



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, FEBRUARY 27, 2007
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

6:00 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL: *P* *P* *P* *P* *A* *A* *P*
Shier-Burnett, Speaker, Livengood, Scandura, Horgan, Dwyer, Farley
(Commissioner Horgan, Dwyer excused absences)

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SPEAKER, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF FEBRUARY 27, 2007, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS) - NONE

B. STUDY SESSION ITEMS:

B-1. **CITYWIDE AND HOLLY SEACLIFF SPECIFIC PLAN AFFORDABLE HOUSING REQUIREMENTS – Rami Talleh**

Rami Talleh, Associate Planner, gave an overview of the affordable housing requirements for the city as well as the Holly Seacliff Specific Plan. He also explained how income levels are identified and the requirements regarding in-lieu fees.

Discussion ensued between the Commissioners and staff regarding the number of affordable housing units currently within the city, what signifies moderate income levels, and in-lieu fee requirements.

Commissioner Speaker explained that the Holly Seacliff Specific Plan had been reduced by 4,000 units from the original plan and moderate income levels were agreed upon for affordable housing.

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

Herb Fauland, Acting Planning Manager, reviewed the agenda items for the 7:00 p.m. portion of the meeting. He advised of four late communications received regarding public hearing Item B-1.

D. PLANNING COMMISSION COMMITTEE REPORTS - NONE

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

The applicant for Item B-2 submitted a letter and spoke in favor of the proposed project. He stated he was available for questions.

F. PLANNING COMMISSION COMMENTS:

Chair Scandura stated that the Planning Commission Workshop has been scheduled for April 26, 2007, from 9:00 a.m. to 2 p.m. and is tentatively scheduled at the Jr. Guard Headquarters. He reminded the Commission of the upcoming City Council meeting on March 5th regarding Form Based Codes and the Zucker Report on Entitlement and Development Processing. Additionally, he stated he will represent the Planning Commission at the March 19th City Council meeting on the appeal of the Park Avenue Marina project.

6:30 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Speaker

ROLL CALL: *P* *P* *P* *P* *A* *A* *P*
Shier-Burnett, Speaker, Livengood, Scandura, Horgan, Dwyer, Farley
(Commissioner Horgan, Dwyer excused absences)

AGENDA APPROVAL

A MOTION WAS MADE BY FARLEY, SECONDED BY LIVENGOOD, TO APPROVE THE PLANNING COMMISSION AGENDA OF FEBRUARY 27, 2007, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. ORAL COMMUNICATIONS - NONE

B. PUBLIC HEARING ITEMS:

- B-1. CONDITIONAL USE PERMIT NO. 06-26 (GRACE LUTHERAN CHURCH/SCHOOL). Applicant: Phil Burtis. Request: To permit a K-8 school for up to 229 students, pre-school for up to 100 students, day care (before/after-school) for up to 150 children, church services for up to 168 people, Sunday school for up to 100 children, infant/toddler care for up to 20 children and the addition of four 24 ft. by 60 ft. modular classroom buildings at an existing closed school site. Location: 5172 McFadden Ave (south side of McFadden Ave., east of Bolsa Chica St.). Project Planner: Ron Santos**

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 06-26 with findings and suggested conditions of approval."

The Commission made the following disclosures:

- Commissioner Shier-Burnett has visited the site many times.
- Commissioner Livengood stated he is a member of the church, but not a Board Member, he has visited the site many times.
- Commissioner Speaker recused himself.
- Chair Scandura walked the site, spoke with city and school staff.
- Commissioner Farley visited the location.

Ron Santos, Associate Planner, gave a PowerPoint presentation of the proposed project highlighting the areas of concern by the Police Department and the Design Review Board. The main concerns were windows to be placed in the mobile units, skirting, and painting the units to match the rest of the school buildings. He stated that the parking on site meets the zoning code requirement for the proposed project. He stated that four late communications had been received; one of which was submitted by the applicant in objection to two of the suggested conditions of approval.

Commissioner Livengood asked who was responsible for maintenance of the fields. Santos stated that as property owner, the Ocean View School District has responsibility.

Commissioner Shier-Burnett questioned one of the late communications regarding a walkway, rats and a missing wall. Santos stated that the property in question is a public right of way where the adjacent owner has taken down the wall. The Public Works Department has been notified of the issue.

Chair Scandura voiced concern regarding the window recommendation for the mobile buildings as there is sufficient view of the fields provided at that location.

Shier-Burnett reported that on her visit to the school she noticed there was no barrier to separate the playing field which ran alongside the easterly driveway. She stated that children were present and perhaps a fence should be required along the driveway to protect the playing children.

THE PUBLIC HEARING WAS OPENED

Phil Burtis, Applicant, spoke in favor of the project and stated that he is very concerned for child safety. He requested that the window requirement in the storage building be removed as it is not necessary because the portable classrooms have windows to observe the children while they are playing.

Mitch Todd, resident, voiced his opposition to the project due to parking issues already present in the area. He stated that the church/school would bring too many vehicles to the neighborhood and there is not sufficient parking provided. He added that the American Youth Soccer Organization (AYSO) has field rights and they take up many of the parking spaces.

Philip Hice, AYSO Commissioner, stated he was available for questions.

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

Shier-Burnett requested information regarding AYSO permission to use the fields and parking.

Mr. Hice stated that the Ocean View School District allotted AYSO the field and the use of the parking lots at the school. He added that he is in favor of a fence being installed along the easterly driveway.

Discussion ensued between Commissioners, staff, Mr. Hice, and Mr. Burtis regarding AYSO's use of the fields, fence installation, and a sign program.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY FARLEY TO APPROVE CONDITIONAL USE PERMIT NO. 06-26 WITH FINDINGS AND CONDITIONS FOR APPROVAL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 06-26

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 Section 15301, Class 1 of the CEQA Guidelines, which states that the operation of existing facilities and structures involving negligible additions and expansion of use are exempt from further environmental review.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 06-26:

1. Conditional Use Permit No. 06-26 for the establishment, maintenance and operation of a K-8 School for up to 229 students; pre-school for up to 100 students; day care (before/after-school) for up to 150 children; church with Sunday morning worship services for up to 168 people; Sunday school (during worship) for up to 100 children; infant/toddler care for up to 20 children and four 24 ft. by 60 ft. portable classroom buildings on site 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. The proposed project represents use of existing facilities designed and intended for the primary use proposed (school). The proposed church use and additional classrooms represent only a minor expansion of the prior/historical use of the site. In addition, a traffic study has been prepared by a licensed professional traffic engineer and reviewed by City staff. The study concludes that no significant traffic impacts will result and adequate parking is provided on site to ensure no detrimental impacts to surrounding properties.

2. The conditional use permit will be compatible with surrounding uses because the proposed school, child care and church represent neighborhood-serving, institutional uses which support the needs of the community. The proposed uses will occupy existing facilities with a long standing presence in the community.

3. The proposed church/child care/school use 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 (HBZSO). The HBZSO permits private schools, child care and religious assembly uses in the PS zoning district with approval of a conditional use permit by the Planning Commission. No variances are proposed and the project will be required to provide additional landscaping within the front setback and block wall fencing along the residential property line, as necessary for compliance with current HBZSO development standards.

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 P(RL) (Public – Residential Low Density Underlying Designation) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Objective LU 9.4: Provide for the inclusion of recreational, institutional, religious, educational and services uses that support resident needs within residential neighborhoods.

Objective LU 13.1: Provide for the continuation of existing and development of new uses, such as governmental administrative, public safety, human service, cultural, educational, infrastructure, religious, and other uses that support the needs of existing and future residents and businesses.

Policy LU 13.1.1: Allow for the continuation of existing public and private institutional, cultural, educational and health uses at their present locations and development of new uses in areas designated on the Land Use Plan Map in accordance with Policy LU 7.1.1

Policy LU13.1.2: Allow for the continuation of existing and development of new religious facilities in any land use zone where they are compatible with adjacent uses and subject to the city review and approval.

Policy LU 13.1.6: Encourage surplus schools and other public properties to be made available first for other public purposes, such as parks, open space, adult or child care, and secondarily for reuse for private purposes and/or other land uses and development.

B. Public Facilities and Public Services Element

Policy PF 4.3.1: Continue to encourage the operation of public services, such as elderly or child day care, at "closed" school sites

Policy PF 4.3.2: Investigate the feasibility of permitting and/or providing child or elderly day care services at public and private institutional facilities, such as churches, temples, other religious buildings, hospitals and schools.

Approval of the requested conditional use permit furthers the General Plan Objectives and Policies identified above by providing for the establishment of educational, religious, and child care uses that serve the surrounding neighborhoods. In addition, the project provides for the adaptive re-use of existing institutional facilities (a closed school site) for semi-public purposes, including child day care.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 06-26:

1. The site plan, floor plans, and elevations received and dated January 12, 2007 shall be the conceptually approved design with the following modifications:
 - a. The portable classroom buildings shall be painted to match the existing classroom buildings. (DRB)
 - b. The portable classroom buildings shall be fitted with skirts. (DRB)
 - c. A semi-permanent landscape planter a minimum of three feet in width shall be installed in lieu of temporary planter boxes proposed along the north and east sides of the easterly most portable classroom building, adjacent to the parking lot. (DRB)
2. Prior to issuance of building permits for the portable classroom buildings, the following shall be completed:
 - a. A coordinated sign and pavement marking program shall be submitted for review by the Planning Department. The program shall include signs at the driveway entrances, sign(s) providing contact information for Grace Lutheran and AYSO, and sign(s) directing vehicles to the overflow parking area.
 - b. A 42-inch tall chain-link fence (or equivalent) shall be installed along the westerly side of the grass play fields. The fence shall include gates and/or openings for pedestrian and maintenance vehicle access to the fields. The precise design of the fence shall be subject to review and approval by the Planning Department.

3. The use shall comply with the following:
 - a. Only the uses described in the narrative received and dated February 15, 2007 shall be permitted.
 - b. The school/church shall encourage carpooling by providing incentives to parents of school children (e.g., discounts, gifts, etc.). A program to encourage carpooling shall be developed and submitted to the Planning Department for review and approval prior to installation of the portable classroom buildings.
 - c. The school/church shall explore opportunities to provide van/bus transportation options for students.
 - d. A maximum of three designated staff shall be permitted to park in the westerly parking lot. All other staff shall be required to park in the easterly parking lot.
 - e. Drop-off/ pick-up times for pre-school students and K-8 students shall be staggered by a minimum of 30 minutes respectively. Parents of school children and the Planning Department shall be provided written notice of the drop-off/ pick-up schedules and procedures.
 - f. The paved area at the southeast corner of the site shall be made available for overflow parking purposes as necessary for all school/church special events occurring on site. A plan showing proposed parking lot striping shall be submitted for review and approval by the Planning Department.

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. ENTITLEMENT PLAN AMENDMENT NO. 06-05 (TUSCANY DEVELOPMENT AFFORDABLE HOUSING MODIFICATION – AMENDMENT TO TENTATIVE TRACT MAP NO. 16740). Applicant: Michael C. Adams. Request: To amend Condition of Approval No. 3(a) which requires that five on-site for-sale units be made available to moderate income families for a period of 60 years. The proposed amendment is to require that the project comply with the affordable housing requirements of the Holly Seacliff Specific Plan (HSSP) and Huntington Beach Zoning and Subdivision Ordinance (HBZSO) and delete specific references to the number of units, type of units (for-sale or rental), and the affordability levels. Location: 19150 Gothard St. (East side of Gothard St., south of Garfield Ave.). Project Planner: Rami Talleh**

STAFF RECOMMENDATION: Motion to: “Deny Entitlement Plan Amendment No. 06-05 with finding for denial.”

The Commission made the following disclosures:

- Commissioner Shier-Burnett drove by the site and spoke with staff.
- Commissioner Livengood drove by the site.
- Commissioner Speaker drove by the site.
- Chair Scandura drove by the site, spoke with Mike Adams, and was involved with the original entitlement vote for the Tuscany Development project.
- Commissioner Farley drove by the location.

Rami Talleh, Associate Planner, gave a PowerPoint presentation and reviewed the proposed amendment, the affordable housing requirements and qualifying income levels. He stated that the proposed amendment to condition number 3(a) does not meet the requirements of the Huntington Beach Zoning and Subdivision Ordinance and Holly Seacliff Specific Plan. Talleh presented an alternative condition which complies with the applicable code requirements and provides the Applicant with some flexibility with compliance with the project’s affordable housing requirements.

THE PUBLIC HEARING WAS OPENED

Mike Adams, Applicant, spoke in favor of the project and requested the modification be made. He also stated that he is in favor of the staff alternative condition. He made himself available for questions.

Commissioner Speaker addressed Mr. Adams and questioned the agreement the applicant made initially to abide by the affordable housing requirement.

Adams stated that interest rates and building costs have increased and are therefore making it more difficult to allow for the affordable housing initially agreed upon with the City. He approximated the additional expense to the applicant would be \$71,000 per unit.

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

Discussion ensued between the Commissioners and the Applicant regarding timelines, additional building costs, and the initial affordable housing agreement between the Applicant and the City.

A MOTION WAS MADE BY FARLEY, SECONDED BY SPEAKER TO DENY ENTITLEMENT PLAN AMENDMENT NO. 06-05 WITH FINDINGS FOR DENIAL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDING FOR DENIAL

ENTITLEMENT PLAN AMENDMENT NO. 06-05

FINDING FOR DENIAL - ENTITLEMENT PLAN AMENDMENT NO. 06-05:

The proposed Entitlement Plan Amendment No. 06-05 to amend Condition of Approval No. 3(a) of TTM No. 16740 which requires that five on-site for-sale units be made available to moderate income families by deleting specific references to the number of units, type of units (for-sale or rental), location, and the affordability will not comply with Section 230.26 of the Huntington Beach Zoning and Subdivision Ordinance. The HBZSO requires that conditions of approval must specify the number of affordable units provided and the income level of each unit as it relates to the Orange County median income.

C. CONSENT CALENDAR - NONE

D. NON-PUBLIC HEARING ITEMS - NONE

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING

Scott Hess, Acting Director of Planning - reported on the items from the previous City Council meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING

Scott Hess, Acting Director of Planning - reported on the items scheduled for the next City Council meeting.

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING

Herb Fauland, Acting 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 Shier-Burnett - None.

Commissioner Speaker - None.

Vice-Chairperson Livengood – Requested staff explore design options regarding the types of fencing, gates, and drive approach width for Item B-1.

Chairperson Scandura – Requested staff provide a report on Code Enforcement status regarding a deteriorated block wall along the east property line at the Grace Lutheran Church property.

Commissioner Farley – None.

Commissioner Horgan – Absent.

Commissioner Dwyer – Absent.

ADJOURNMENT:

Adjourned at 8:35 p.m. to the next regularly scheduled meeting of March 13, 2007.

APPROVED BY:

Scott Hess, Secretary

John Scandura, Chair