



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, SEPTEMBER 28, 2010
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL: *P* *P* *P* *P* *P* *P* *P*

Mantini, Scandura, Speaker, Farley, Shier Burnett, Delgleize, Livengood

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SHIER BURNETT, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF SEPTEMBER 28, 2010, BY THE FOLLOWING VOTE:

AYES: Mantini, Scandura, Speaker, Farley, Shier Burnett, Delgleize, Livengood
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

- A-1. **GENERAL PLAN AMENDMENT NO. 10-002/ZONING TEXT AMENDMENT NO. 10-002/ZONING MAP AMENDMENT NO. 10-001/LOCAL COASTAL PROGRAM AMENDMENT NO. 10-001/ANNEXATION NO. 10-001/DRAFT NEGATIVE DECLARATION NO. 10-005 (SUNSET BEACH SPECIFIC PLAN AND ANNEXATION) – Mary Beth Broeren, Planning Manager**

Mary Beth Broeren, Planning Manager, gave a brief overview and status update on the project.

Commissioner Mantini asked staff if the Huntington Beach Police Department already provides support to the Sunset Beach area. Ms. Broeren indicated that the Huntington Beach Fire Department currently provides 80 percent of the service to Sunset Beach and the Huntington Beach Police Department provides less than 80 percent of the support, citing statistics on Attachment 8.79.

Commissioner Scandura asked the Police Department representative to address the potential impacts of adding Sunset Beach.

There was a brief discussion on the uses allowed in the Visitor-Serving Commercial districts.

Chair Farley asked staff if there is a current list of nonconforming structures in Sunset Beach. Ms. Broeren indicated that the County does have a list on file and the City will request a copy.

A-2. GENERAL PLAN CONFORMANCE NO. 10-004 (DISPOSITION OF SEVEN SURPLUS CITY PARCELS) – Rosemary Medel, Associate Planner

Rosemary Medel, Associate Planner, gave a brief overview and status update on the project.

Commissioner Scandura asked staff for the appraised value of the triangle shaped parcel. Jason Machado, Economic Development Department, stated that with the relocation of the power lines, the appraised value is about \$280,000.

B. STUDY SESSION ITEMS

B-1. CONDITIONAL USE PERMIT NO. 08-052 (BRETHREN CHRISTIAN HIGH SCHOOL UPDATE) – Jason Kelley, Senior Planner

Jason Kelley, Senior Planner, gave a brief overview and status update on the project.

Commissioner Mantini asked staff what the general attendance is for the Traffic Committee meetings. Mr. Kelley indicated that an estimated 10-15 residents attend these meetings.

Scott Hess, Director of Planning and Building, asked how many notices are sent out prior to the Traffic Committee meetings. Mr. Kelley stated that around 300 notices are sent out.

Chair Farley asked staff to report on the traffic reporting issues. Mr. Kelley stated that the conditions of approval require that the school maintain a log of traffic complaints and make that log available upon request. Chair Farley asked if the traffic log was present at the Traffic Committee meetings. Mr. Kelley stated that it was not and that residents had been instructed to get copies of the log from the City.

There was a brief discussion on the city owned lights. Dave Dominguez, Facilities, Development, and Concessions Manager, indicated that city staff is meeting with lighting companies to address the glare issues.

Commissioner Mantini asked if traffic citations had been issued at that site. David Bunetta, Police Captain, stated that he did not have any statistics but that he was not aware of any increase in traffic issues at that site.

C. PUBLIC COMMENTS

Rick Niswonger, Brethren Christian Schools, , spoke regarding Item No. B-1, stating that the school takes the Traffic Committee and the traffic complaints very seriously and has suspended students for traffic violations. He noted that the school has had a stop sign installed to help reduce speeding and traffic incidents.

Robert Rudd, Brethren Christian Schools, spoke regarding Item No. B-1, stated that the school is taking the residents' complaints seriously and are attempting to alleviate the concerns of the residents.

There was a brief discussion on the peak traffic times and Commissioner Delgleize asked Mr. Rudd if there had been improvements in the community regarding the traffic issues. Mr. Rudd stated that the majority of neighbors seem content with the changes but a vocal minority continue to have concerns.

D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Herb Fauland, Planning Manager, reviewed the items for tonight's meeting. He noted that there is one Late Communication for Item No. B-1 and three Late Communications for Item No. B-2.

E. PLANNING COMMISSION COMMITTEE REPORTS – NONE

F. PLANNING COMMISSION COMMENTS

Commissioner Livengood asked staff to report on a proposal for a WalMart at Edinger Avenue and Goldenwest Street. Scott Hess, Director of Planning and Building, stated that no proposal has been submitted.

6:15 P.M – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Livengood

ROLL CALL: *P* *P* *P* *P* *P* *P* *P*
Mantini, Scandura, Speaker, Farley, Shier Burnett, Delgleize, Livengood

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SCANDURA, TO MOVE ITEM NOS. C-1 AND D-1 BEFORE ITEM NO. B-1 AND TO APPROVE THE PLANNING COMMISSION AGENDA OF SEPTEMBER 28, 2010, BY THE FOLLOWING VOTE:

AYES: Mantini, Scandura, Speaker, Farley, Shier Burnett, Delgleize, Livengood
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

THE MINUTES WILL REFLECT ITEMS IN THEIR ORIGINAL ORDER.

A. ORAL COMMUNICATIONS - NONE

B. PUBLIC HEARING ITEMS

- B-1. APPEAL OF ZONING ADMINISTRATOR'S APPROVAL OF CONDITIONAL USE PERMIT NO. 10-017 (PIERSIDE PAVILION CARTS) Applicant/ Appellant: Michael Adams, Michael C. Adams Associates Property Owner: Joe Daichendt, Pierside Pavilion LLC Request: To permit the establishment and operation of 18 carts and kiosks within the Pierside Pavilion development along Main Street (public property) and Pacific Coast Highway (private property). This request was approved by the Zoning Administrator on June 16, 2010. Location: 300 Pacific Coast Highway, 92648 (northeast corner of Pacific Coast Highway and Main Street) Project Planner: Ethan Edwards**

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 10-017 with suggested findings and conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Mantini has visited the site.
- Commissioner Scandura has visited the site and served on the Planning Commission during the approval process for previous entitlements at this site.
- Vice Chair Speaker has listened to the audio of the study session and visited the site.
- Chair Farley has visited the site and attended the study session.
- Commissioner Shier Burnett has visited the site and attended the study session.
- Commissioner Delgleize has visited the site and spoken to the applicant and property owner.
- Commissioner Livengood has visited the site.

Ethan Edwards, Associate Planner, gave the staff presentation and an overview of the project.

Commissioner Delgleize asked staff to explain why two carts were recommended along Main Street when the previous entitlements allowed none. Mr. Edwards indicated that the Zoning Administrator reviewed new information and found it reasonable to allow a maximum of two carts at specific locations along Main Street.

Commissioner Livengood indicated that he would prefer stronger language to insure that the merchandise on the carts does not compete with the existing retailers.

Commissioner Scandura asked if the previous entitlements in 2000 and 2003 had been appealed to the Planning Commission. Mr. Edwards indicated that they had not.

Commissioner Mantini inquired about any change in pedestrian traffic along Main Street since the original entitlement. Mr. Edwards indicated that pedestrian traffic has increased, noting that temporary outdoor sales have reduced the available area. Mr. Edwards noted that the two proposed carts would still allow 10-14 feet of thoroughfare and would not obstruct the public view.

Commissioner Shier Burnett asked staff if two carts along Main Street could operate in conjunction with the temporary outdoor sales. Mr. Edwards stated that staff considered there to be adequate clearance for pedestrian traffic with both the outdoor sales and the proposed carts in operation.

Commissioner Scandura asked if the existing Pierside Pavilion sign posed any conflicts with the placement of the proposed carts. Mr. Edwards stated that all carts would be required to have a minimum four foot separation from any permanent street furniture or sign.

THE PUBLIC HEARING WAS OPENED.

Mike Adams, applicant, spoke in support of Item No. B-1. He indicated that the existing Pierside Pavilion sign would be removed due to the removal of the existing movie theatre. Mr. Adams stated that the intent of having additional carts along Main Street and Pacific Coast Highway is to lessen the impact to the neighboring residential uses. Mr. Adams noted that the intersection has been converted to a scramble intersection which alleviates some of the pedestrian traffic along the Main Street corridor. Mr. Adams stated that the applicant is willing to relocate the carts from Main Street to the plaza on days when the temporary outdoor sales are in operation if there are conflicts.

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

Commissioner Livengood suggested that the Commission consider allowing only two carts along Main Street, six carts on Pacific Coast Highway, and six carts inside the plaza.

Commissioner Scandura noted that the cart footprint is closer to 5 ft. by 10 ft. and suggested that the Commission consider up to four carts along Main Street, up to four along Pacific Coast Highway and six to eight carts inside the plaza.

Commissioner Mantini suggested the operating hours end earlier for the carts located in the plaza to alleviate the impact to neighboring residents. She stated that she felt the pedestrian corridors on Pacific Coast Highway and Main Street were too crowded to allow six carts in each.

Vice- Chair Speaker asked if the Commission could approve fewer than 18 carts and Mr. Edwards confirmed this.

Commissioner Shier Burnett stated that she felt the pedestrian traffic is too heavy to allow carts along Main Street and limiting the number of carts in the plaza to under eight. She recommended that there be a six month review of the project. She also recommended that if carts are approved along Main Street then a condition be added prohibiting operation during the temporary outdoor sales.

There was a brief discussion on the language for the condition to prohibit direct competition with existing retail businesses.

Commissioner Scandura asked that a condition be added to prohibit cart operation during the temporary outdoor sales.

Mr. Adams indicated that the property owner would like the ability to relocate the carts from Main Street to the plaza during the outdoor sales.

There was a brief discussion on the potential number and placement of the proposed carts. Commissioner Livengood recommended that straw votes be taken.

STRAW VOTE #1

A motion was made by Scandura, seconded by Livengood, to approve two carts along Main Street.

**AYES: Delgleize, Livengood
NOES: Mantini, Scandura, Speaker, Farley, Shier Burnett
ABSTAIN: None
ABSENT: None**

MOTION FAILED

STRAW VOTE #2

A motion was made by Mantini, seconded by Shier Burnett, to allow no carts along Main Street.

**AYES: Mantini, Farley, Shier Burnett, Delgleize
NOES: Scandura, Speaker, Delgleize
ABSTAIN: None
ABSENT: None**

MOTION APPROVED

STRAW VOTE #3

A motion was made by Livengood, seconded by Speaker, to approve six carts along Pacific Coast Highway.

**AYES: Speaker, Farley, Delgleize, Livengood
NOES: Mantini, Scandura, Shier Burnett
ABSTAIN: None
ABSENT: None**

MOTION APPROVED

STRAW VOTE #4

A motion was made by Speaker, seconded by Livengood, to approve eight carts inside the Pierside Pavilion plaza.

**AYES: Mantini, Scandura, Speaker, Shier Burnett, Delgleize Livengood
NOES: Farley
ABSTAIN: None
ABSENT: None**

MOTION APPROVED

STRAW VOTE #5

A motion was made by Speaker, seconded by Scandura, to reconsider Straw Vote #1 to approve two carts along Main Street with a review in one year.

**AYES: Scandura, Speaker, Delgleize
NOES: Mantini, Farley, Shier Burnett, Livengood
ABSTAIN: None
ABSENT: None**

MOTION FAILED

Scott Hess, Director of Planning and Building, noted that the findings for approval would need to be revised to address the revised cart locations. There was a brief discussion regarding the findings for approval and the Commission agreed to revisions eliminating any carts along Main Street and limit the number in the plaza to six.

Mike Vigliotta, Deputy City Attorney, recommended that the condition of approval prohibiting merchandise in direct competition with existing retail be at the Director of Planning and Building's discretion and the Commission agreed with this recommendation.

Mr. Hess stated that staff did not support a one year review. The Planning Commission decided not to require a one year review.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY DELGLEIZE, TO APPROVE CONDITIONAL USE PERMIT NO. 10-017 WITH REVISED FINDINGS AND REVISED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

**AYES: Mantini, Scandura, Speaker, Farley, Shier Burnett, Delgleize, Livengood
NOES: None
ABSENT: None
ABSTAIN: None**

MOTION APPROVED

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1—*Existing Facilities*, because the project involves a minor modification to the operation of the existing development involving negligible expansion of an existing use.

FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 10-017:

1. Conditional Use Permit No. 10-017 for the establishment, maintenance and operation of 14 commercial carts and kiosks within the Pierside Pavilion development (six carts on private property along Pacific Coast Highway, and the remaining eight carts on private property within the southeasterly plaza area fronting Pacific Coast Highway) 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. Increased activity on and adjacent to the project site including outdoor sales, temporary activities and events have increased pedestrian congestion in the project vicinity and therefore the sidewalk along Main Street cannot accommodate carts and kiosks. As conditioned, the parallel orientation of carts and kiosks with Pacific Coast Highway will not impede pedestrian access and will maintain public views. The location of the carts and kiosks are designed to complement existing businesses and activate pedestrian corridors while remaining cognizant of adjacent residences by minimizing placement in close proximity to adjacent residential uses (i.e., Pier Colony) to reduce potential noise impacts. Based upon the conditions imposed, the operation will not impact pedestrian circulation, nor will the operation impact the surrounding businesses and residential uses.
2. The conditional use permit will be compatible with surrounding uses because the ancillary operation of commercial carts and kiosks is consistent with the zoning designation and does not represent a significant change from the existing commercial use. The site currently includes carts and kiosks and the conditional use permit will allow for the modified continuation of this ancillary use.
3. The proposed conditional use permit 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. As conditioned, the project complies with all aspects of the SP5 (Downtown Specific Plan) including parking, onsite circulation, and setbacks. Carts and kiosks are permitted within the SP5 (Downtown Specific Plan) with the approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of MV-F12-sp-pd (Mixed Use Vertical - 3.0 max. floor area ratio - 30 du/ac max. - Specific Plan Overlay - Pedestrian Overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Land Use Element

Goal LU 7: Achieve a diversity of land uses that sustain a City's economic viability, while maintaining the City's environmental resources and scale and character.

Policy LU 7.1.1: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Goal LU 11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Policy LU 15.2.2: Require that uses in the Pedestrian Overlay District be sited and designed to enhance and stimulate pedestrian activity along the sidewalks. Assure that areas between building storefronts and public sidewalks are visually and physically accessible to pedestrians.

The proposed carts and kiosks increases the economic viability of the downtown by providing additional shopping opportunities, additional employment opportunities and captures visitor and tourist activity within the downtown. The project site is located in a mixed-use district of the downtown area and within walking distance of several downtown parking facilities as well as residential uses thus reducing the need for automobile use and increasing the need for pedestrian amenities. The carts and kiosks will further stimulate pedestrian activity along Pacific Coast Highway. As conditioned, the carts and kiosks will provide adequate separation and a 10 ft. wide sidewalk to ensure that the area is physically accessible to pedestrians which is consistent with other cart and kiosk locations in the downtown.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 10-017:

1. The site plan received and dated September 15, 2010, shall be the conceptually approved design with the following modifications:
 - a. Depict a minimum 4 ft. customer queuing area around each cart & kiosk. **(ZA)**
 - b. Depict a minimum 10 ft. wide clear passage area for pedestrian access along or within the public sidewalk adjacent to any customer queuing areas around the carts & kiosks. **(ZA)**
 - c. Depict a minimum eight foot wide separation between portable vending carts & kiosks. **(PD)**
 - d. Depict no carts and kiosks along Main Street, no more than 6 carts & kiosks along Pacific Coast Highway, and 8 carts & kiosks within the plaza area.
2. Prior to operation of the carts & kiosks:
 - a. One set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted to the Planning Division for review, approval and inclusion in the entitlement file.
 - b. A new or amended License Agreement, including use fees, shall be obtained from the City for portable vending carts located on public property. The applicant shall apply for an obtain approval of the license agreement from the Public Works Department prior to improvements or use of public property. The License Agreement shall be subject to termination at any time upon a 10 day prior written notice upon determination of the Planning Commission that one or more of the conditions or provisions of Section 4.2.33 or that one or more of the items listed under the Findings for Approval in this document,

- have been violated. Termination of a License Agreement shall nullify the conditional use permit. **(PW)**
3. The use of the carts & kiosks shall comply with the following:
 - a. Hours of operation shall be limited to between 10:00 AM and 10:00 PM. **(ZA)**
 - b. The employees of the carts & kiosks shall park on the second (lowest) level of the Pierside Pavilion parking structure. **(ZA)**
 - c. The areas around the carts & kiosks shall be kept free of trash. **(ZA)**
 - d. Carts & kiosks shall be removed along Main Street during the annual 4th of July Parade and the annual Light a Light of Love Parade in December. **(CS)**
 - e. Carts & kiosks shall carry merchandise that is complementary to and not carry goods deemed to be in direct competition with inline retailers. For sale merchandise shall be subject to the Director of Planning and Building's review and approval. **(ED)**
 4. The design, colors, and materials of the carts & kiosks shall match the plans dated and received September 1, 2000 (DR No. 00-45).
 5. Any trenching for proposed or required telephone and electrical conduits shall be replaced with concrete colors, textures, or pavers to match. Trenches shall be cut in a pattern that is complementary to existing concrete expansion patterns. **(ZA)**
 6. The Director of Planning and Building ensures that all conditions of approval herein are complied with. The Director of Planning and Building shall be notified in writing if any changes to cart and kiosk operations are proposed as a result of the ongoing operation and oversight of the use.
 7. Minor modifications to the plans shall be reviewed and approved by the Department of Planning and Building for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required. **(ZA)**
 8. CUP No. 10-017 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.
 9. 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>). **(ZA APPROVED)**
 10. All carts shall be maintained in a neat and clean manner. Products to be sold shall remain on the cart, no expansion of the display area or additional racks are allowed. Storage must be maintained within the cart, hidden from view, or in the parking garage if space is provided.

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.

- B-2. GENERAL PLAN AMENDMENT NO. 10-002/ZONING TEXT AMENDMENT NO. 10-002/ZONING MAP AMENDMENT NO. 10-001/LOCAL COASTAL PROGRAM AMENDMENT NO. 10-001/ANNEXATION NO. 10-001/DRAFT NEGATIVE DECLARATION NO. 10-005 (SUNSET BEACH SPECIFIC PLAN AND ANNEXATION) Applicant:** The City of Huntington Beach **Property Owner:** Various **Request: Annexation No. 10-001** is a City-initiated proposal to annex the approximately 134 acre unincorporated Sunset Beach community to the City of Huntington Beach. The property is currently located within the jurisdiction of the County of Orange. **General Plan Amendment No. 10-002** is a request to amend the General Plan Land Use Map (Figure LU-5) to establish General Plan land use designations for the Sunset Beach area as follows - approximately 22.3 acres for Residential High Density-30, 9.2 acres for Visitor Serving Commercial-Mixed Use Overlay, 13.0 acres for Public, 3.4 acres for Open Space-Water Recreation and 57.7 acres for Open Space-Shoreline. The remainder of the area is right-of-way. The entire area would also have a Specific Plan Overlay. The General Plan Amendment would designate the Sunset Beach area as Subarea 4L on the Community District and Subarea Schedule (Figure LU-6 and Table LU-4) and would amend Table LU-3 to add a reference to "specific plans" for the Mixed Use Overlay. In addition, the General Plan Amendment would update figures to reflect the change in the City's boundary, would make minor wording changes to the Utility Element and would update the Recreation and Community Services Element to reflect updated recreational amenity information. **Zoning Text Amendment No. 10-002** is a request to create the Sunset Beach Specific Plan (Specific Plan 17) that will provide development standards for the Specific Plan area. The Sunset Beach area is currently governed by a County of Orange Sunset Beach Specific Plan. **Zoning Map Amendment No. 10-001** is a request to amend the City of Huntington Beach Zoning Map to pre-zone the Sunset Beach area with the Sunset Beach Specific Plan. **Local Coastal Program Amendment No. 10-001** is a request to amend the City of Huntington Beach Local Coastal Program Land Use Plan and Implementation Plan to: 1) amend the certified Land Use Plan (Figure C-5) to establish City Land Use Designations for the Sunset Beach area consistent with the General Plan Land Use Designations described above, including designating it as Subarea 4L on the Community District and Subarea Schedule (Figure C-10 and Table C-2); 2) amend Land Use Plan Table C-1 to add a reference to "specific plans" for the Mixed Use Overlay; 3) amend various text sections of the Land Use Plan to include descriptions of the Sunset Beach area and update the figures to reflect the change in City boundary; and 4) amend the Implementation Plan to reflect the Zoning Map Amendment and Zoning Text Amendment described above. **Draft Negative Declaration No. 10-005** analyzes the potential environmental impacts associated with the General Plan Amendment, Zoning Text Amendment, pre-zoning, Local Coastal Program Amendment and

annexation of Sunset Beach. **Location:** Unincorporated Sunset Beach, located between Warner Avenue and Anderson Street on either side of Pacific Coast Highway, including the beach area **Project Planner:** Mary Beth Broeren

STAFF RECOMMENDATION: Motion to:

- A. "Approve Negative Declaration No. 10-005 with findings (Attachment No. 1)."
- B. "Approve General Plan Amendment No. 10-002 by approving the Draft City Council Resolution No. ____ (Attachment No. 2) and forward to the City Council for adoption."
- C. "Approve Zoning Text Amendment No. 10-002 with findings for approval (Attachment No. 1) by approving the Draft City Council Resolution No. ____ (Attachment No. 3) and forward to the City Council for adoption."
- D. "Approve Zoning Map Amendment No. 10-001 with findings for approval (Attachment No. 1) and forward Draft Ordinance (Attachment No. 4) to the City Council for adoption."
- E. "Approve Local Coastal Program Amendment No. 10-001 with findings for approval (Attachment No. 1) by approving the Draft City Council Resolution No. ____ (Attachment No. 5) and forward to the City Council for adoption."
- F. "Approve Annexation No. 10-001 as a minute action and forward recommendation to the City Council."

The Commission made the following disclosures:

- Commissioner Mantini has visited the site, attended the study sessions.
- Commissioner Scandura has visited the site, spoken to staff, and attended the study sessions.
- Vice Chair Speaker has visited the site and attended the study sessions.
- Chair Farley has visited the site, attended the study sessions, and spoken to residents.
- Commissioner Shier Burnett has visited the site, attended the study sessions and attended the Sunset Beach Area Council Committee meetings.
- Commissioner Delgleize has visited the site, attended the study sessions, and attended meetings with the residents.
- Commissioner Livengood has visited the site, attended the study sessions, and spoken with Police Captain David Bunetta and other staff.

Mary Beth Broeren, Planning Manager, gave the staff presentation and an overview of the project.

Chair Farley asked staff for clarification on staff recommended motion No. F. Ms. Broeren indicated that approving annexations as a minute action has been standard procedure for the last ten years. She noted that while not technically required from a procedural stand point but addresses a policy in the General Plan which addresses Annexation Feasibility Studies.

Commissioner Scandura asked Police Department staff if the Orange County Sheriffs' statistics would be considered high for an area like Sunset Beach. Captain David Bunetta indicated that he had reviewed those statistics and that the Police Department does not feel those numbers are outside of the norm for this type of area. He noted that the addition of Sunset Beach would amount to an average of 2.9 additional calls per day which would not be a large impact to the Police Department.

THE PUBLIC HEARING WAS OPENED.

Jack Markovitz, Sunset Beach resident, spoke in opposition to Item No. B-2 (with 4 minutes donated by Leslie Markovitz), citing concerns with the potential loss of services, the speed of the review process, and the potential costs associated with the process for Sunset Beach residents.

Julie Lurie, Sunset Beach resident, spoke in opposition to Item No. B-2 (with 4 minutes donated by Scot Dodson), citing concerns with potential financial impacts to both Sunset Beach residents and the City of Huntington Beach, the speed of the review process. Ms. Lurie asked that Sunset Beach residents be given the time to complete the LAFCO process before the annexation is approved.

Diana Dodson, Sunset Beach resident, spoke in opposition to Item No. B-2 (with 4 minutes donated by Theresa Bavaro) citing concerns with the speed of the review process, lack of notice, potential fiscal impacts, and the potential adverse impacts to residents.

Mike Van Voorhis, Sunset Beach resident, spoke in support of Item No. B-2, stating that the annexation is the consensus of the community and indicated that he felt any outstanding issues will be resolved.

Chuck Stearns, Sunset Beach resident, spoke regarding Item No. B-2, citing concerns with the loss of power for the Sunset Beach community. He asked that an additional committee or Planning Commissioner be assigned specifically from the Sunset Beach community to represent their interests.

Lyman Lokken, Sunset Beach resident, spoke regarding Item No. B-2, indicating that he would like underground irrigation be allowed to maintain the ice plant and asked that the beach continue to be closed at 10pm.

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

Commissioner Livengood asked staff to review the current and potential impacts to the Police Department. Captain David Bunetta reviewed the current Police Department activity in the Sunset Beach area and the potential future activity, indicating that the Police Department did not believe the impacts would be significant.

Chair Delgleize asked staff to review the current process for patrolling the beach area. Ms. Broeren reviewed the current process and indicated that Marine

Safety would likely take over this process with support from the Police Department.

Commissioner Scandura asked staff if the potential fiscal impacts are addressed in the city budget. Ms. Broeren stated that the city budget does not specifically single out the services for any specific area but instead addresses those impacts as a whole on a per capita basis.

Commissioner Scandura asked Tom Burke if the Sunset Beach Local Coastal Program (LCP) Board would be interested in reviewing any discretionary permits. Mr. Burke indicated that the LCP Board would like to review any discretionary permits as well as any temporary permits. Ms. Broeren indicated that the LCP Board reviewing discretionary permits is already included in the Specific Plan.

Chair Farley asked staff if any title issues for the beach would be affected by the Specific Plan. Ms. Broeren indicated that the title to the beach does not affect the use of the area and therefore would not affect the annexation or specific plan.

Commissioner Livengood confirmed with staff that the trash and sewer services would remain unchanged.

A MOTION WAS MADE BY SCANDURA, SECONDED BY LIVENGOOD, TO APPROVE NEGATIVE DECLARATION NO. 10-005 WITH MODIFIED FINDINGS AND FORWARD TO THE CITY COUNCIL, BY THE FOLLOWING VOTE:

AYES: Mantini, Scandura, Speaker, Farley, Shier Burnett, Delgleize, Livengood
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

A MOTION WAS MADE BY SCANDURA, SECONDED BY SPEAKER, TO APPROVE GENERAL PLAN AMENDMENT NO. 10-002 BY APPROVING THE DRAFT CITY COUNCIL RESOLUTION NO. ___ AND FORWARD TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

AYES: Mantini, Scandura, Speaker, Farley, Shier Burnett, Delgleize, Livengood
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

A MOTION WAS MADE BY SCANDURA, SECONDED BY SHIER BURNETT, TO APPROVE ZONING TEXT AMENDMENT NO. 10-002 WITH MODIFIED FINDINGS FOR APPROVAL BY APPROVING THE DRAFT CITY COUNCIL RESOLUTION NO. ___ AND FORWARD TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

AYES: Mantini, Scandura, Speaker, Farley, Shier Burnett, Delgleize, Livengood
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

A MOTION WAS MADE BY SCANDURA, SECONDED BY DELGLEIZE, TO APPROVE ZONING MAP AMENDMENT NO. 10-001 WITH FINDINGS FOR APPROVAL AND FORWARD DRAFT ORDINANCE TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

AYES: Mantini, Scandura, Speaker, Farley, Shier Burnett, Delgleize, Livengood
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

A MOTION WAS MADE BY SCANDURA, SECONDED BY DELGLEIZE, TO APPROVE LOCAL COASTAL PROGRAM AMENDMENT NO. 10-001 WITH FINDINGS FOR APPROVAL BY APPROVING THE DRAFT CITY COUNCIL RESOLUTION NO. ___ AND FORWARD TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

AYES: Mantini, Scandura, Speaker, Farley, Shier Burnett, Delgleize, Livengood
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

A MOTION WAS MADE BY SCANDURA, SECONDED BY DELGLEIZE, TO APPROVE ANNEXATION NO. 10-001 AS A MINUTE ACTION AND FORWARD THE RECOMMENDATION TO THE CITY COUNCIL, BY THE FOLLOWING VOTE:

AYES: Mantini, Scandura, Speaker, Shier Burnett, Delgleize, Livengood
NOES: Farley
ABSENT: None

ABSTAIN: None

MOTION APPROVED

FINDINGS FOR APPROVAL - NEGATIVE DECLARATION NO. 10-005:

1. The Negative Declaration No. 10-005 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of 30 days. Comments received during the comment period were considered by the Planning Commission prior to action on the Negative Declaration and General Plan Amendment No. 10-002, Zoning Text Amendment No. 10-002, Zoning Map Amendment No. 10-001, Local Coastal Program Amendment No. 10-001 and Annexation No. 10-001.
2. There is no substantial evidence in light of the whole record before the Planning Commission that the project will have a significant effect on the environment. The Annexation, General Plan Amendment, Zoning Map Amendment, Zoning Text Amendment and Local Coastal Program Amendment will not create any additional density or intensity of land use in the Sunset Beach area over that which is currently allowed by the County of Orange Sunset Beach Local Coastal Program/Specific Plan. The City of Huntington Beach already provides water to the area, as well as police and fire services through mutual aid agreements. After analyzing the potential impacts associated with the project, it has been determined that the project will not have a significant impact on the City's ability to provide services to the Sunset Beach area and the City as a whole.

FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 10-002 and ZONING MAP AMENDMENT NO. 10-001:

1. Zoning Map Amendment No. 10-001 amending District Map Nos. 21 and 35 to prezone an approximately 134 acre as Sunset Beach Specific Plan (Specific Plan 17) with a Coastal Zone Overlay and Zoning Text Amendment No. 10-002 to adopt the Sunset Beach Specific Plan are consistent with the objectives, policies, general land uses and programs specified in the General Plan because the Specific Plan provides for a cohesive development of residential, commercial and public uses consistent with the existing development pattern and standards, and compatible with adjacent uses in the vicinity. The Specific Plan is consistent with General Plan policies that require protection of beach and open space resources, encourage visitor serving and mixed uses, and provide for differentiation of the City's neighborhoods. As discussed in the Negative Declaration for the project, there will be appropriate infrastructure and services available to support the Sunset Beach area upon annexation.
2. In the case of general land use provisions, the Zoning Map Amendment and proposed Specific Plan are compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The standards of the proposed Sunset Beach Specific Plan are consistent with those that have governed the Sunset Beach area for over almost 30 years and have provided for development that is compatible with uses in the vicinity, which are residential, commercial, open space and recreation.
3. A community need is demonstrated for the change proposed. The Sunset Beach Specific Plan will provide standards that will be consistent with the Sunset Beach Specific Plan approved by the County of Orange and the California Coastal Commission. These standards ensure the preservation of numerous public uses such as the beach, waterway, park and public parking facility that serve the community of Sunset Beach and surrounding

area. The rezoning will facilitate the annexation of the area to the City of Huntington Beach, which allows for more efficient delivery of municipal services to the area.

4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The Specific Plan provides for compatible land uses and continuation of the public use areas (beach, park, parking, waterway) to serve the community. The development standards will maintain the existing character of the community. Adequate infrastructure and services are available to serve the area.

FINDINGS FOR APPROVAL - SPECIFIC PLAN NO. 17:

1. The Specific Plan is consistent with the adopted Land Use Element of the General Plan and with the certified Local Coastal Program Land Use Plan and other applicable policies and is compatible with existing and surrounding development. The Specific Plan carries forward the existing overall goals and policies of the existing County of Orange Local Coastal Program/Specific Plan for Sunset Beach including land uses, preservation of the beach and other public uses, coastal views and access.
2. The Specific Plan will enhance the potential for superior urban design in comparison with the development under the base district provisions that would apply if the Plan were not approved. The Specific Plan contains the development standards established by the County of Orange in recognition of the small lot sizes and unique development pattern of the Sunset Beach community that will ensure consistency with existing development.
3. Deviations from the base district provisions that otherwise would apply are justified by compensating benefits of the Specific Plan. The Specific Plan provides for cohesive development of the residential and commercial areas with many reduced standards compared with the Huntington Beach Zoning and Subdivision Ordinance. Compensating benefits include significant and well located public open space and scenic vistas of the Pacific Ocean. Approximately 55 percent of the area, excluding streets, is publicly owned and utilized. The Specific Plan provides for the continuation of 27 street-end public access points to the beach and a portion of the community is divided by a public channel.
4. The Specific Plan includes adequate provisions for utilities, services, and emergency vehicle access; and public service demands will not exceed the capacity of existing and planned systems. As analyzed in Negative Declaration No. 10-005, the public service demands for the Specific Plan will not exceed the capacity of existing and planned systems, including the transfer of services from Orange County to the City of Huntington Beach after annexation. All public services, both before and after annexation, will be adequately met by existing resources including fire, police and emergency services.

FINDINGS FOR APPROVAL – LOCAL COASTAL PROGRAM AMENDMENT NO. 10-001:

1. Local Coastal Program Amendment No. 10-001 amends the Huntington Beach Local Coastal Program to reflect the annexation of Sunset Beach to the City of Huntington Beach including the adoption of the Sunset Beach Specific Plan, amendment of the zoning map, and text and figure changes in the Land Use Plan. The amendments propose the same type of land uses for the Sunset Beach area as allowed by the County of Orange certified Local Coastal Program/Specific Plan for Sunset Beach, including high density residential, visitor serving commercial, public and open space. The amendments continue the community's commitment to coastal access and coastal recreational resources and are consistent with the City's General Plan.

2. The proposed change to the Local Coastal Program is in accordance with the policies, standards and provisions of the California Coastal Act relative to land use, public access, public recreation, public views and preservation of beaches. The Local Coastal Program Amendment promotes the City's Local Coastal Program goals and objectives by allowing a mix of uses, including 55 percent of the land designated for public use, visitor serving commercial and high density residential, while preserving 27 existing public access points to the beach and existing scenic vista points. The proposed Specific Plan improves on the existing certified County Local Coastal Program/Specific Plan by adding requirements for bicycle parking to be included in new development and a water quality section.

The project conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The Specific Plan preserves 27 existing public access points to the beach and existing scenic vista points. The main public beach, small beach at 11th Street and Pacific Coast Highway, Sunset Channel and Sunset Greenbelt (linear park)/public parking facility remain designated for public use with appropriate policies and standards. No existing coastal access will be impacted.

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED AUGUST 10, 2010

RECOMMENDED ACTION: Motion to: "Approve the August 10, 2010, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY DELGLEIZE, TO APPROVE THE AUGUST 10, 2010, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: Mantini, Speaker, Farley, Shier Burnett, Delgleize, Livengood
NOES: None
ABSENT: None
ABSTAIN: Scandura

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS

- D-1. **GENERAL PLAN CONFORMANCE NO. 10-004 (DISPOSITION OF SEVEN SURPLUS CITY PARCELS)** **Applicant:** Economic Development Department, City of Huntington Beach **Property Owner:** City of Huntington Beach **Request:** To determine that the disposition of 7 City owned surplus parcels are in conformance with the goals, objectives, and policies of the General Plan. **Location:** 7752 Alhambra (APN: 142-103-02), 7802 Alhambra (APN: 142-103-05), 7882 Alhambra (APN: 142-103-20), 7761 Garfield (APN: 159-121-20), 19002 Delaware (APN: 159-151-15), Alhambra Street (APN: 024-206-13), 18451 Patterson Lane (APN: 157-341-22) Huntington Beach, CA 92648 **Project Planner:** Rosemary Medel

STAFF RECOMMENDATION: Motion to "Adopt Resolution No. 1647, approving General Plan Conformance No. 10-004 with findings (Attachment Nos.1 and 2)."

Rosemary Medel, Associate Planner, gave the staff presentation and an overview of the project.

Commissioner Scandura stated that the triangular parcel on Atlanta Avenue is very small and might be better served as a passive park use. There was a brief discussion on this property and the role of the Planning Commission in approving the General Plan Conformance.

Chair Farley asked staff if low income housing has been considered for these sites. Mr. Machado, Economic Development Department, indicated that staff has discussed this and is looking into the possibility.

A MOTION WAS MADE BY SPEAKER, SECONDED BY DELGLEIZE, TO ADOPT RESOLUTION NO. 1647, APPROVING GENERAL PLAN CONFORMANCE NO. 10-004 WITH FINDINGS, BY THE FOLLOWING VOTE:

AYES: Mantini, Scandura, Speaker, Farley, Shier Burnett, Delgleize, Livengood
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the proposed project is categorically exempt pursuant to Section 15312, Class 12 of the California Environmental Quality Act (CEQA) which allows for the sale of surplus government property.

FINDINGS OF APPROVAL- GENERAL PLAN CONFORMANCE NO. 10-004

1. The sale of City owned surplus properties conforms to the following goals, objective and policy of the Land Use and Housing Elements of the General Plan:
 - a. Goal LU 1 Achieve development that maintains or improves the City's fiscal viability and reflects economic demands while maintaining and improving the quality of life for the current and future residents of Huntington Beach.
 - b. Objective LU 8.1 Maintain the pattern of existing land uses while providing opportunities for the evaluation, including intensification and re-use of selected sections in order to improve their character and identity.
 - c. Policy LU 8.1.1 Accommodate land use development in accordance with the patterns and distribution of use and density depicted on the Land Use Plan Map.
 - d. Goal H 3.0 A key element in satisfying the housing needs of all segments of the community is the provision of adequate sites for housing of all types, sizes, and prices.

The initial project to widen various streets throughout the City of Huntington Beach has improved the City-wide circulation system. The completion of these projects no longer requires the need for the City to retain ownership of these seven parcels. Therefore, the disposition of

these parcels will promote the eventual development of these parcels that will add to the City's housing stock. The disposition of these vacant parcels of land from the City's holdings will reduce maintenance costs and liability.

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING

Scott Hess, Director of Planning and Building- reported on the items from the previous City Council Meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING

Scott Hess, Director of Planning and Building – reported on the items for the next City Council Meeting.

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING

Herb Fauland, Planning Manager – reported on the items for the next Planning Commission Meeting.

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS – NONE

F-2. PLANNING COMMISSION COMMENTS

Commissioner Scandura expressed condolences to the family and friends of Cody Kessler, a recently deceased Huntington Beach teenager.

ADJOURNMENT: Adjourned at 9:50 PM to the next regularly scheduled meeting of Tuesday, October 12, 2010.

APPROVED BY:

Scott Hess, Secretary

Barbara Delgleize, Chairperson