

PROJECT REVIEW PROCESS

(approved May 23, 2006)

1. OBJECTIVE:

To establish a consistent review process for applicable items before the Planning Commission that will enhance the efficiency and effectiveness of the Commission, will provide more information for timely review by the Commission, applicant and public, and will clarify the process for all parties and Staff.

2. APPLICABILITY:

The Project Review Process applies to all public hearing or non-public hearing items that come before the Planning Commission.

3. PROCESS:

- A) For items subject to mandatory processing deadlines:
 - 1) The item shall be placed for review on the Study Session agenda no later than the third Planning Commission meeting prior to the deadline.
 - 2) The item shall be placed for action on the Public Meeting agenda no later than the second Commission meeting prior to the deadline with the public hearing, if applicable, to be opened.
 - 3) An item may be continued to a meeting prior to the mandatory processing deadline, except as provided by law.

- B) For items not subject to mandatory processing deadlines:
 - 1) The item shall be placed for review on the Study Session agenda of the next available Planning Commission meeting.
 - 2) The item shall be placed for action on the Public Meeting agenda of a subsequent Commission meeting, with the public hearing (if applicable) opened.
 - 3) The item may be continued to the next, or any subsequent, Commission meeting, as necessary.

- C) At the Study Session:
 - 1) Staff presentation, with available documentation, to Commission, with Questions & Answers between staff and Commission. Staff presentation may include but not be limited to information available on:
 - a. Project Request and Special Considerations (entitlements, variances, special permits, etc.)
 - b. Current Land Use, History of Site, General Plan Designation and Zoning
 - c. Review of Application Process and Timelines
 - d. CEQA Analysis/Review
 - e. Comments from City Departments and other Public Agencies
 - f. Summary of any Public Meetings, Comments and Concerns
 - e. Planning Issues

D) At the Public Meeting:

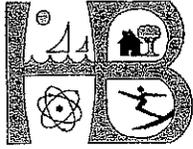
- 1) Item will be placed on the Public Meeting Agenda as a properly noticed Public Hearing item or as a Non-Public Hearing item, as appropriate.
- 2) ~~Format for a Public Hearing item shall be:~~
 - a. Chair Announces the Agenda Item
 - b. Planning Commission Disclosures
 - c. Staff Presentation of Item and Staff Report
 - d. Commission Questions or Clarification of Staff Presentation
 - e. Chair Opens Public Hearing
 - f. Applicant/Appellant Presentation -- May include applicant/appellant, consultant(s), contractor(s) for a reasonable amount of time to be determined by the Chair or Commission and in appropriate format or content desired by applicant
 - g. Commission Questions or Clarification of Applicant/Appellant
 - h. Public Comments
 - i. Commission Questions or Clarification of Public Comments
 - j. Chair Closes Public Hearing
 - k. Staff Responses to Applicant/Appellant Presentation and Public Comments
 - l. Commission Questions and Discussion
 - m. Commission Deliberation and Action
 - n. Planning Commission Action may include:
 - Approve/deny item/application/appeal with Staff suggested Findings and Conditions
 - Approve/deny item/application/appeal with alternative Findings and Conditions
 - Continue item/application/appeal to subsequent meeting and direct Staff accordingly
 - o. Appeal Process, when applicable, Announced by Staff
- 3) Format for a Non-Public Hearing item shall be:
 - a. Chair Announces the Agenda Item
 - b. Staff Presentation of Item
 - c. Commission Questions or Clarification of Staff Presentation
 - d. Commission Discussion
 - e. Commission Deliberation and Action
 - f. Planning Commission Action may include:
 - Approve/deny item/application/appeal with Staff suggested Findings and Conditions
 - Approve/deny item/application/appeal with alternative Findings and Conditions
 - Continue item/application/appeal to subsequent meeting and direct Staff accordingly
 - g. Appeal Process, when applicable, Announced by Staff

E) Disclosure and Provision of Information:

- 1) All information available pertaining to the item shall be delivered to the Planning Commission seven (7) days in advance of the applicable Study Session or Public Meeting.
- 2) All the above information shall be made available to the applicant/appellant and the public seven (7) days in advance of said meetings.
- 3) All the above information shall be posted in/on the City of Huntington Beach internet website seven (7) days in advance of said meetings.

F) Allocation of Speaker's Time:

- 1) This provision of Allocation of Speaker's Time shall only be applicable to Public Hearing items.
- 2) Members of the public who wish to speak or make a presentation during the Public Comments section of the open Public Hearing on a Public Hearing item must complete and submit a Request to Speak Form prior to the close of the applicable Public Hearing Comments section. Speakers will be called in order of receipt of the request form.
- 3) Members of the public, to a maximum of two (2) each, may donate their time, to a maximum of eight (8) minutes, to a single speaker, giving said speaker a maximum of twelve (12) minutes for presentation. Donations of time must be made in advance at the time the single speaker's request form is submitted. Members of the public who donate their time to another may not themselves speak and must be present during the time the recipient of their donated time speaks.



CITY OF HUNTINGTON BEACH

City Council Interoffice Communication

To: Honorable City Council Members
Joe Carchio, Mayor
Devin Dwyer, City Council Member
Matthew Harper, City Council Member

Date: July 20, 2011

Subject: **CITY COUNCIL MEMBER ITEM FOR AUGUST 1, 2011, CITY COUNCIL MEETING - PLANNING COMMISSIONERS APPEAL FEE AND PROJECT REVIEW PROCESS**

STATEMENT OF ISSUE:

The City Council has adopted three important documents to address the local economy, position the city as the "number one city to do business with," and continue to streamline the process for new or existing businesses. They are: 1) the City Council's Strategic Planning Goals, specifically the three-year goal of "Enhancing Economic Development," 2) the city's Ten Point Plan for Local Businesses, and 3) City Council Resolution No. 2010-84 - adopting SCAG's Business Friendly Principles.

In carrying out these economic goals, we believe it's important to continually review our processes and review the many requirements that affect the establishment or expansion of our local businesses. To that end, we would like staff to review the appeal process for Planning Commissioners, particularly the lack of an appeal fee as noted in Huntington Beach Zoning and Subdivision Ordinance (HBZSO) Section 248.28 A, which states in part, "The appeal shall be processed in the same manner as an appeal by any other person but need not be accompanied by the fee prescribed for an appeal." Secondly, we would like staff to work with the Planning Commission to possibly eliminate Study Sessions for most projects by amending or eliminating the "Project Review Process." Often times, this review process unnecessarily adds two to three weeks to an applicant's zoning entitlement processing time.

RECOMMENDED ACTION:

As a result, we ask the City Council to consider the following motion:

Direct the City Attorney to draft and return with an ordinance for City Council's consideration to amend the HBZSO so that an appeal fee will be required when appealed by a Planning Commissioner, and direct staff to work with the Planning Commission regarding the need to review every project at a Study Session by amending or eliminating the Planning Commission's Project Review Process.

xc: Fred A. Wilson, City Manager
Bob Hall, Deputy City Manager
Scott Hess, Director of Planning & Building

Housing Allocation; and, City Council and Agency Board Approval of an Agreement between the City and Redevelopment Agency providing funding for the required payments.

City Manager Wilson reviewed the subject matter of the Ordinance.

A motion was made by Bohr, second Boardman to approve for introduction Ordinance No. 3918, "An Ordinance of the City Council of the City of Huntington Beach, California, Authorizing the City of Huntington Beach to Participate In the Alternative Voluntary Redevelopment Program, Subject to Certain Conditions and Reservations," and, adopt Agency Resolution No. 391, "A Resolution of the Redevelopment Agency of the City of Huntington Beach Reducing Its Allocation to the Low and Moderate Income Housing Fund for the 2011-12 Fiscal Year and Making Certain Findings and Determinations;" and, approve the "Remittance Agreement Pursuant to California Health and Safety Code Section 34194.2" between the City and Redevelopment Agency to provide funding for the required payments.

The motion carried by the following roll call vote:

AYES: Boardman, Dwyer, Bohr, Carchio, Hansen, Harper, and Shaw
NOES: None

City Clerk Flynn read into the record for introduction, by title only, Ordinance No. 3918.

COUNCILMEMBER ITEMS

30. Submitted by Mayor Carchio - Council Report/Appointment of a Voting Delegate and Alternate to the League of California Cities Annual Conference and Business Meeting.

A motion was made by Bohr, second Boardman to appoint Mayor Joe Carchio to serve as the voting delegate and Council Members Don Hansen and Matthew Harper as alternates 2 and 3, respectively, to represent the City of Huntington Beach at the 2011 League of California Cities Annual Conference and Annual Business Meeting, scheduled for September 23, 2011. The motion carried by the following roll call vote:

AYES: Boardman, Dwyer, Bohr, Carchio, Hansen, Harper, and Shaw
NOES: None

31. Submitted by Mayor Carchio, and Councilmembers Dwyer and Harper - Planning Commissioner's Appeal Fee and Project Review Process.

A motion was made by Harper, second Dwyer to direct the City Attorney to draft and return with an ordinance for City Council's consideration to amend the HBZSO so that an appeal fee will be required when appealed by a Planning Commissioner, and to direct staff to work with the Planning Commission regarding the need to review every project at a Study Session by amending or eliminating the Planning Commission's Project Review Process.

Councilmember Boardman spoke in opposition to the Appeal Fee and the need to review every project at a Study Session. She opined that the low number of appeals by Planning Commissioners (six in the previous three years) did not justify the proposed changes.

A discussion ensued amongst Council members and the City Attorney regarding the justification for the Appeal Fee, and various alternative processes which could be considered for Planning Commissioner appeals.

A substitute motion was made by Shaw, second Boardman to refer this issue back to the Planning Commission for their recommendation. The motion failed by the following roll call vote:

AYES: Boardman, and Shaw
NOES: Dwyer, Bohr, Carchio, Hansen, and Harper

A motion was made by Harper, second Dwyer to consider the original motion. The motion carried by the following roll call vote:

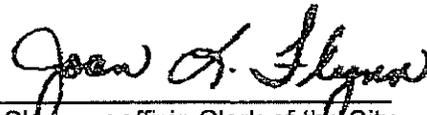
AYES: Dwyer, Bohr, Carchio, and Harper
NOES: Boardman, Hansen, and Shaw

COUNCILMEMBER COMMENTS (Not Agendized)

Comments were provided by Councilmembers Dwyer, Harper, and Mayor Carchio.

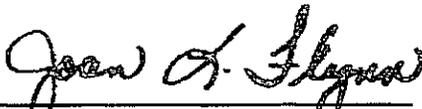
ADJOURNMENT

At 10:46 PM, Mayor Carchio adjourned the meeting to Monday, August 15, 2011 at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.



City Clerk, ex-officio Clerk of the City Council of the City of Huntington Beach, Clerk of the Redevelopment Agency, and Secretary to the Public Financing Authority of the City of Huntington Beach, California

ATTEST:


City Clerk, Clerk, Agency Clerk, Secretary
Mayor-Chair