MINUTES
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, SEPTEMBER 14, 2010
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

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

Commissioner Mantini and Vice-Chair Speaker were absent.

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY DELGLEIZE, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF SEPTEMBER 14, 2010, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS) – NONE

A-1. DRAFT NEGATIVE DECLARATION NO. 10-005/ ANNEXATION NO. 10-001/ LOCAL COASTAL PROGRAM AMENDMENT NO. 10-001/ GENERAL PLAN AMENDMENT NO. 10-002/ ZONING MAP AMENDMENT NO. 10-001/ ZONING TEXT AMENDMENT NO. 10-002 (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 Scandura asked staff how many items listed in Attachment No. 3 could not be addressed in the Specific Plan. Ms. Broeren indicated that staff did not have an exact number yet but that they would provide a matrix at the next meeting.

Commissioner Scandura asked staff if the peninsula on Park Street be included in the Specific Plan. Ms. Broeren indicated that staff had discussed including this land in the Specific Plan but the size of the property does not lend itself for inclusion in the Specific Plan.

There was a brief discussion on the current status of any medical marijuana facilities within Sunset Beach.

Commissioner Livengood asked if the Huntington Beach Municipal Code would apply in Sunset Beach. Ms. Broeren noted that the existing Sunset Beach Local Coastal Program lists prohibited uses, which differs from the City's standard of any unlisted uses are prohibited. This difference necessitates having a prohibited uses section within the Sunset Beach Specific Plan.

A-2. APPEAL OF ZONING ADMINISTRATOR'S APPROVAL OF CONDITIONAL USE PERMIT NO. 10-017 (PIERSIDE PAVILION CARTS & KIOSKS) – Ethan Edwards, Associate Planner

Ethan Edwards, Associate Planner, gave a brief overview and status update on the project.

There was a brief discussion on the differences in the applicant's request and the Zoning Administrator's approval. The Commission asked staff to include the original site plan, the Zoning Administrator approved site plan, and the applicant's requested site plan in the next staff report.

Commissioner Shier Burnett asked if staff had considered the potential noise impacts to the adjacent residents. Mr. Edwards indicated that staff did not consider the noise impacts to be significant. He noted that residents were noticed on the request and no comments have been received. Commissioner Shier Burnett asked staff to confirm that the Home Owners Associations were notified of the request.

B. STUDY SESSION ITEMS

B-1. SUNSET BEACH TRANSITION COMMITTEE PLANNING COMMISSION REPRESENTATIVE – Chair Farley

Chair Farley, asked for a volunteer to represent the Planning Commission at the Sunset Beach Transition Committee.

A MOTION WAS MADE BY FARLEY, SECONDED BY SCANDURA, TO APPOINT COMMISSIONER SHIER BURNETT TO REPRESENT THE PLANNING COMMISSION AT THE SUNSET BEACH TRANSITION COMMITTEE, BY THE FOLLOWING VOTE:

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

C. PUBLIC COMMENTS

Alison Goldenberg, Neighborhoods for Safety and Quality, spoke regarding Brethren Christan High School, citing concerns with the productivity of the quarterly traffic committee, as well as the Calendar of Events distributed by the school, which she believes to be inaccurate.

Kathrene Kim, Neighborhoods for Safety and Quality spoke regarding Brethren Christian High School, citing concerns with the quarterly Traffic Committee and the traffic logs that residents are being provided.

Mike Adams, Adams & Associates, spoke in support of Item No. A-2, noting that the applicant would be open to having fewer carts approved as long as carts are allowed along Main Street and Pacific Coast Highway.

Tom Burke, Sunset Beach LCP Advisory Board, spoke regarding Item No. A-2, noting that the Fire Engines from Warner Station do have difficulties navigating the smaller streets of Sunset Beach and suggested that the Fire Department look into using a smaller rig for that area.

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. SS A-1 and one Late Communication for Item No. B-1.

E. PLANNING COMMISSION COMMITTEE REPORTS

Commissioner Livengood reported on the most recent Design Review Board meeting where The Village at Bella Terra – Costco was reviewed.

Commissioner Shier Burnett reported on the previous two meetings of the Sunset Beach Transition Committee

F. PLANNING COMMISSION COMMENTS

Chair Farley asked staff for an update on Brethren Christian High School. Scott Hess, Director of Planning and Building, reported that the Community Services Department is still reviewing the possibility of relocating the lights and that there are no further updates. Chair Farley asked staff to report back to the commission on the concerns raised by the public speakers regarding the Brethren Christian Traffic Committee. Commissioner Shier Burnett asked staff if the city is receiving a copy of Brethren Christian High School's calendar of events. Herb Fauland, Planning Manager, indicated that staff would report back on that item.

6:20 PM – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Scandura

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

AGENDA APPROVAL

A MOTION WAS MADE BY DELGLEIZE, SECONDED BY SCANDURA, TO APPROVE THE PLANNING COMMISSION AGENDA OF SEPTEMBER 14, 2010, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. ORAL COMMUNICATIONS

Matthew 'Clint' Orr, resident, spoke in opposition to the removal of the movie theater at Pierside Pavilion.

B. PUBLIC HEARING ITEMS

Commissioner Shier Burnett recused herself from the discussion on Item No. B-1 and left the room.

B-1. ENTITLEMENT PLAN AMENDMENT NO. 10-003 (PLAZA ALMERIA CARTS – AMENDMENT TO CONDITIONAL USE PERMIT NO. 00-015(R) – CONTINUED FROM AUGUST 10, 2010 WITH THE PUBLIC HEARING OPEN) Applicant: Michael Adams, Michael C. Adams Associates **Property Owner:** John Tillotson, J.T. Development **Request:** To amend Condition No. 1 of Conditional Use Permit No. 00-015(R) by increasing the number of approved vending carts from 6 to 14. **Location:** 301 Main Street (full block bounded by Main Street, Olive Avenue, Fifth Street and Orange Avenue – Plaza Almeria) **Project Planner:** Ethan Edwards

STAFF RECOMMENDATION: Motion to: "Approve Entitlement Plan Amendment No. 10-003 with suggested findings and conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Scandura has spoken to staff, spoken to Mr. Adams, and acted on previous entitlements for the site as part of the Planning Commission.
- Chair Farley has visited the site, spoken to Mr. Adams, and attended the study session.
- Commissioner Delgleize has spoken to Mr. Adams, visited the site and attended the study session.
- Commissioner Livengood has spoken to Mr. Adams, visited the site and attended the study session.

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

Commissioner Scandura asked Mr. Edwards if staff is recommending the approval of 14 carts at the locations the applicant has requested. Mr. Edwards indicated that the staff recommendation does not support all of the requested locations and noted that in order to accommodate the number of carts some of the benches may need to be relocated. Mr. Edwards stated that staff would accept the relocation of benches and trash receptacles provided that they be relocated along Main Street.

Chair Farley confirmed with staff that suggested Condition No. 3 would not allow for the sale of any items that require a liquor license.

THE PUBLIC HEARING WAS OPENED.

Michael Adams, Adams and Associates, spoke in support of Item No. B-1. He stated that there would be adequate sidewalk width to allow for the additional kiosks and indicated that he would prefer more flexibility on the placement of the benches and trash receptacles. He noted that he has submitted a revised proposal to reduce the number of carts to 12 and requests only a five foot separation between kiosks.

Commissioner Livengood asked Mr. Adams if he had reviewed the revised proposal with staff. Mr. Adams indicated that he had given staff the revised proposal at the beginning of the 7:00 PM portion of the meeting.

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

Commissioner Scandura asked staff who would approve the trash receptacle and bench locations. Mr. Edwards stated that Suggested Condition No. 2b would require an amended license agreement approved by Public Works which would address the permitting of those landscape amenities.

Commissioner Scandura asked Police Department staff if angled carts would be acceptable. William Stuart, Police Captain, stated that the eight foot separation is preferred, as visibility would be decreased. He noted that there will no longer be officers on foot in the downtown area and the visibility will be very important to the vehicular patrol officers.

Commissioner Livengood stated that he would prefer to limit the number of kiosks to 10 in order to accommodate the eight foot setbacks. Commissioner Livengood proposed an amended condition of approval requiring that the carts shall be maintained in a clean manner and that all storage be within the cart and hidden from view. He recommended a 12 month review of the project.

Chair Farley asked if the design of the additional carts would match the existing carts and Mr. Edwards confirmed this. Chair Farley asked staff if there was a condition for storing any unused carts off site. Mr. Edwards indicated that this was included in the kiosk ordinance and therefore did not need to be included in the conditions of approval.

Commissioner Scandura asked if staff supports the relocation of the bike racks off Main Street and to Olive and Orange Avenues. Mr. Edwards indicated that staff supports the relocation provided that it allows for an additional bike rack. Mr.

Edwards noted that staff would prefer that at least one bike rack remain on Main Street.

Commissioner Scandura indicated that he would prefer ten carts total to allow for the eight foot separation between the carts.

Commissioner Delgleize noted that if the bike racks are relocated off Main Street, then she would prefer to have larger racks on Olive and Orange Avenues, but one small rack remaining on Main Street.

Commissioner Livengood recommended modifying the suggested conditions of approval to limit the number of carts to 10, with the eight foot separation.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY DELGLEIZE, TO APPROVE CONDITIONAL USE PERMIT NO. 10-003 WITH FINDINGS AND MODIFIED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

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

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 – ENTITLEMENT PLAN AMENDMENT NO. 10-003:

1. Entitlement Plan Amendment No. 10-003 for the establishment, maintenance and operation of 10 outdoor portable vending carts 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. Based upon the conditions imposed, adequate pedestrian passage area will be provided. The project has been evaluated for compatibility with the surrounding neighborhood. The portable vending carts will provide additional open air commercial amenities, are designed on a pedestrian scale and character, and will meet the goals, objectives, and policies of the General Plan.

2. The entitlement plan amendment will be compatible with surrounding uses because the ancillary operation of portable vending carts and kiosks is consistent with the zoning and General Plan designations and does not represent a significant change from the existing mix of uses. The site currently includes carts and kiosks and the entitlement plan amendment will allow for the expansion of this ancillary use. With the conditions of approval, the portable vending carts will provide adequate pedestrian passage areas and will enhance the pedestrian character and scale of the street scene surrounding the project.

3. The 10 outdoor portable vending carts facing Main Street 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) and HBZSO including parking, onsite circulation, setbacks, carts and kiosks standards.

4. The granting of the entitlement plan amendment will not adversely affect the General Plan. It is consistent with the Land Use Element designation of MV-F6/25-sp-pd (Mixed Use Vertical-2.0 FAR/25 du/acre-Specific Plan Overlay-Pedestrian Overlay) on the subject property. In addition, it is consistent with the following goals, objectives and policies of the General Plan:

A. *Land Use Element*

Goal LU1: 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.

Objective LU7.1: Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, educational, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding sub-region, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic "relief" from urban development.

Goal LU11: 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 LU15.2.2: Require that structures located in the pedestrian overlay zone be sited and designed to enhance pedestrian activity along the sidewalks in consideration of the guidelines noted in the general plan.

B. *Economic Development Element*

Objective ED1.1: Enhance the City's market potential in terms of retail, office, industrial, and visitor serving activity. This would allow Huntington Beach to provide for retail, office, and industrial opportunities that serve the current and projected population and enhance sales and occupancy tax revenue.

Policy ED3.2.2: Encourage mixed use (retail/office/residential) structures in the downtown area and at the visitor-serving nodes along Pacific Coast Highway.

The Plaza Almeria mixed use project is located in the Downtown area of Huntington Beach. The design of the building with its retail uses facing Main Street and Olive Avenue was originally designed to encourage pedestrian activity from the pier and Pacific Coast Highway to progress further north on Main Street. A key component to expanding pedestrian activity in a downtown beach community is the provision of a mix of open-air commercial uses including carts and kiosks. As conditioned, the portable vending carts provide adequate pedestrian passage (10 ft.) which is consistent with other cart and kiosk locations in the Downtown. This request to increase the number of vending carts contributes to the project's effectiveness in meeting the goals, objectives and policies of the General Plan.

CONDITIONS OF APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 10-003:

1. The site plan and floor plans received and dated August 16, 2010, shall be the conceptually approved design with the following modifications:
    a. Depict a minimum eight foot wide separation between portable vending carts.

b. Pedestrian benches and trash receptacles shall remain or be relocated along Main Street. **(DRB)**

c. Depict a minimum 4 ft. customer queuing area around each cart. **(DRB)**

d. A minimum 10 ft. wide clear path of travel shall be maintained along the public sidewalk adjacent to the portable vending carts. **(PW)**

e. No carts shall be located at the locations designated on the site plan as 1, 7, 8, and 14.

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. An amended or new 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. Portable vending carts may sell general merchandise, flowers, pre-packaged food items, any other food items as permitted by the Orange County Health Care Agency. Portable vending carts may also sell any other merchandise of similar nature as the above mentioned items with approval from the Director of Planning and Building. **(ED)**

4. All conditions of approval required under Conditional Use Permit No. 00-015(R), with exception of Condition of Approval No. 2(g & m), shall remain valid.

5. EPA No. 10-003 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.

6. 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.

7. A review of the use shall be conducted by the Planning Commission within 12 months of operation to verify compliance with the HBZSO and conditions of approval. At that time the Planning Commission may consider modifications to the conditions of approval.

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.

C. CONSENT CALENDAR– NONE

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

ADJOURNMENT: Adjourned at 7:46 PM to the next regularly scheduled meeting of Tuesday, September 28, 2010.

APPROVED BY:

Scott Hess, Secretary

Barbara Delgleize, Chairperson