



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, OCTOBER 27, 2009

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* *A* *A* *P* *P* *P* *P*

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

Commissioner Mantini and Vice Chair Farley were absent.

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SCANURA, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF OCTOBER 27, 2009, BY THE FOLLOWING VOTE:

AYES: Speaker, Shier Burnett, Scandura, Livengood, Delgleize

NOES: None

ABSENT: Mantini, Farley

ABSTAIN: None

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

- A-1. ENVIRONMENTAL IMPACT REPORT NO. 08-008/GENERAL PLAN AMENDMENT NO. 08-002/ZONING MAP AMENDMENT NO. 08-002/ZONING TEXT AMENDMENT NO. 08-002 (BEACH AND EDINGER CORRIDORS SPECIFIC PLAN – REVIEW OF PUBLIC COMMENTS) – Rosemary Medel, Associate Planner**

Rosemary Medel, Associate Planner, gave a brief overview of the proposed project. Planning Manager Mary Beth Broeren gave an overview of the public comments received to date.

Chair Shier Burnett discussed staff's recommendation that a 5,000 square foot cap be put on new restaurant developments. Ms. Broeren noted that existing restaurants that are larger than 5,000 square feet would be grandfathered into the proposed Specific Plan.

Commissioner Scandura asked about the theater at the northwest corner of Beach Blvd and Warner Avenue, near Ash Street. Ms. Broeren noted that this immediate area would be revamped as part of the proposed Specific Plan.

Ms. Broeren also discussed the area on Beach Blvd. and Ellis Avenue. She noted that the proposed Specific Plan proposes that retail/commercial uses provide a percentage of public open space and that this rule applies to commercial establishments 20,000 square feet or more. She also noted that the local business owners feel that the proposed pre-set percentage may be too high. She said that staff is not recommending a change to this proposed condition, but may reduce the pre-set percentage for those business establishments offering lodging and a live/work mixed-use environment.

Mr. Scandura asked when Book 3 of the Beach and Edinger Corridors Specific Plan would be available and Ms. Broeren noted that the target date is early to mid-November, 2009.

Ms. Broeren discussed the Huntington Executive Park at the corner of Beach Blvd. and Edinger Avenue. She noted that the proposed Specific Plan limits buildings to 4 stories, but that Huntington Executive Park owner Steve Dodge is asking for up to 14 stories. Ms. Broeren noted that staff may recommend allowing buildings up to 10 stories tall within 1,000 feet of the 405 freeway. She also noted that these building heights were approved for Bella Terra.

Commissioner Livengood asked about potential traffic impacts associated with the proposed Specific Plan. Ms. Broeren indicated that any new development project would require its own environmental review and traffic analysis.

Ms. Broeren noted that current Specific Plan limits for the Beach and Edinger Corridors area are capped at building heights of 50' or 4 stories.

Mr. Livengood stated that he has concerns with proposed building heights. Ms. Broeren asked for the Planning Commission's feedback so that she can incorporate their requested changes into the proposed Specific Plan.

Ms. Broeren noted that an idea for the intersection at Beach Blvd. and Warner Avenue is that a developer could apply for permission to build a structure higher than 5 stories, but must receive a Conditional Use Permit from the Planning Commission first.

Ms. Shier Burnett said that she has concerns with density and Huntington Beach becoming "built out."

Ms. Broeren noted that potential redevelopment sites are few and far between.

Mr. Livengood asked about the building heights approved for the Amstar/Red Oak project. Ms. Broeren noted that 6 stories will be allowed for this site.

Transportation Manager Bob Stachelski noted that development projects that are fully funded can be proposed on CalTrans property.

Mr. Scandura asked for a timeline on the project. Ms. Broeren noted that the Beach and Edinger Corridors Specific Plan will come before the Planning

Commission on November 10, 2009, and after that meeting, staff can project future meeting dates. Mr. Scandura said that he has concerns with this project adhering to mandatory processing deadlines.

A-2. ZONING TEXT AMENDMENT NO. 07-001 (AMENDING CHAPTER 244 DESIGN REVIEW) – Rosemary Medel, Associate Planner

Rosemary Medel, Associate Planner, gave a brief overview of the proposed project and the impacts the proposed changes would have on the Design Review Board's membership.

Commissioner Speaker indicated concern that at least one member of staff would not be included on the Design Review Board roster. He also inquired as to the reasoning for the inclusion of the Historic Resources Board member.

Commissioner Scandura recommended that the changes listed in Sections 2 and 4 of Staff Report attachment 1.1 be adopted as shown.

B. STUDY SESSION ITEMS - NONE

C. PUBLIC COMMENTS

Gary Gonzales, resident, spoke regarding Item No. A-1 (Beach and Edinger Corridors), citing concerns with traffic at the McFadden Street bridge. Mr. Gonzales said that he believes the McFadden/Sugar Street exit is flawed, that the traffic analysis counts are off and that the Beach and Edinger Corridors Environmental Impact Report is faulty.

D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) – NONE

E. PLANNING COMMISSION COMMITTEE REPORTS - NONE

F. PLANNING COMMISSION COMMENTS

Commissioner Speaker spoke regarding the McFadden Street bridge and noted that there used to be an additional exit from the neighboring residential tract. Mr. Speaker asked if opening that exit and installing gates might ease the traffic problems. Transportation Manager Bob Stachelski noted that he has met with residents in that tract and the issue of reopening and gating the additional tract exit hasn't been raised. Mr. Stachelski said that staff would research the issue.

6:27 PM – RECESS FOR DINNER

7:30 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Delgleize

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

Commissioner Mantini and Vice Chair Farley were absent.

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY DELGLEIZE, TO MOVE ITEM NO. B-2 BEFORE ITEM NO. B-1 AND TO APPROVE THE PLANNING COMMISSION AGENDA OF OCTOBER 27, 2009, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

THE MINUTES WILL REFLECT ITEMS IN THEIR ORIGINAL ORDER.

A. ORAL COMMUNICATIONS - NONE

B. PUBLIC HEARING ITEMS

B-1. ZONING TEXT AMENDMENT NO. 09-006/LOCAL COASTAL PROGRAM AMENDMENT NO. 09-003 (AMENDING CHAPTER 211 COMMERCIAL DISTRICTS) Applicant: City Initiated. **Request: To permit Religious Assembly uses within the Visitor Commercial Zoning District (CV) upon approval of a conditional use permit. The LCPA amends the Implementation Program (Zoning Code) subject to certification by the California Coastal Commission. The City currently allows other assembly uses in the CV district. **Location:** Visitor Commercial District. **Project Planner:** Rosemary Medel**

STAFF RECOMMENDATION: Motion to:

- A. "Approve Zoning Text Amendment No. 09-006 with findings for approval (Attachment No. 1) and forward Draft Ordinance (Attachment No. 3) to the City Council for adoption."
- B. "Approve Local Coastal Program Amendment No. 09-003 with findings for approval (Attachment No. 2) and draft resolution (Attachment No. 5) to the City Council for adoption."

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

Commissioner Livengood asked staff for definitions on Attachment 3.2. Ms. Medel indicated that CO stands for "Commercial Office", CG stands for "Commercial General" and CV stands for "Commercial Visitor".

Mr. Livengood asked if the residents were noticed regarding this public hearing and Ms. Medel said yes, all residents within 300' were noticed.

THE PUBLIC HEARING WAS OPENED.

Mike Adams, of Michael C. Adams Associates, spoke in favor of Item No. B-1 (Amending Chapter 211 Commercial Districts) and thanked staff for their efforts

on this project. He noted that he is representing other speakers in favor of this project, but that those other speakers choose not to speak until a specific project comes before the Planning Commission.

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

Ms. Medel noted that if this project is approved by the Planning Commission, it will then come before the City Council for review and approval. Then if approved by the City Council, it will come before the California Coastal Commission for review and approval.

Mr. Livengood asked about specific projects which might come before the Planning Commission after the California Coastal Commission approves this Zoning Text Amendment. Ms. Medel noted that specific projects would be noticed to residents within a 500' radius. Mr. Livengood noted that he is not comfortable with the current notification process.

Ms. Medel noted that it is the Planning Commission's purview to review and then approve or deny the overall Zoning Text Amendment. Then, each individual project that would be allowed by the ZTA would come before the Planning Commission with a Conditional Use Permit request.

Commissioner Delgleize asked if any building would be allowed prior to California Coastal Commission approval and Ms. Medel said no.

Ms. Shier Burnett asked about other cities in the Commercial Visitor district and asked if the California Coastal Commission had approved this Zoning Text Amendment for other cities. Ms. Medel said yes, this ZTA was approved by the California Coastal Commission for the city of Newport Beach.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY DELGLEIZE, TO APPROVE ZONING TEXT AMENDMENT 09-006 WITH FINDINGS FOR APPROVAL AND FORWARD THE DRAFT ORDINANCE TO THE CITY COUNCIL FOR ADOPTION, AND TO APPROVE LOCAL COASTAL PROGRAM AMENDMENT NO 09-003 WITH FINDINGS FOR APPROVAL AND DRAFT RESOLUTION TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS OF APPROVAL

ZONING TEXT AMENDMENT NO. 09-006

FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 09-006

1. Zoning Text Amendment No. 09-006 amending Chapter 211 Commercial Districts of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to allow Religious Assembly in the Visitor Commercial Zoning District (CV) is consistent with the goals, objectives, policies, general land uses and programs specified in the General Plan that already permit assembly uses in the CV district in the City of Huntington Beach.
2. In the case of a general land use provision, the zoning text amendment is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed because other assembly uses are permitted in the same zone and adding religious assembly would comply with the Religious Land Use and Institutionalized Persons Act (RLUIPA).
3. A community need is demonstrated for the change proposed because the inclusion of religious assembly in the Visitor Commercial district serves visitors and residents in the coastal areas by providing a place of religious worship and a visitor serving use.
4. The adoption of this ordinance will be in conformity with public convenience, general welfare and good zoning practice. The zoning text amendment would allow for consideration of a religious assembly use in the Visitor Commercial district, which increases the diversity of services available to residents and visitors.

FINDINGS OF APPROVAL

LOCAL COASTAL PROGRAM AMENDMENT NO. 09-003

FINDINGS FOR APPROVAL-LOCAL COASTAL PROGRAM AMENDMENT NO. 09-003:

1. Local Coastal Program Amendment No. 09-003 is a minor amendment to the City's Local Coastal Program to allow Religious Assembly in the Visitor Commercial Zoning District (CV) and is consistent with the goals, objectives, policies, general land uses and programs specified in the Local Coastal Program that already permit assembly uses in the CV district in the City of Huntington Beach.
2. Local Coastal Program Amendment No. 09-003 is in accordance with the policies, standards and provisions of the California Coastal Act because other assembly uses are already permitted in this district and the Federal Law states that no government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with non-religious assembly.
3. The amendment conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. Religious assembly is a use similar to the allowed assembly uses such as museums, movie theaters, and other Commercial and Recreation uses in the Visitor Commercial District as defined by Religious Land Use and Institutionalized Persons Act and would not necessarily conflict with or impede public access and public recreation in the Coastal Zone.

- B-2. APPEAL OF ENVIRONMENTAL ASSESSMENT COMMITTEE DECISION TO PROCESS DRAFT MITIGATED NEGATIVE DECLARATION NO. 08-016 (“THE RIDGE” – 22-UNIT PLANNED UNIT DEVELOPMENT): Applicant: Hearthside Homes Appellant: Planning Commissioner Blair Farley Request: Draft Mitigated Negative Declaration No. 08-016 analyzes the potential environmental impacts associated with a request to amend the land use and zoning designations on an existing approximately 5-acre parcel for the subdivision and development of a 22-unit single-family planned unit development (PUD) with a 5,776 square foot common open space area. The project includes the following entitlement requests: General Plan Amendment No. 08-011; Zoning Map Amendment No. 08-007; Local Coastal Program Amendment No. 09-002; Zoning Text Amendment No. 09-008; Tentative Tract Map No. 17294; Coastal Development Permit No. 08-022; and Conditional Use Permit No. 08-046. The Planning Commission will consider the Environmental Assessment Committee's decision to process a Draft Mitigated Negative Declaration (MND) for the proposed project and make a determination as to whether the MND is the appropriate level of environmental review for the project. Location: 5-acre site southeast of the intersection of Bolsa Chica Street and Los Patos Avenue (APN: 110-016-35). Project Planner: Jennifer Villasenor**

STAFF RECOMMENDATION: Motion to: “Continue the Appeal of EAC’s determination to process Mitigated Negative Declaration No. 08-016 to November 10, 2009.”

A MOTION WAS MADE BY SPEAKER, SECONDED BY SCANDURA, TO CONTINUE THE APPEAL OF EAC’S DETERMINATION TO PROCESS MITIGATED NEGATIVE DECLARATION NO. 08-016 TO NOVEMBER 10, 2009, WITH THE PUBLIC HEARING OPEN, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED SEPTEMBER 22, 2009

RECOMMENDED ACTION: Motion to: “Approve the September 22, 2009, Planning Commission Minutes as submitted.”

A MOTION WAS MADE BY SPEAKER, SECONDED BY SCANDURA, TO APPROVE THE SEPTEMBER 22, 2009 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS - NONE

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING

Mary Beth Broeren, Planning Manager- reported on the items from the previous City Council Meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING

Mary Beth Broeren, Planning Manager- reported on the items for the next City Council Meeting.

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING

Mary Beth Broeren, 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

ADJOURNMENT: Adjourned at 7:20 PM to the Planning Commission Field Trip (Beach & Edinger Corridors) on October 29, 2009, at 9:30 AM, beginning at City Hall.

APPROVED BY:

Scott Hess, Secretary

Blair Farley, Chairperson