MINUTES
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, NOVEMBER 24, 2009
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

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

Commissioner Livengood was absent. Chair Shier Burnett arrived at 5:40 PM.

AGENDA APPROVAL

A MOTION WAS MADE BY SCANDURA, SECONDED BY DELGLEIZE, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF NOVEMBER 24, 2009, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. CONDITIONAL USE PERMIT NO. 09-023 (CALVARY CHAPEL OF THE HARBOUR) – Tess Nguyen, Associate Planner

Herb Fauland, Planning Manager, gave a brief overview of the proposed project on behalf of Associate Planner Tess Nguyen.

Commissioner Speaker asked when "Religious Assembly Uses in Visitor Commercial District" (Zoning Text Amendment No. 09-006, Local Coastal Program Amendment No. 09-003, Resolution No. 2009-72) would come before the California Coastal Commission. Mr. Fauland noted that this item was approved by the City Council on November 16, 2009 and will be forwarded to the California Coastal Commission for their review before the end of the year.

Commissioner Delgleize asked for the square footage of the proposed Calvary Chapel site. Mr. Fauland said that the proposed subject suite is approximately 8,600 square feet.

A-2. CONDITIONAL USE PERMIT NO. 09-017/ENTITLEMENT PLAN AMENDMENT NO. 09-005 (AMENDMENT TO CONDITIONAL USE PERMIT NO. 93-006 – COACH'S RESTAURANT EXPANSION) – Ethan Edwards, Associate Planner

Ethan Edwards, Associate Planner, gave a brief overview of the proposed project. He noted a typo in the Staff Report (the applicant is proposing expanding into Suite 104, not Suite 103).

Commissioner Scandura asked when belly dancing would be allowed and if it would only be allowed during parties and special events. Mr. Edwards said that belly dancing would be allowed on an occasional basis, as it has been during the course of the past ten years.

Commissioner Mantini asked about parking in-lieu fees. Mr. Edwards referenced the new in-lieu rate schedule and noted that the in-lieu fee applicable to this project is $17,297.86 per parking space; therefore, $121,085.02 in-lieu parking fees are required to satisfy the parking requirements for this project (7 spaces).

Commissioner Mantini asked if this project would be in compliance would the proposed Downtown Specific Plan Update. Mr. Fauland noted that the Downtown Specific Plan Update is being reconsidered and will be scheduled for review by the City Council in January 2010.

Ms. Mantini also asked about safety issues. Police Captain Chuck Thomas noted that the proposed project has no known impact on public safety and that the Police Department is in support of the proposed business expansion.

Mr. Scandura asked about an entertainment permit and Scott Hess, Director of Planning, said that entertainment permits must be reviewed by the Police Department.

Commissioner Delgleize asked if the Planning Commission approves the expansion now, what would happen if the owner then sells the property. Mr. Hess noted that the new owner can request changes, but would still be subject to the rules and conditions of the Police Department and Planning Commission. Mr. Hess also noted that the Planning Commission can revoke the Conditional Use Permit.

B. STUDY SESSION ITEMS - NONE

C. PUBLIC COMMENTS

Mike Adams, applicant for Calvary Chapel of the Harbour, spoke in support of Item No. A-1, citing the need for larger facilities to accommodate the growth of the church's congregation and greater parking demands. Mr. Adams also addressed the concerns voiced by some members of the community regarding noise; he said that the church would be agreeable to stopping concerts at 8:00 PM.

Doug Shea, representing the landlord of Peter's Landing, spoke in support of Item No. A-1. He said that the Peter's Landing site is a 'hard to rent' space and that he hopes the church's presence helps increase revenue for local businesses.

Amber Zaky, member of Calvary Chapel of the Harbour and representing Marley's Preschool, spoke in favor of Item No. A-1, saying the church needs room to expand.

George Mitchell, member of Calvary Chapel of the Harbour, spoke in favor of Item No. A-1.

Richard Plummer, representing Huntington Beach Residents for a Balanced Downtown, spoke in opposition to Item No. A-2 (Coach's Restaurant Expansion). He cited concerns with the proposed operating hours, safety, and the number of liquor licenses being issued in the downtown area.

Jeff Bergsma, applicant for Coach's Restaurant Expansion, spoke in support of Item No. A-2. He said that he is willing to work with the city to ensure that the expansion can take place and is agreeable to 6 month reviews by the city.

D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Herb Fauland, Planning Manager, reviewed the items for tonight's meeting. He advised that there are five Late Communications for Item No. D-2 (Brethren Christian High School) and that staff is recommending this item be continued to a date uncertain. Mr. Hess noted that Mr. Kevin Coleman (applicant for Brethren Christian High School) and Code Enforcement staff would not be in attendance at tonight's meeting.

E. PLANNING COMMISSION COMMITTEE REPORTS

Commissioner Speaker spoke regarding his attendance at recent Design Review Board (DRB) meetings. Ho noted that on November 19, 2009, the DRB approved the colors and design for the proposed Goldenwest Assisted Living Facility. He also noted that on November 12, 2009, the DRB approved two wall signs for the Visitor Information Kiosk at Pier Plaza.

F. PLANNING COMMISSION COMMENTS

Chair Shier Burnett noted that at the City Council meeting of November 16, 2009, Council upheld the Planning Commission's denial of Huntington Shorecliffs Mobile Home Park Conversion (Tentative Tract Map No. 17296).

5:58 PM – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Farley

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

Commissioner Livengood was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY SCANDURA, SECONDED BY FARLEY, TO APPROVE THE PLANNING COMMISSION AGENDA OF NOVEMBER 24, 2009, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. ORAL COMMUNICATIONS

Terry Crowther, resident, spoke regarding Item No. D-2 (Brethren Christian High School) and trust amongst neighbors.

Stephen Miles, representing Miles Chen Law Group, spoke regarding Item No. D-2 (Brethren Christian High School), and asked staff not to continue this Item "to a date uncertain."

B. PUBLIC HEARING ITEMS

B-1. ZONING TEXT AMENDMENT NO. 07-001 (DESIGN REVIEW BOARD)

Applicant: City Initiated. **Request:** To amend the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to change Chapter 244 to modify the composition and scope of the Design Review Board (DRB), including associated changes to Chapters 210, 211, 212, 213 and 214 to reference Chapter 244 Design Review and amend Chapter 233 to eliminate need for signs in redevelopment project areas to be reviewed by the DRB. **Location:** Citywide. **Project Planner:** Rosemary Medel

STAFF RECOMMENDATION: Motion to: "Approve Zoning Text Amendment No. 07-001 with findings for approval (Attachment No. 1) and forward Draft Ordinances (Attachment No. 2) to the City Council for adoption."

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

Commissioner Speaker said that he has concerns with the mandatory requirement that a Design Review Board (DRB) member also be a member of the Historic Resources Board (HRB).

Commissioner Scandura asked why the City Council designated HRB membership as a prerequisite for DRB membership.

Ms. Medel said that in April 2009, the Intergovernmental Board looked at all of the city's Boards and made several recommendations. In August of 2009, the Board recommended that at least one member of the DRB also be a member of the HRB. The City Council approved the Intergovernmental Board's decision. Planning staff received direction from the City Council to then move forward with Zoning Text Amendment No. 07-001.

THE PUBLIC HEARING WAS OPENED.

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

Chair Shier Burnett asked the Planning Commission if they had any additional questions for staff.

Mr. Scandura noted that he concurs with Mr. Speaker regarding the HRB membership requirement. He asked why a non-HRB-member resident or landscape architect couldn't be considered for DRB membership.

Commissioner Farley noted that he served a year as a DRB member and felt that some projects were presented to the DRB prematurely. He said that he hoped ZTA No. 07-001 would address this issue.

Mr. Farley questioned the deletion of the Public/Semi-Public requirement with the new Open Space Park and Shoreline District Land Use Controls (Staff Report attachment 3.58). He said that he is concerned with city parks and that the approval of the Zoning Text Amendment will not cause a reduction in the amount of Public Open Space.

Ms. Shier Burnett said that she would prefer to keep the open space requirement.

STRAW VOTE #1
A motion was made by Farley, seconded by Scandura, to keep the Public Space District: Land Use Controls as listed on Staff Report attachment 3.58.

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

MOTION FAILED

Director of Planning Scott Hess noted that Planning staff included the HRB membership requirement at the City Council's direction.

Mr. Scandura recommended adding the Planning Commission's HRB membership concerns to the DRB checklist. He also said that he felt the DRB should consist of an independent citizens' panel.

Commissioner Mantini noted that she felt that the qualifications for a HRB membership and/or DRB membership might be overly restrictive.

Mr. Scandura said that he was ready to make a motion, and would like to recommend that the following be struck from the Draft Ordinance: Section A, Subsection 4 (Staff Report Attachment 2.2) and Section B, Subsection 3 (Staff Report Attachment 2.2).

A MOTION WAS MADE BY SCANDURA, SECONDED BY SPEAKER, TO APPROVE ZONING TEXT AMENDMENT 07-001 WITH MODIFICATIONS AND FINDINGS FOR APPROVAL AND FORWARD THE DRAFT ORDINANCES TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS OF APPROVAL

ZONING TEXT AMENDMENT NO. 07-001

FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 07-001

1. Zoning Text Amendment No. 07-001 amending Chapter 244 Design Review of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to change the composition and scope of the Design Review Board; clean-up Chapters 210 Residential Districts, 211 Commercial Districts, 212 Industrial Districts, 213 Open Space District, and 214 Public Semi-Public; and amend Chapter 233 Signs is consistent with the goals, objectives, policies, general land uses and programs specified in the General Plan that speak to the composition of the Design Review Board, scope of the authority of the Design Review Board and the Review of Plans in the ZSO of 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 various zoning districts for which it is proposed because the duties of the Design Review Board remain fundamentally the same and the Board will continue to review projects in areas designated by the City Council.

3. A community need is demonstrated for the proposed amendments because a minimum of four members will have had training, education or expertise in a design related field, which will strengthen and facilitate Design Review Board decisions. The DRB will continue to have a staff liaison to provide clarification of applicable development standards and City policy.

4. The adoption of this ordinance will be in conformity with public convenience, general welfare and good zoning practice. The zoning text amendment eliminates the need for review of signs in redevelopment project areas but now requires the review of City Facilities, projects abutting or adjoining City Facilities and projects abutting or adjoining OS-PR and OS-S districts. Pursuant to the Scope of Review, the Design Review Board will make its determination based on the relationship of other developments to proposed projects, architectural design, aesthetic compatibility and adequacy of landscaping. The changes focus the Design Review Board's action to matters related to design and aesthetics that are the purview of their expertise and target those areas of the City that warrant special design consideration.

B-2. **ZONING TEXT AMENDMENT NO. 09-009 (EMERGENCY SHELTERS/TRANSITIONAL HOUSING)** **Applicant:** City of Huntington Beach **Request:** To amend the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to establish Emergency Shelters, Supportive Housing, Target Population, and Transitional Housing within Chapter 203 Definitions, establish Supportive Housing and Transitional Housing within Chapter 204 Use Classifications, list Supportive Housing and Transitional Housing as permitted uses within Residential districts (Chapter 210), reference Emergency Shelter standards and guidelines within Chapter 211 Commercial Districts, identify Emergency Shelters as permitted uses within the Industrial districts (Chapter 212), and establish objective Emergency Shelter standards and guidelines within Chapter 230 Site Standards in order to address requirements of Senate Bill 2. **Location:** Citywide **Project Planner:** Hayden Beckman

STAFF RECOMMENDATION: Motion to: "Approve Zoning Text Amendment No. 09-009 with findings for approval (Attachment No. 1) and forward Draft Ordinances (Attachment Nos. 2-7) to the City Council for adoption."

Hayden Beckman, Assistant Planner, gave the staff presentation and an overview of the project.

THE PUBLIC HEARING WAS OPENED.

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

Mr. Farley said that he feels there is a conflict between the need for the city to provide resources to the homeless versus the issues of locating homeless shelters adjacent to schools.

A MOTION WAS MADE BY SCANDURA, SECONDED BY DELGLEIZE, TO APPROVE ZONING TEXT AMENDMENT 09-009 WITH FINDINGS FOR APPROVAL AND FORWARD THE DRAFT ORDINANCES TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS OF APPROVAL

ZONING TEXT AMENDMENT NO. 09-009

FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 09-009

1. Zoning Text Amendment No. 09-009 amending the Huntington Beach Zoning and Subdivision Ordinance to establish Emergency Shelters, Supportive Housing, Target Population, and Transitional Housing within Chapter 203 Definitions; establish Supportive Housing and Transitional Housing as use classifications within Chapter 204 Use Classifications; list Supportive Housing and Transitional Housing as permitted uses within Chapter 210 Residential Districts; reference Emergency Shelter standards and guidelines within Chapter 211 Commercial Districts; identify Emergency Shelters as permitted uses within Chapter 212 Industrial Districts; and establish objective Emergency Shelter standards and guidelines within Chapter 230 Site Standards is consistent with the goals, objectives, policies, general land uses and programs specified in the General Plan. The proposed amendments are being approved pursuant to Program 20 of the General Plan Housing Element, and are in compliance with State Law pursuant to Senate Bill 2.

2. In the case of general land use provisions, the zoning text amendment request is compatible with the uses authorized in, and the standards prescribed for, the zoning districts for which it is proposed. The request creates objective standards and guidelines to prevent adverse impacts to surrounding properties for Emergency Shelters. Listing Supportive Housing and Transitional Housing as permitted uses within Residential districts stipulates that Supportive Housing and Transitional Housing uses will be subject to the same development standards and processing requirements of other uses within Residential districts.

3. A community need is demonstrated for the change proposed because the 2008-2014 Housing Element identified that there currently is no emergency shelter to address the needs of homeless adults or families. Allowing Emergency Shelter uses within Industrial districts without the approval of a discretionary permit as well as the inclusion of Supportive Housing and Transitional Housing as allowed uses within Residential districts provides a wider range of housing types to address the needs of the citizens of Huntington Beach.

4. The adoption of the ordinances will be in conformity with public convenience, general welfare and good zoning practice. The zoning text amendment would allow for consideration of a greater range of housing types available to current and future citizens while requiring that these uses do not negatively impact surrounding properties. The proposed amendments of ZTA 2009-009 will comply with State Law pursuant to Senate Bill 2 and Program 20 of the 2008-2014 Housing Element.

C. CONSENT CALENDAR - NONE

D. NON-PUBLIC HEARING ITEMS

D-1. GENERAL PLAN CONFORMANCE NO. 09-005 (DAVENPORT ISLAND STREET VACATION) Applicant: City of Huntington Beach **Request:** To determine if the vacation of a right of way easement is in conformance with the goals, objectives, and policies of the General Plan. **Location:** Northeast of Baruna Lane and Davenport Drive **Project Planner:** Hayden Beckman

STAFF RECOMMENDATION: Motion to: "Adopt Resolution No. 1637, approving General Plan Conformance No. 09-005 with findings (Attachment Nos. 1 and 2)."

Hayden Beckman, Assistant Planner, gave the staff presentation and an overview of the project.

A MOTION WAS MADE BY DELGLEIZE, SECONDED BY FARLEY, TO ADOPT RESOLUTION NO. 1637, APPROVING GENERAL PLAN CONFORMANCE NO. 09-005 WITH FINDINGS, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS FOR APPROVAL

GENERAL PLAN CONFORMANCE NO. 09-005

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the proposed 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 5, which supplements the California Environmental Quality Act because the request is a minor street vacation.

FINDINGS FOR APPROVAL – GENERAL PLAN CONFORMANCE NO. 09-005:

The proposed vacation of a portion of a right of way easement adjacent to Davenport Drive is consistent with the following goals, objectives, and policies of the City's General Plan:

Land Use Element

> LU Goal 2: *Ensure that development is adequately served by transportation infrastructure, utility infrastructure, and public services.*

Davenport Drive currently provides sufficient access to the surrounding residential neighborhood. The subject right of way easement portion is no longer necessary to support the circulation needs of the adjacent areas.

Circulation Element

> CE Objective 1.1: *Balance the circulation system with the circulation demands generated by the implementation of the City's Land Use Element.*
>
> CE Goal 2: *Provide a circulation system which supports existing, approved, and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.*

Due to the build out of the Davenport Island neighborhood, the subject right of way easement is no longer necessary to provide circulation to the surrounding area. The vacation of a portion of a right of way easement adjacent to Davenport Drive will not have a detrimental impact on the circulation system.

D-2. **REVIEW OF CONDITIONAL USE PERMIT NO. 08-052 (BRETHREN CHRISTIAN HIGH SCHOOL)** **Applicant:** Kevin Coleman **Request:** To review the public complaints and violations of Conditional Use Permit No. 08-052 that permitted the construction of a 27,000 sq. ft. gymnasium, assorted uses of the gymnasium, football games, up to four portable lights, and associated on-site improvements. The review may result in a scheduled public hearing to consider modifications to the conditions of approval or revocation of the entitlements. **Location:** 21141 Strathmoor Lane **Project Planner:** Jason Kelley

STAFF RECOMMENDATION: Motion to: "Direct staff to schedule a study session on January 12, 2010, and a public hearing on January 26, 2010 to consider the possible modifications to the conditions of approval or the revocation of Conditional Use Permit No. 08-052."

Planning Manager Herb Fauland noted that staff is recommending that this item be continued to a date uncertain, until such time as the Administrative Citation and Citation Appeal process for Brethren Christian High School (BCHS) is complete. Mr. Fauland also summarized the five Late Communications received for this item.

Commissioner Farley asked about the applicant. Mr. Fauland noted that BCHS has designated Mr. Kevin Coleman of NetDevCo as its applicant's representative.

Commissioner Speaker asked about the timeline for the Citation process for BCHS. Mr. Fauland noted that he estimated it would be ten days. Senior Deputy City Attorney Leonie Mulvihill said that the Appeal of the Administrative Citation could take up to two months and possibly six months to a year. Ms. Mulvihill also noted that this does not mean that the review of Conditional Use Permit No. 08-052 should be postponed until all remedies are exhausted.

Mr. Speaker asked why staff is recommending continuation to a date uncertain. Ms. Mulvihill noted that this recommendation was based on a discretionary decision by the Director of Planning. Mr. Scandura asked why. Ms. Mulvihill said that the continuation will provide a momentary halt to the proceedings, allowing the administrative process to proceed so that staff has time to review the project. Mr. Scandura said that he supports this due process.

Mr. Farley said that in the pictures provided, it appears as though BCHS is in violation of its Conditional Use Permit. He asked how this would affect the outcome of the Administrative Citation and the Appeal of the Citation. Ms. Mulvihill noted that there are many possible resolutions/outcomes to Administrative Citations.

A MOTION WAS MADE BY SCANDURA, SECONDED BY MANTINI, TO CONTINUE THIS ITEM TO A DATE UNCERTAIN, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING
Scott Hess, Director of Planning - reported on the items from the previous City Council Meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING
Scott Hess, Director of Planning – 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

Vice Chair Farley congratulated Senior Deputy City Attorney Leonie Mulvihill on her new position with the City of Newport Beach.

Commissioner Scandura also congratulated Ms. Mulvihill and thanked her for her years of service to the City of Huntington Beach.

ADJOURNMENT: Adjourned at 8:10 PM to the next regularly scheduled meeting of Tuesday, December 8, 2009.

APPROVED BY:

Scott Hess, Secretary

Blair Farley, Chairperson