at 16061 Brookhurst Street.

Matt Jenkins, Assistant Planner, stated that Verizon Wireless submitted a letter requesting a continuance to May 13, 2009.

Vice Chair Jensen motioned to continue this item to the Planning Commission meeting of May 13, 2009.

Commissioner Gaston seconded the motion.

By a unanimous vote, the Planning Commission continued the item to the Planning Commission meeting of May 13, 2009.

3. QUY N. KIM, DDS – CONDITIONAL USE PERMIT NO. 1670

Petition submitted by Andrew and Quy Kim, DDS to establish and operate a Pediatric Dental Practice in the Los Caballeros Sports Park complex located at 17220 Newhope Street, Suite 201.

Chair Drilling opened the public hearing.

Steven Ayers, Planner, presented the staff report. He stated that the dental office will be located in a 1,480 sq. ft suite in the 43,440 sq. ft. Plaza Del Lago building located on the east side of Newhope Street, in Planning Area C of the Newhope/Warner Specific Plan; In Area C of the Specific Plan, medical clinics, offices, laboratories are permitted; the proposed office hours will be from 9:00 a.m. to 6:00 p.m. Monday through Thursday, 9:00 a.m. to 2:00 p.m. on Friday and no time on Saturday or Sunday; that Quy N. Kim, DDS will operate the business with her husband, who is also a dentist, and a staff of four assistants; that staff feels that the proposed medical office use will not create a parking or land use problem and supports the request as submitted.

Mr. Carm Gallo, 17220 Newhope Street, Unit 224, representative for the Kim's was present to answer any questions.

Commissioner Walker suggested to Mr. Gallo that the hours of operation should be 9:00 a.m. to 6:00 p.m. Monday through Friday to allow for a later expansion of their hours.

Mr. Gallo agreed to change the hours of operation to 9:00 a.m. to 6:00 p.m.

Chair Drilling closed the public hearing.

Chair Drilling motioned to adopt Resolution No. 09-08 approving Conditional Use Permit No. 1670 for a dental practice located at 17220 Newhope Street, Unit 201, with the change to Condition Number 11, extending the hours of operation to 6:00 p.m. on Fridays.

Commissioner Walker seconded the motion.

By a unanimous vote, the Planning Commission adopted Resolution No. 09-08 approving Conditional Use Permit No. 1670.

4. COASTLINE BEAUTY COLLEGE – CONDITIONAL USE PERMIT NO. 1509M & VARIANCE NO. 268 - Petition submitted by Tom Do to expand the services provided to include holistic massage instruction, to increase the sq. ft. of the existing beauty school, and variance to exceed the limitations of the parking code for the Coastline Beauty College located at 10840 Warner Avenue, Ste. 207.

Chair Drilling opened the public hearing.

Mr. Ayers presented the staff report. He stated that with the proposed expansion, the school will continue to train students in hair styling, cosmetology, manicure, make-up and skin care and will expand to offer holistic massage instruction; the suite will be expanding from roughly 3,500 sq. ft. to just over 6000 sq. ft.; that the school will increase from 75 to 138 students; that the parking code requires one parking space per student for a private trade or business school; there are currently 259 parking spaces in the center; with the increase of the students there will be a demand of 348 spaces; the applicant applied for a parking variance and submitted a parking study performed by Kunzman Associates to support their request; the study analyzed the shopping center during peak times on three different days as well as the students mode of transportation to the school; that during this time the applicant has been in close contact with the Building Official and the Division of State Architect regarding the necessity of adding an elevator to the building because of ADA accessibility rules; staff has included a condition that if the elevator is deemed necessary by the Building Official and State Architect, the elevator will be constructed to match the existing building and shall be subject to the review of the Planning Director; staff has reviewed the variance proposal and feels the applicant has demonstrated there is a land hardship as well demonstrated that at peak hours the shopping center will provide enough parking for the existing and proposed uses; that concludes the staff report.

Applicant Tom Do, 10840 Warner Avenue, Suite 207, was present to answer any questions from the Commission.

Chair Drilling asked Mr. Do if he agreed with the Conditions of Approval.

Mr. Do stated that yes, he did.

Discussion ensued regarding the parking survey.

Commissioner Proctor requested clarification regarding total square footage of this project.

Discussion ensued regarding the expansion of the Beauty College.

Chair Drilling closed the public hearing.

Commissioner Walker motioned to adopt Resolution No. 09-09 approving Conditional Use Permit No. 1509M and Resolution No. 09-10 approving Variance No. 268 to expand the Coastline Beauty College into the adjacent suites, provide holistic massage instruction, and exceed the limitations of the parking code for the Coastline Beauty College located at 10840 Warner, Suite 207.

Vice Chair Jensen seconded the motion.

Motion approved 4-1 with Commissioner Proctor voting no.

At 7:25 p.m. Mr. Perea stated for the record that Commissioner Frank had arrived and that Commissioner Frank would now be a voting member on the Commission.

5. COASTLINE BEAUTY CLINIC – CONDITIONAL USE PERMIT NO. 1654 & VARIANCE NO. 269 - Petition submitted by Tom Do for the establishment of a supervised Hair Clinic Salon that will allow students to cut hair and a variance to exceed the limitations of the parking code for the beauty salon school located at 10810 Warner Street, Suite 11.

Chair Drilling opened the public hearing.

Mr. Ayers presented the staff report. He stated that the existing salon has been operating since 2001 as a hair salon which is a permitted use in the C-1 commercial zone; that recently Tom Do started using the business as a training facility for his students at Coastline Beauty College in the building located at 10840 Warner Avenue, Suite 207; that the proposed use will provide a learning environment for Coastline Beauty College students to gain experience in haircuts, hairstyling, hair design, skin care, and manicuring.

Applicant Tom Do, 10840 Warner Avenue, Suite 207, was present to answer any questions from the Commission.

Chair Drilling asked if Mr. Do agreed with the Conditions of Approval.

Mr. Do stated that he did accept the Conditions of Approval.

Chair Drilling closed the public hearing.

Commissioner Gaston motioned to adopt Resolution No. 09-11 approving Conditional Use Permit No. 1654 and Resolution No. 09-12 approving Variance No. 269 to establish and operate a beauty clinic at the existing hair salon located at 10810 Warner Avenue, Suite 11.

Commissioner Frank seconded the motion.

By a unanimous vote, the Planning Commission adopted Resolution No. 09-11 approving Conditional Use Permit No. 1654 and Resolution No. 09-12 approving Variance No. 269.

Mr. Perea suggested that Public Hearing items 6, 7, 8 and 9 could be conducted concurrently; that the items are located at 10700 Spencer, Units 100, 120,130, and 140.

Chair Drilling read the following items concurrently:

6. ECO CHIC – CONDITIONAL USE PERMIT NO. 1660
Petition submitted by Michael C. Adams and Associates on behalf of Itzhak Shabtai to establish and operate 3,700 sq. ft. commercial suite for sales of household goods and home furnishings within the existing 53,500 sq. ft building located at 10700 Spencer Avenue Suite 120.
7. ART SHOW – CONDITIONAL USE PERMIT NO. 1661
Petition submitted by Michael C. Adams and Associates on behalf of Itzhak Shabtai to establish and operate a 5,700 sq. ft. commercial business (2,900 sq. ft indoor and 2,800 sq. ft. outdoor area) within the existing 53,500 sq. ft. building located at 10700 Spencer Avenue Suite 140.
8. HOME & GARDEN – CONDITIONAL USE PERMIT NO. 1662
Petition submitted by Michael C. Adams and Associates on behalf of Itzhak Shabtai to establish and operate 13,000 sq. ft. commercial business (3,000 sq. ft. indoor and 10,000 sq. ft. outdoor area) within an existing 53,500 sq. ft. building located at 10700 Spencer Avenue Suite 130.

9. RUGS PLUS – CONDITIONAL USE PERMIT NO. 983M

Petition submitted by Michael C. Adams and Associates on behalf of Itzhak Shabtai to establish a 42,100 sq. ft. commercial suite for sales of household goods and home furnishings within the existing 53,500 sq. ft. building located at 10700 Spencer, Avenue Suite 100.

Mr. Ayers presented the staff report. He stated that he would read the items concurrently; he stated that Conditional Use Permit No. 1660, Echo Chic applicants request to establish a 3,700 sq. ft commercial suite for the sales of household goods and furnishings within the existing 53,500 sq. ft building located at 10700 Spender Avenue, Suite 120; that the 53,500 sq ft. subject building shares a parking lot with the office building to the south and complies with the parking code; that proposed hours of operation are from 9:00 a.m. to 6:00 p.m. seven days a week and the applicant has proposed to have on more than three employees and that staff supports the request as submitted.

Mr. Ayers then stated that the next item, Conditional Use Permit No. 1661, Art Show request is to establish a 5,700 sq. ft. commercial suite for the sales of household goods and furnishings within the existing 53,500 sq. ft. building located at 10700 Spencer Avenue, Suite 140; that there is one point of clarification on this item condition number 26 should be change to say, "There shall be no outdoor storage or display of any kind beyond area shown on the site plan marked Exhibit A"; that the proposed hours of operation are from 9:00 a.m. to 6:00 p.m. seven days a week and the applicant has proposed to have on more than three employees; and that staff supports the request with the clarification to condition number 26.

Mr. Ayers stated that the next request for Conditional Use Permit No. 1662, Home and Garden, request is to establish and operate a 13,000 sq. ft. commercial suite for the sales of household goods and furnishings within the existing 53,500 sq. ft building located at 10700 Spencer Avenue, Suite 130; that there is one point of clarification on this item regarding condition number 26. It should be changed to state, "There shall be no outdoor storage or display of any kind beyond area shown on the site plan marked Exhibit A"; that the proposed hours of operation are from 9:00 a.m. to 6:00 p.m. seven days a week and the applicant has proposed to have on more than three employees and that staff supports the request with the clarification to condition number 26.

Mr. Ayers stated that the next item, Conditional Use Permit No. 983M, that the applicant request is to establish a 39,900 sq. ft commercial suite for the sales of household goods and furnishings within the exiting 53,500 sq. ft. building located at 10700 Spencer Avenue, Suite 100; that the request will modify the existing Conditional Use Permit No. 983 to shrink the approved floor plan of the business and to allow space for the subdivision of other businesses within the

existing 53,500 sq. ft. building and that proposed hours of operation are from 9:00 a.m. to 6:00 p.m. seven days a week and that the applicant has proposed to have no more than 12 employees; that staff supports the request as submitted.

Mr. Ayers stated that the applicant was present to answer any questions that the commission might have

Mike Adams, Mike Adams Associates, P.O. Box 382, Huntington Beach, was present to answer any questions. He stated that he would like to that Mr. Perea and the staff; he stated that he and his client agreed with the Conditions of Approval on all items.

Chair Drilling closed the public hearing.

Commissioner Frank moved to adopt Resolution No. 09-13 approving Conditional Use Permit No. 1660.

Vice Chair Jensen seconded the motion.

By a unanimous vote, the Commission adopted Resolution No. 09-13 approving Conditional Use Permit No. 1660.

Commissioner Frank moved to adopt Resolution No. 09-14 approving Conditional Use Permit No. 1661 with the modification to condition number 26 as noted by staff.

Commissioner Walker seconded the motion.

By a unanimous vote, the Commission adopted Resolution No. 09-14 approving Conditional Use Permit No. 1661.

Commissioner Frank moved to adopt Resolution No. 09-15 approving Conditional Use Permit No. 1662 with the modification to condition number 26 as noted by staff.

Chair Drilling seconded the motion.

By a unanimous vote, the Commission adopted Resolution No. 09-15 approving Conditional Use Permit No. 1662 with the modification to condition number 26 as noted by staff.

Commissioner Frank motioned to adopt Resolution 09-16 approving Conditional Use Permit No. 983M as submitted.

Vice Chair Jensen seconded the motion.

By a unanimous vote, the Commission adopted Resolution No. 09-16 approving Conditional Use Permit No. 983M.

OLD BUSINESS

None

NEW BUSINESS

10. SIGN COMMITTEE MEETING UPDATE

An update of the Sign Committee actions from the April 8, 2009 meeting.

2000 PLUS RESTAURANT EQUIPMENT – SIGN PERMIT NO. 09-05

Petition submitted to install one illuminated channel letter sign at 11065 Condor.

TEAKWOOD WAREHOUSE – SIGN PERMIT NO. 09-06

Teak Warehouse has submitted a request to install two non illuminated foam channel letters at 18065 Euclid.

Mr. Perea informed the Planning Commission that both items were unanimously approved.

COMMISSION COMMENTS

Chair Drilling stated that she attended a workshop at the 2009 Planner Institute and that she had comments regarding information she heard at the meeting. The comments were as follow: 1) Chair Drilling suggested Planning Commission packets be delivered a minimum of 7-10 days before each meeting to provide Commissioners more time to review the reports; 2) that she would like to participate earlier in the design review process for larger projects; 3) She suggested annual joint City Council/Planning Commission Workshops; 4) she also requested a “panic button” be installed in the Council Chamber; 5) Chair Drilling asked staff about the authority of the Planning Commission; 6) Chair Drilling asked for information regarding the Permit Streamlining Act

Commissioner Proctor asked why there was no City Attorney representation at Planning Commission meetings.

Mr. Perea stated that these items are going to be placed on the May 13, 2009, agenda to allow the Commission to further discuss the issues and to allow staff to respond to some of the questions and comments in conformance with Brown Act requirements.

Mr. Perea stated that there will be two Planning Commission and Sign Committee meetings held in the month of May.

ADJOURNMENT

The Planning Commission meeting of April 8, 2009, was adjourned at 7:50 p.m. to the next regularly scheduled Planning Commission meeting of May 13, 2009.

APPROVED:

Chairperson

Secretary