MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, APRIL 12, 2011
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: *Shier Burnett (P), Peterson (P), Mantini (P), Delgleize (P), Farley (A), Bixby (P), Ryan (P)*

Commissioner Farley was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY MANTINI, SECONDED BY RYAN, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF PRIL 12, 2011, BY THE FOLLOWING VOTE:

AYES: **Shier Burnett, Peterson, Mantini, Delgleize, Farley Bixby, Ryan,**
NOES: **None**
ABSENT: **Farley**
ABSTAIN: **None**

MOTION APPROVED

Farley arrived at 5:17 PM.

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. TENTATIVE TRACT MAP NO. 17397/COASTAL DEVELOPMENT PERMIT NO. 10-017 (PACIFIC MOBILE HOME PARK SUBDIVISION – CONVERSION FROM RESIDENT RENTAL TO OWNERSHIP) – Jennifer Villasenor, Senior Planner

Jennifer Villasenor, Senior Planner, gave a brief overview of the proposed project.

Commissioner Bixby asked staff to report on a recent City Council item that pertains to this project. Mike Vigliotta, Deputy City Attorney, indicated that he would discuss the City Council item at the public hearing portion of the meeting.

A-2. ENVIRONMENTAL IMPACT REPORT NO. 10-003 (BEACH AND WARNER MIXED-USE PROJECT) – Rosemary Medel, Associate Planner

Rosemary Medel, Associate Planner, gave a brief overview of the proposed project.

Commissioner Bixby asked staff to revise the public services section to reflect current staffing and asked for the Police Department response time data to be updated. Commissioner Bixby also asked staff to analyze the potential traffic impacts of a new driveway along Warner Avenue, and to report back on the operating restrictions of the helipad onsite.

A-3. APPEAL OF DIRECTOR'S APPROVAL OF SIGN CODE EXCEPTION NO. 10-001 (FIRST CHRISTIAN CHURCH SIGNS) – Tess Nguyen, Associate Planner

Tess Nguyen, Associate Planner, gave a brief overview of the proposed project.

Commissioner Bixby asked staff to provide a summary table outlining the existing conditions, the applicant's request, the Design Review Board (DRB) recommendations, and the Director approved conditions

Commissioner Mantini asked staff to elaborate on the discrepancy in methodology noted in the appeal letter. Ms. Nguyen stated that staff evaluates the size of a sign based on the text area, not additional framing, and indicated that there is disagreement on whether framing area should be included in the overall size of the sign.

Commissioner Farley asked staff to explain the differences in the DRB recommendations and the Director's approved conditions. Herb Fauland, Planning Manager, indicated that the DRB recommendations were based on some signs being reviewed under a Planned Sign Program (PSP) and others being reviewed under a Sign Code Exception. Mr. Fauland indicated that the Director decided to review all of the signs together under the Sign Code Exception.

B. <u>STUDY SESSION ITEMS</u> – NONE

C. <u>PUBLIC COMMENTS</u>

Mary Jo Baretich, resident, spoke regarding Item No. A-1, stating that she was in agreement with staff's recommendation for denial. She noted that park owners cannot sell the lots with the existing configurations due to the encroachment issues. She noted that the Pacific Mobile Home Park is located in the coastal zone and subject to the Coastal Act.

David Treiman, resident, spoke in opposition to Item No. A-3, stating that he felt there was deficient public notice, discrepancies in the information, and inadequate findings for approval.

D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

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

E. PLANNING COMMISSION COMMITTEE REPORTS

Commissioner Farley reported that the Subdivision Committee met to review Tentative Tract Map No. 17397/Coastal Development Permit No. 10-017 and recommended denial.

F. PLANNING COMMISSION COMMENTS – NONE

5:59 P.M – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Shier Burnett

ROLL CALL: ***P Shier Burnett, P Peterson, P Mantini, P Delgleize, P Farley, P Bixby, P Ryan***

AGENDA APPROVAL

A MOTION WAS MADE BY MANTINI, SECONDED BY FARLEY, TO APPROVE THE PLANNING COMMISSION AGENDA OF APRIL 12, 2011, BY THE FOLLOWING VOTE:

AYES: **Shier Burnett, Peterson, Mantini, Delgleize, Farley, Bixby, Ryan**
NOES: **None**
ABSENT: **None**
ABSTAIN: **None**

MOTION APPROVED

A. ORAL COMMUNICATIONS - NONE

B. PUBLIC HEARING ITEMS

B-1. TENTATIVE TRACT MAP NO. 17397/COASTAL DEVELOPMENT PERMIT NO. 10-017 (PACIFIC MOBILE HOME PARK SUBDIVISION – CONVERSION FROM RESIDENT RENTAL TO OWNERSHIP) Applicant\ Property Owner: Mark Hodgson, Pacific Mobile Home Park, LLC **Request: TTM:** A request by the Pacific Mobile Home Park (Park) property owner to subdivide an existing for-rent, mobile home park with a total of 252 units for ownership purposes. The Park owner proposes to subdivide the 252 existing mobile home spaces into 252 numbered lots and 31 lettered lots representing interior drive aisles, landscape areas and common areas to enable the existing park residents to purchase their own lots. **CDP:** To permit the proposed subdivision in the non-appealable area of the Coastal Zone. **Location:** 80 Huntington Street (southeast corner of Atlanta Avenue and Huntington Street) **Project Planner:** Jennifer Villasenor

STAFF RECOMMENDATION: Motion to: "Deny Tentative Tract Map No. 17397 and Coastal Development Permit No. 10-017 with findings for denial (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Shier Burnett has visited the site, spoken to staff, and attended the Subdivision Committee meeting on this item.
- Commissioner Peterson has visited the site.
- Vice Chair Mantini has visited the site, and participated in the project review process prior to the meeting.
- Chair Delgleize has visited the site, spoken to staff, and attended the study session.
- Commissioner Farley has attended the Subdivision Committee on this item, attended the study session, and spoken to staff.
- Commissioner Bixby has visited the site, attended the study session, spoken to staff, and exchanged two emails with Mary Jo Baretich.
- Commissioner Ryan has visited the site and attended the Subdivision Committee meeting on the item.

Jennifer Villasenor, Senior Planner, gave the staff presentation and an overview of the project.

Commissioner Farley noted that the applicant indicated that the lots would not be immediately available for sale upon approval and asked staff if there is any case law regarding the required residents survey and how current it must be. Mike Vigliotta, Deputy City Attorney, stated that there is no case law regarding that issue.

Commissioner Bixby asked staff to review the recent City decision regarding this property. Mr. Vigliotta stated that the City Attorney's office was authorized to file a lawsuit against the park owners to preserve the city's rights to the public right of way that the park currently encroaches upon.

THE PUBLIC HEARING WAS OPENED.

Mary Jo Baretich, resident, spoke in opposition to Item No. B-1 citing concerns with the potential impacts of the encroachment on the current lot sizes. She stated that the request would violate the City's General Plan and does not adhere to the Coastal and Mello Acts.

Sharon Dana, resident, spoke in opposition to Item No. B-1 (with 4 minutes donated by Madeline Seymour) citing concerns with potential economic displacement of non-purchasing residents

Rob Jason, resident, spoke in opposition to Item No. B-1, citing concerns regarding the potential impacts this proposal would have on the Atlanta Avenue widening project.

Mark Alpert, representing the applicant/property owner, spoke in support of Item No. B-1. He stated that the proposed map does not create any legal lot lines in the public right of way, noting that the property is currently one legal lot and that

the proposed map does not intend to change legal lot boundary lines. He stated that any encroachment is irrelevant to the subdivision. Mr. Alpert noted that lot prices cannot be released due to Department of Real Estate regulations. He further stated that the applicant is willing to accept a condition that no lot will be sold in the public right of way.

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

Commissioner Bixby stated that the encroachment issues need to be resolved prior to any subdivision and noted that the residents survey shows inconsistent income references and asked the applicant to address that issue in the future.

Commissioner Ryan expressed disappointment that the applicant focused on government code and did not wish to address the encroachment issue.

A MOTION WAS MADE BY FARLEY, SECONDED BY SHIER BURNETT, TO DENY TENTATIVE TRACT MAP NO. 17397 AND COASTAL DEVELOPMENT PERMIT NO. 10-017 WITH FINDINGS FOR DENIAL AS AMENDED BY STAFF, BY THE FOLLOWING VOTE:

AYES:	**Shier Burnett, Peterson, Mantini, Delgleize, Farley, Bixby, Ryan**
NOES:	**None**
ABSENT:	**None**
ABSTAIN:	**None**

MOTION APPROVED

FINDINGS FOR DENIAL - TENTATIVE TRACT MAP NO. 17397:

1. The City cannot make findings that Tentative Tract Map No. 17397 (received and dated December 7, 2010) complies with Section 66427.5 of the California Government Code because the "offer" to each existing tenant to either purchase his or her condominium/subdivided unit or continue residency as a tenant, required pursuant to Section 66427.5(a) at the time of filing a tentative map to ensure that economic displacement of all non-purchasing residents is avoided, was conveyed to the Park residents via a report on the impact of conversion upon residents. The impact of conversion report, which is required to be provided to residents prior to the local agency hearing in accordance with Section 66427.5(c), states that "all residents will have the opportunity to either purchase the Lot on which their Home is situated or to continue renting their Space." It should be noted that the report collectively defines a "lot", "space", and "home" as the location of land, fixed improvements, dwelling, and leased premises as of the Hearing date. Given that the proposed tentative tract map includes lots, spaces, leased premises and homes outside of the boundary of the mobile home park property within the City's right-of-way, the applicant cannot ensure that all residents will have the opportunity to purchase their lot or continue renting their space despite making that statement, via the impact of conversion report, to the residents. Furthermore, because the applicant cannot ensure that all residents will have the opportunity to purchase their lot or continue renting their space, the applicant cannot ensure that economic displacement of all non-purchasing residents would be avoided.

Moreover, the City finds that Section 66427.5 of the California Government Code does not apply and is in conflict with the proposed map because Tentative Tract Map No. 17397 to convert 252 for-rent mobile home lots into condominium (ownership) lots will result in changes to existing lot lines and exterior boundary lines and therefore, does not solely constitute a subdivision map created from the conversion of a rental mobile home park to resident ownership.

2. The proposed tentative tract map would result in conditions specified in Section 66474 of the California Government Code (and referenced in Chapter 251 of the HBZSO as the required basis for denial of a tentative map), which stipulates that a tentative map shall be denied if the proposed tentative map would result in any of the conditions listed in that section. Specifically, Section 66474 requires denial of a tentative map that is not consistent with applicable general plans. The proposed subdivision would violate the following City of Huntington Beach General Plan Land Use Element goal and policies:

   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.

   Policy LU 4.2.1: Require that all structures be constructed in accordance with the requirements of the City's building and other pertinent codes and regulations; including new, adaptively re-used, and renovated buildings.

   Policy LU 4.2.6: Monitor the conditions of buildings in the City and enforce pertinent building, municipal, and zoning codes to ensure their maintenance and quality.

   Although the subdivision map does not propose construction of new buildings, Policy LU 4.2.1 is applicable Citywide to ensure the quality of the City's built environment. Similar to Policy LU 4.2.6, the General Plan requires that all proposed projects comply with applicable City codes and that the City shall enforce compliance with these codes. To that end, the City cannot approve a subdivision map that would result in violations of the Zoning Code and Municipal Code, which would be the case if the applicant maintains the current lots/configuration of the mobile homes and accessory structures shown on the map.

   If the applicant intends to move the existing lot lines such that no encroachment occurs, the resulting lots may result in an inability to meet the standards and regulations of the Mobile Home Parks Act/Health and Safety Code with respect to setbacks, access, and other applicable development standards that would be required. However, this report only analyzes the map that was submitted, not hypothetical configurations that the applicant may create.

   Mobile home owners with homes currently encroaching into the City right-of-way would necessarily be required to move their homes in order to purchase their own lot prior to obtaining title. This would require physical changes and a potential, and unanticipated, obstacle for the purchase of the lot, especially considering the application was submitted with the understanding that no physical changes are proposed. These violations would be detrimental to the current quality of life of the park residents affected by the physical changes proposed by the tentative tract map. Goal LU 1 aims to achieve improvement, and at a minimum, maintenance of the quality of life for City residents. The proposed tentative map would conflict with achievement of this goal.

3. Pursuant to Section 66427 of the California Government Code, the City cannot approve Tentative Tract Map No. 17397 because the location of the buildings on the property are violative of local ordinances.

4. The City cannot make the necessary findings for approval specified in Chapter 251 of the HBZSO, which require that "a proposed map is consistent with the General Plan or any applicable specific plan, or other provisions of this Code." The proposed tentative tract map conflicts with Section 202.04 of the HBZSO, Section 12.38.030 of the Municipal Code, General Plan Land Use Element Goal LU 1 and Policies LU 4.2.1 and 4.2.6 and Sections 66427, 66427.5 and 66474 of the Subdivision Map Act.

FINDINGS FOR DENIAL – COASTAL DEVELOPMENT PERMIT NO. 10-017:

The proposed coastal development permit, necessitated because it meets the definition of development in the coastal zone, conflicts with Sections 202.04 of the HBZSO, Section 12.38.030 of the Huntington Beach Municipal Code and General Plan Goal LU1 and Policies LU 4.2.1 and 4.2.6.

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED JUNE 22, 2010

RECOMMENDED ACTION: Motion to: "Approve the June 22, 2010, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY FARLEY, SECONDED BY MANTINI, TO APPROVE THE JUNE 22, 2010, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: Shier Burnett, Peterson, Mantini, Delgleize, Farley, Ryan
NOES: None
ABSENT: None
ABSTAIN: Bixby

MOTION APPROVED

C-2. PLANNING COMMISSION MINUTES DATED SEPTEMBER 28, 2010

RECOMMENDED ACTION: Motion to: "Approve the September 28, 2010, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY FARLEY, SECONDED BY MANTINI, TO APPROVE THE SEPTEMBER 28, 2010, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: Shier Burnett, Peterson, Mantini, Delgleize, Farley, Ryan
NOES: None
ABSENT: None
ABSTAIN: Bixby

MOTION APPROVED

C-3. PLANNING COMMISSION MINUTES DATED OCTOBER 26, 2010

RECOMMENDED ACTION: Motion to: "Approve the October 26, 2010, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY FARLEY, SECONDED BY MANTINI, TO APPROVE THE OCTOBER 26, 2010, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: **Shier Burnett, Peterson, Farley**
NOES: **None**
ABSENT: **None**
ABSTAIN: **Mantini, Delgleize, Bixby, Ryan**

C-4. PLANNING COMMISSION MINUTES DATED NOVEMBER 9, 2010

RECOMMENDED ACTION: Motion to: "Approve the November 9, 2010, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY FARLEY, SECONDED BY MANTINI, TO APPROVE THE NOVEMBER 9, 2010, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: **Mantini, Delgleize, Farley**
NOES: **None**
ABSENT: **None**
ABSTAIN: **Shier Burnett, Peterson , Bixby, Ryan**

D. NON-PUBLIC HEARING ITEMS – NONE

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING
Herb Fauland, Planning Manager - reported on the items from the previous City Council Meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING
Herb Fauland, Planning Manager - 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 – NONE

<u>ADJOURNMENT:</u> Adjourned at 7:48 PM to the next regularly scheduled meeting of Tuesday, May 10, 2011.

APPROVED BY:

Scott Hess, Secretary	Barbara Delgleize, Chairperson