



# MINUTES

## HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JULY 25, 2006  
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            A            P            P            P            P            A  
*Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer*  
*(Commissioner Livengood excused absence)*  
*(Commissioner Dwyer arrived at 5:20 p.m.)*

### AGENDA APPROVAL

A MOTION WAS MADE BY SCANDURA SECONDED BY RAY TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF JULY 25, 2006, BY THE FOLLOWING VOTE:

**AYES:**            Burnett, Scandura, Dingwall, Ray, Horgan  
**NOES:**            None  
**ABSENT:**        Livengood, Dwyer  
**ABSTAIN:**        None

### MOTION APPROVED

#### **A. PROJECT REVIEW (FUTURE AGENDA ITEMS):**

##### **A-1. DRAFT ENVIROMENTAL IMPACT REPORT NO. 05-01 (NEWLAND STREET RESIDENTIAL – 21471 NEWLAND STREET) – Jane James**

Jane James, Senior Planner, stated that the project includes five entitlements; one of which is the Environmental Impact Report (EIR), which is being reviewed this evening. James introduced Marianne Tanzer, Project Director, who gave a presentation of the EIR.

Tanzer reviewed the proposed project and the environmental issue areas considered in the EIR. She also stated that there are 33 suggested mitigation measures in the report.

Discussion ensued regarding oil wells, floodplain issues, traffic, parkland, and park amenities.

##### **A-2. GENERAL PLAN CONFORMANCE 06-03 (CITY OF HUNTINGTON BEACH CAPITAL IMPROVEMENTS PROGRAM) – Rosemary Medel**

Rosemary Medel, Associate Planner, reviewed the program.

Discussion ensued regarding the Commission's role in the CIP, the list of projects, and budgeting.

Ray asked if items could be added after the fact and advised he did not feel comfortable voting on something that would change. Staff advised that the Commission's role is to decide whether or not the program meets the General Plan and that City Council could add to the project list after the fact.

**B. STUDY SESSION ITEMS - NONE**

**C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS):**

Herb Fauland, Principal Planner, advised of late communications received for items B-1 and D-1 and also requested that item B-2 be continued to a later date.

**D. PLANNING COMMISSION COMMITTEE REPORTS:**

Commissioner Ray stated that the Subdivision Committee met on July 13, 2006, and unanimously approved the Newland Street Residential project.

**E. PUBLIC COMMENTS (Regarding Study Session Portion of Meeting):**

One speaker expressed her concerns regarding the programs in the Flood Management Plan and the capital improvements in and around Meredith Gardens. The speaker also stated that additional measures should be in place for the residents around the Pacific City project.

**F. PLANNING COMMISSION COMMENTS - NONE**

**6:30 P.M. – RECESS FOR DINNER**

**7:05 P.M. – COUNCIL CHAMBERS**

**CALL PLANNING COMMISSION MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE** – Led by Commissioner Scandura

**ROLL CALL:**     *P*     *A*     *P*     *P*     *P*     *P*     *P*  
*Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer*

**AGENDA APPROVAL**

**A MOTION WAS MADE BY BURNETT, SECONDED BY HORGAN, TO MOVE ITEM D-1 IN ADVANCE OF ITEM B-1 AND TO APPROVE THE PLANNING COMMISSION AGENDA OF JULY 25, 2006, BY THE FOLLOWING VOTE:**

**AYES:**            Burnett, Scandura, Dingwall, Ray, Horgan, Dwyer  
**NOES:**           None  
**ABSENT:**       Livengood  
**ABSTAIN:**       None

**MOTION APPROVED**

**THE MINUTES WILL REFLECT ITEMS IN THEIR ORIGINAL ORDER**

**A. ORAL COMMUNICATIONS - NONE**

**B. PUBLIC HEARING ITEMS**

**PROCEDURE:** Commission Disclosure Statement(s), Staff Report Presentation, Commission Questions, Public Hearing, Discussion/Action.

- B-1. ZONING MAP AMENDMENT NO. 06-02/ZONING TEXT AMENDMENT NO. 06-04 (MAIN/CREST NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT) Applicant:** City of Huntington Beach **Request: ZMA:** To establish a Neighborhood Conservation Overlay District for properties located in the general area of Main Street and Crest Avenue; **ZTA:** To adopt the Main/Crest Neighborhood Conservation Plan comprised of development standards proposed by a group of neighbors concerned with preserving the character and traditional development pattern of their neighborhood. **Location:** Northeast of Palm Avenue, south of 11<sup>th</sup> Street, and west of Lake Street **Project Planner:** Jennifer Villasenor.

**STAFF RECOMMENDATION:**

- A. Motion to: "Approve Zoning Map Amendment No. 06-02 and Zoning Text Amendment No. 06-04 with findings for approval (Attachment No. 1) and forward the draft City Council Ordinance (Attachment No. 3) to the City Council for adoption"; or
- B. Motion to: "Approve, in modified form, Zoning Map Amendment No. 06-02 and Zoning Text Amendment No. 06-04 with findings for approval and forward draft City Council Ordinance to the City Council for adoption"; or
- C. Motion to: "Deny Zoning Map Amendment No. 06-02 and Zoning Text Amendment No. 06-04 with findings for denial."

**The Commission made the following disclosures:**

- Commissioner Dwyer attended two neighborhood meetings and spoke with City Councilmembers Hansen and Green.
- Commissioner Scandura spoke with City Councilmember Coerper, Angela Rainsberger, Commission Livengood and staff. He also visited the area.
- Chair Dingwall visited the area many times.
- Commissioner Horgan spoke with Angela Rainsberger and visited the area.
- Commissioner Ray visited the area and corresponded with Don and Susan Jones and Angela Rainsberger.
- Commissioner Burnett attended all but one neighborhood meeting.

Jennifer Villasenor, Associate Planner, gave a Powerpoint presentation of the proposed amendment, which was directed by the City Council. Villasenor reviewed the boundaries of the overlay district and issues such as the building height limitation, lot coverage and lot width.

Scandura asked if height limits would vary outside of the RM-Q (Medium Density Residential-Qualified) zoning designation and how many homes could be built on residential medium density zoned lots.

Villasenor advised that height limits could exceed two stories outside of the RM-Q area and residential medium density zoned lots allow for one unit per 6,000 square feet.

Herb Fauland, Principal Planner, interjected that the density for residential medium density zoned properties would allow a density of one unit per 2,904 square feet.

Scandura inquired what would necessitate a project going to the Design Review Board. Villasenor stated only if the project did not comply with city ordinances.

Burnett asked how the area of this overlay district was determined. Villasenor advised the boundaries were established through input by the residents and a series of neighborhood meetings.

### **THE PUBLIC HEARING WAS OPENED**

Trish Gray, area resident, spoke in favor of the proposed overlay district by referencing cities that have incorporated them due to parking and energy issues caused by over building.

Brian Sullivan, resident, supports the overlay and stated he wants to preserve the quality of his neighborhood.

Tina Eberly, resident, voiced her disapproval of the proposed overlay district and stated that she bought her home under the current zoning ordinance and feels her home will be less marketable with the proposed overlay district restrictions.

Mike Hoskinson, resident, said he believed the overlay district would be beneficial to property values and stated that he had researched other historic preservation areas.

Angela Rainsberger, resident, stated that she was not contacted to sign the initial petition and when she attended the neighborhood meeting was not allowed to speak. She conducted a title search of property owners and distributed a petition against the overlay district. She advised that 74% of the property owners are against the overlay.

Joe DaSilva, resident, reiterated that over 70% of the property owners are against the overlay district and referenced signatures on the original petition as renters. He stated that if the overlay is passed he would file a law suit against the City.

Vance Eberly, resident, agreed with Mr. DaSilva and stated that he will file a law suit also if the overlay is passed. He said the overlay district would have negative financial ramifications.

Ron Cuha, resident, voiced his disapproval of the proposed overlay district and said the restrictions are not feasible to property owners.

Raisa Markarian, resident, stated that she is unable to make renovations to her home because the proposed overlay district will preclude her building plans.

Suzanne Franco, daughter of Raisa Markarian, spoke on behalf of her mother and her proposed remodel. She stated that the remodel is proposed at 4,200 square feet and the design is Spanish revivalist, which would fit with the neighborhood. She said the proposed overlay district would not allow this house to be built and felt it was unfair.

Marcus Kimmerer, resident, voiced his opposition to the overlay district and stated he is unable to go forward with the remodel of his home due to the restrictions in the proposed overlay.

Susan Wuerer, resident, stated she is opposed to the proposed overlay district and questioned how the boundaries were configured. She also noted that there is no design continuity in the area and did not understand how this area was chosen as a historic conservation district because most of the homes were built in the past 40 years.

Richard Kaue, resident, reiterated that there is no specific design concept in the proposed overlay area and that 50% of the homes were built in the 1970's.

Joe Wuerer, resident, advised he is against the proposed overlay district and did not understand how the area was chosen as a historical preservation district. He stated that the 40% lot restriction would negatively impact resale value of homes.

Steven Merrill, resident, voiced his opposition to the proposed overlay district and stated that he was advised at the initial neighborhood meeting that residents had an "opt out" option if the proposed overlay was passed, which is no longer the case.

Ken Marsett, resident, stated he purchased a "fixer-upper" home and is in the process of planning and building his dream home, which, he says, the proposed overlay would make an impossibility.

Jeanne Nevins, resident, says she feels the original petition was routed under false pretenses and she has no problem with "trophy homes" and is against Design Review Board intervention in their neighborhood.

Linda Mitchell, resident, spoke in favor of the proposed overlay district, which, she feels, will preserve the character and charm of her neighborhood.

Roslyn Malshall, resident, spoke in favor of the proposed overlay district and voiced concern regarding the growth of mold in smaller homes located next to 3-story mansions.

Rene Brookbark, resident, spoke in favor of the proposed overlay district and referenced other cities embarking on the historical preservation districts.

Nuana Robinson, resident, voiced her support of the proposed overlay district and is against the building of mansions in the area. She stated that she took the original petition door to door and the consensus was that residents did not want mansions built in their neighborhood. She said she held neighborhood meetings with residents and owners that suggested the proposed boundaries. She said she wants to maintain the character of the neighborhood as much as possible.

Barbara Sullivan, resident, stated that she supports the proposed overlay and believes that a lot of misinformation has been distributed to the residents. She addressed the question of a house in the area burning down and whether or not you could rebuild the home with the proposed overlay district in place. She stated that you would be able to rebuild the home because the proposed overlay district allows for this.

Gary Tucker, resident, spoke in favor of the proposed overlay district and stated that the neighborhood needs conservation efforts to maintain its character.

Rick Gomes, resident, spoke in favor of the proposed overlay district and said he enjoys his neighborhood and does not want to see it over built.

Melissa Luu, resident, spoke in opposition to the proposed overlay district, stating that she owns a small lot and the overlay would prohibit her building the type of home she wants.

Burnett asked if the boundaries of the proposed overlay could be changed. Scott Hess, Planning Manager, stated that the boundaries could be changed by the City Council.

Scandura asked about the issue of a home burning down and rebuilding it. Villasenor stated that you could rebuild your current home if it was destroyed by fire.

Scandura asked about the potential for litigation from the property owners. Mulvihill stated that she could not speculate on that issue.

Horgan asked if residents could "opt out" of the proposed overlay. Villasenor advised the Planning Commission could recommend to the City Council to modify the district.

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

Discussion ensued between the Commissioners and staff regarding the Planning Commission's role in the proposed amendment, the overlay district and the direction to staff by the City Council. Hess referred the Commissioners to the three staff recommendations.

Scandura voiced his concern for the majority of property owners in the area who are opposed to the proposed overlay. He advised that Main Street is already protected adequately by current zoning ordinances and does see the need for the overlay. He stated he is in opposition to the proposed amendment and overlay district.

Dwyer stated that he would vote against the proposed overlay and felt concern for residents who advised they were unable to speak at the neighborhood meetings.

Burnett advised she would vote against the proposed overlay and did not agree with property owners being dictated how they can develop their property.

Horgan stated that the issue is too fragmented and she will vote against it.

Dingwall stated he felt that the Main Street area is worth preserving and he will be supporting the proposed overlay.

Discussion ensued regarding the changing of boundaries in the proposed overlay. Ray suggested that staff return with a better plan at a later date. Scandura stated that he opposed any further continuances.

**A MOTION WAS MADE BY SCANDURA, SECONDED BY DWYER TO DENY ZONING MAP AMENDMENT NO. 06-02/ZONING TEXT AMENDMENT NO. 06-04 (MAIN/CREST NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT) WITH FINDINGS. ACTION WAS TAKEN BY THE FOLLOWING VOTE:**

**AYES:** Burnett, Scandura, Horgan, Dwyer  
**NOES:** Dingwall, Ray  
**ABSENT:** Livengood  
**ABSTAIN:** None

**MOTION CARRIED**

Fauland read the disclosure that a recommendation of denial for a Zoning Map Amendment or Zoning Text Amendment shall terminate all proceedings pursuant to Huntington Beach Zoning and Subdivision Ordinance Section 247.12 unless appealed.

**FINDING FOR DENIAL**

**ZONING MAP AMENDMENT NO. 06-02 AND ZONING TEXT AMENDMENT NO. 06-04**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act. The project is exempt because it involves minor amendments to the Huntington Beach Zoning and Subdivision Ordinance, which do not change the density of the affected project areas.

**FINDING FOR DENIAL - ZONING TEXT AMENDMENT NO. 06-04 AND ZONING MAP AMENDMENT NO. 06-02:**

A community need is not demonstrated for the proposed zoning text amendment/zoning map amendment. The existing zoning requirements are sufficient to preserve the existing character of the neighborhood.

- B-2. ANNUAL REVIEW AND MONITORING REPORT – DOWNTOWN PARKING MASTER PLAN: Applicant: City of Huntington Beach Planning Department  
Request: Annual review of the Downtown Parking Master Plan, documenting building activity and land use changes between June 1, 2004 and June 1, 2005  
Location: Downtown Specific Plan area (generally bounded by Pacific Coast Highway, Sixth Street, Acacia Avenue and Second Street) Project Planner: Ron Santos**

**STAFF RECOMMENDATION:** Motion to: “Accept as adequate and complete the annual review and monitoring report of the Downtown Parking Master Plan and forward to the City Council for their review.”

**A MOTION WAS MADE BY RAY, SECONDED BY HORGAN TO CONTINUE THE ANNUAL REVIEW AND MONITORING REPORT – DOWNTOWN PARKING MASTER PLAN TO THE AUGUST 8, 2006, PLANNING COMMISSION MEETING. ACTION WAS TAKEN BY THE FOLLOWING VOTE:**

**AYES:** Burnett, Scandura, Dingwall, Ray, Horgan, Dwyer  
**NOES:** None  
**ABSENT:** Livengood  
**ABSTAIN:** None

**MOTION PASSED**

**C. CONSENT CALENDAR:**

**C-1. PLANNING COMMISSION MINUTES DATED OCTOBER 25, 2005**

**RECOMMENDED ACTION:** Motion to: "Approve the October 25, 2005, Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY RAY, SECONDED BY DWYER, TO APPROVE THE OCTOBER 25, 2005, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:**

**AYES:** Scandura, Dingwall, Ray, Horgan, Dwyer  
**NOES:** None  
**ABSENT:** Livengood  
**ABSTAIN:** Burnett

**MOTION APPROVED**

**D. NON-PUBLIC HEARING ITEMS:**

**D-1. 2005-2006 FLOOD MANAGEMENT PLAN ANNUAL REVIEW:** Applicant: City of Huntington Beach. Request: Annual review of the Flood Management Plan to demonstrate that the City is actively pursuing implementation of the Flood Management Plan. Location: City-wide/Floodplain Project Planner: Ricky Ramos

**STAFF RECOMMENDATION:** Motion to: "Accept the Flood Management Plan Annual Review as adequate and complete and forward to the City Council for their review."

Ricky Ramos, Associate Planner, presented a Powerpoint program and an outline of the proposed plan. Ramos highlighted that the county seven-year improvement plan would include improvements to the East Garden Grove Wintersburg Channel.

Todd Broussard, Principal Civil Engineer, Public Works Department, reviewed several storm drain projects and advised of improvements to be made to drains and catch basins. He stated that the Capital Improvements Program is now open for bids and will be referred to the City Council meeting slated for August 21, 2006.

Horgan asked if these projects are regularly funded. Broussard stated that there is no dedicated fund other than developer fees and grant funding.

Ray asked if there were any water flow conflicts due to flooding. Broussard stated that only a 100-year event would cause water to back-up. He added that with an increase in the capacity of the catch basins the chance of back-up occurring would be lessened.

Ray asked if these improvements would save residents money on flood insurance. Ramos stated that certain activities and improvements could account for points towards flood insurance rate savings.

Ray referred to the filling in of wetlands as stated in the staff report; he asked where this was located in the General Plan. Ramos stated that the language is located in the Coastal Element and allows for road construction only.

**A MOTION WAS MADE BY SCANDURA TO ACCEPT THE 2005-2006 FLOOD MANAGEMENT PLAN ANNUAL REVIEW WITH MODIFICATIONS AND FORWARD TO CITY COUNCIL, SECONDED BY RAY, ACTION WAS TAKEN BY THE FOLLOWING VOTE:**

**AYES: Burnett, Scandura, Dingwall, Ray, Horgan, Dwyer**

**NOES: None**

**ABSENT: Livengood**

**ABSTAIN: None**

**MOTION APPROVED**

**E. PLANNING ITEMS**

**E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING**

**Scott Hess, Planning Manager – reported on the items from the previous City Council meeting.**

**E-2. CITY COUNCIL ITEMS FOR NEXT MEETING**

**Scott Hess, Planning Manager – reported on the items scheduled for the next City Council meeting.**

**E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING**

**Herb Fauland, Principal Planner – Advised that the Planning Commission Workshop packet would be delivered on July 27, 2006.**

**F. PLANNING COMMISSION ITEMS**

**F-1. PLANNING COMMISSION REQUEST ITEMS – NONE**

**F-2. PLANNING COMMISSION COMMENTS**

Commissioner Burnett – None.

Commissioner Livengood - Absent.

Vice-Chairperson Scandura – Stated he is looking forward to the upcoming Planning Commission Workshop and the topic of limiting discussion times at the Planning Commission meetings.

Chairperson Dingwall – None.

Commissioner Ray – None.

Commissioner Horgan – Expressed her support of the Planning Commission and the amount of time spent at meetings. She also expressed her disappointment that a joint City Council/Planning Commission study session was cancelled.

Commissioner Dwyer – None.

**ADJOURNMENT:**

Adjourned at 10:30 p.m. to the Planning Commission Workshop scheduled for August 2, 2006, and to the next regularly scheduled meeting of Tuesday, August 8, 2006.

APPROVED BY:

\_\_\_\_\_  
Scott Hess, Secretary

\_\_\_\_\_  
Robert Dingwall, Chair