



MINUTES
HUNTINGTON BEACH PLANNING COMMISSION
TUESDAY, OCTOBER 25, 2011
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

6:00 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

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

Commissioner Farley was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY SHIER BURNETT, SECONDED BY MANTINI, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF OCTOBER 25, 2011, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

Commissioner Farley arrived at 6:15 PM.

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. CONDITIONAL USE PERMIT NO. 11-010 (VITTORIO'S RESTAURANT EXPANSION) – Andrew Gonzales, Associate Planner

Andrew Gonzales, Associate Planner, gave a brief overview of the proposed project.

There was a brief discussion regarding the noise analysis and potential noise impacts from the restaurant.

There was a discussion on the landscaping and the hours of operation.

B. STUDY SESSION ITEMS – NONE

C. PUBLIC COMMENTS

Chris Klimsey, spoke in support of Item No. A-1, stating that there would be an incremental increase in noise and no impact to surrounding residents.

D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Herb Fauland, Planning Manager, reviewed items for the public hearing portion of the meeting. He noted that there were Late Communication power point presentations for all four public hearing items.

E. PLANNING COMMISSION COMMITTEE REPORTS – NONE

F. PLANNING COMMISSION COMMENTS

Commissioner Ryan indicated that he would recuse himself from Item No. B-3. Chair Delgleize stated that she would recuse herself from Item No. B-2.

There was a brief discussion regarding questions for the public hearing items.

6:15 P.M – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE– Led by Vice Chair Mantini

P P P P P P P

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

AGENDA APPROVAL

A MOTION WAS MADE BY RYAN, SECONDED BY MANTINI, TO APPROVE THE PLANNING COMMISSION AGENDA OF OCTOBER 25, 2011, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PUBLIC COMMENTS - NONE

B. PUBLIC HEARING ITEMS

B-1. CONDITIONAL USE PERMIT NO. 11-018 (TOTAL WINE & MORE) Applicant: Phil Armstrong, California Fine Wine & Spirits LLC **Property Owner:** Huntington Beach Properties, Inc. **Request:** To permit the offsite sale and limited onsite consumption of alcohol within an existing 23,990 sq. ft. building. The project consists of establishing a specialty food market use pursuant to the Beach and Edinger Corridors Specific Plan (SP14) for primarily alcohol sales (wine, beer, and spirits) and related sundries such as cigars, mixers, accessories, and a small assortment of gourmet food. The proposed project also includes approximately 870 sq. ft. of dedicated alcohol education and tasting areas. **Location:** 16272 Beach Boulevard, 92647. (southeast corner at Stark Drive) **Project Planner:** Ethan Edwards

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 11-018 with suggested findings and conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Shier Burnett has visited the site.
- Commissioner Peterson has visited the site.
- Vice Chair Mantini has visited the site.
- Chair Delgleize has visited the site and spoken to staff.
- Commissioner Farley has visited the site.
- Commissioner Bixby has visited the site.
- Commissioner Ryan has visited the site.

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

Commissioner Farley asked staff to clarify if the two uses could be split in the future. Mr. Edwards indicated that a new Conditional Use Permit would be required to eliminate or change the use.

THE PUBLIC HEARING WAS OPENED.

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

Commissioner Bixby indicated that he would be voting to approve the request but expressed concern regarding the question of who will select the charity for charitable donations.

A MOTION WAS MADE BY MANTINI, SECONDED BY PETERSON, TO APPROVE CONDITIONAL USE PERMIT NO. 11-018 WITH SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

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

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 – CONDITIONAL USE PERMIT NO. 11-018:

1. Conditional Use Permit No. 11-018 to permit the offsite sale and limited onsite consumption of alcohol within an existing 23,990 sq. ft. building; establishment of a specialty food market

use pursuant to the Beach and Edinger Corridors Specific Plan (SP14) for primarily alcohol sales (wine, beer, and spirits) and related sundries such as cigars, mixers, accessories, and a small assortment of gourmet food; and approximately 870 sq. ft. of dedicated alcohol education and tasting areas; 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. The proposed use is not anticipated to generate additional noise, traffic, or other impacts to the surrounding properties inconsistent with the subject property's zoning designation.

2. The proposed offsite sale and limited onsite consumption of alcohol within an existing 23,990 sq. ft. building; establishment of a specialty food market use pursuant to the Beach and Edinger Corridors Specific Plan (SP14) for primarily alcohol sales (wine, beer, and spirits) and related sundries such as cigars, mixers, accessories, and a small assortment of gourmet food; and approximately 870 sq. ft. of dedicated alcohol education and tasting areas will be compatible with surrounding uses because the proposed use will occupy and existing building located within an existing commercial center. The use will be surrounded by commercial, office, and restaurant uses; and the nearest sensitive use (multi-family residential) is approximately 380 feet east of the subject building. The use will be required to comply with conditions of approval pertaining to operation and sale of alcohol to assure that any potential impacts to the surrounding properties are minimized. The limited onsite consumption will be located within the existing building and is intended to educate consumers of alcoholic beverages.
3. The proposed offsite sale and limited onsite consumption of alcohol within an existing 23,990 sq. ft. building; establishment of a specialty food market use pursuant to the Beach and Edinger Corridors Specific Plan (SP14) for primarily alcohol sales (wine, beer, and spirits) and related sundries such as cigars, mixers, accessories, and a small assortment of gourmet food; and approximately 870 sq. ft. of dedicated alcohol education and tasting areas will comply with the provisions of the Beach and Edinger Corridors Specific Plan, other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use. The proposed use for primarily alcohol sales and limited onsite consumption requires a conditional use permit subject to review and approval by the Planning Commission. There is no physical expansion that includes additional floor area to the existing building as part of this request and the use will comply with all building occupancy/exiting requirements.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M-sp-d (Mixed Use – specific plan – design overlay) on the subject property. In addition, it is consistent with the following goals, policies, and objectives of the General Plan:

A. Land Use Element

Goal LU 7 Achieve a diversity of land uses that sustain a City's economic viability, while maintaining the City's environmental resources and scale and character.

Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Objective LU 7.1 Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and

recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding subregion, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Objective LU 10.1 Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, and capitalize on Huntington Beach's recreational resources.

Goal LU 11 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.

The proposed use will provide the establishment of a commercial use within an existing vacant commercial building that is consistent with the Land Use and Density Schedules and is compatible with the surrounding mix of commercial uses. The proposed use increases the economic viability of the commercial center by occupying a vacant building and offering the sales and education of alcoholic beverages. The proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 11-018:

1. The site plan and floor plan received and dated August 4, 2011, shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. Hours of operation shall be limited to between 9:00 AM and 10:00 PM every day of the week.
 - b. Type 42 ABC licensed areas within the business shall be clearly marked and delineated with a minimum of a three foot tall solid barrier. The Type 42 ABC licensed areas shall have clearly marked entrances and exits. **(PD)**
 - c. The Type 42 ABC licensed areas shall be marked with signs stating alcohol for onsite consumption must remain within the Type 42 ABC licensed area. **(PD)**
 - d. Service of alcoholic beverages for consumption shall not be permitted outside of the Type 42 ABC licensed areas. **(PD)**
 - e. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning and Building Department for the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
 - f. Only the uses described in the project narrative shall be permitted (see attached narrative).
 - g. The use conditions listed herein shall be clearly posted on the premises at all times.
3. The development services departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building may approve minor amendments to plans and/or conditions of approval as appropriate based on

changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.

4. CUP No. 11-018 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.
5. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

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.

Chair Delgleize recused herself from Item No. B-2 and left the room.

- B-2. DEVELOPMENT AGREEMENT NO. 2008-001 (THE VILLAGE AT BELLA TERRA – CONTINUED FROM THE OCTOBER 11, 2011 MEETING WITH THE PUBLIC HEARING OPENED) Applicant/Property Owner: Becky Sullivan, BTDJM Phase II Associates, LLC Request: To enter into a Development Agreement between the City of Huntington Beach and BTDJM Phase II Associates, LLC for a term of 10 years pursuant to a request by BTDJM for The Village at Bella Terra mixed use project, approved for the 10.40-acre site formerly occupied by the Montgomery Wards automotive repair building. The Village at Bella Terra mixed use project consists of 467 multi-family residential units and 30,000 square feet of retail and restaurant space. The applicant requests the development agreement to provide assurances that they may proceed with the project in accordance with existing policies and standards in place at the time of project approval; to automatically extend Tentative Tract Map No. 17261 for 10 years; to agree to process multiple final maps; to delay payment of for-sale park and dedication in-lieu fees until a later date; and to initially rent the units as apartments then sell as condominiums without being subject to condominium conversion standards. Location: 7601 Edinger Avenue (north side of Edinger Avenue, east of Union Pacific Rail Road and west of existing Bella Terra development) Project Planner: Jane James**

STAFF RECOMMENDATION: Motion to: "Approve Development Agreement No. 08-001 with findings for approval (Attachment No. 1) and forward Draft Ordinance (Attachment No. 2) to the City Council for adoption."

The Commission made the following disclosures:

- Commissioner Shier Burnett has visited the site, voted on prior applications for Bella Terra, spoke with Mr. Harlow and spoke with staff.
- Commissioner Peterson has visited the site, spoke with Mr. Harlow, and voted on previous applications for Bella Terra.
- Vice Chair Mantini has visited the site, spoke with the developer, and voted on previous applications for Bella Terra.
- Commissioner Farley has attended the study session, spoken with Mr. Harlow, and voted on previous applications for Bella Terra.
- Commissioner Bixby has visited the site, attended the study session, spoken with Mr. Harlow.
- Commissioner Ryan has visited the site, spoken with Mr. Harlow, and attended the study session.

Jane James, Senior Planner, gave the staff presentation and an overview of the project.

Commissioner Bixby asked staff if Center Avenue was used for access while the Montgomery Wards building was being demolished. Ms. James confirmed this and indicated that Edinger Avenue would be used for access during the construction of the Bella Terra II development. There was a brief discussion regarding the potential paving of Center Avenue.

Commissioner Farley asked staff if Center Avenue was included in the fair share traffic study for the Beach and Edinger Corridors Specific Plan. Mary Beth

Broeren, Planning Manager, confirmed that it was not included. There was a brief discussion regarding the process for extending a Tentative Tract Map.

THE PUBLIC HEARING WAS OPENED.

Lindsay Parton, DJM , spoke spoke regarding Item No. B-2. He noted that DJM is opposed to the requirement for paying for the Center Avenue repairs and asked the Planning Commission to remove that requirement from the Development Agreement.

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

Commissioner Peterson stated that he does not agree with the Center Avenue pavement requirements.

There was a brief discussion regard the pedestrian path along the railroad.

There was a discussion regarding the notification requirements for the potential condo conversion.

Commissioner Bixby stated that he does feel there is a nexus for the Center Avenue pavement requirements.

There was a brief discussion regarding the difference in Park and Recreation fees for apartment versus condominium properties.

Commissioner Shier Burnett noted that a nexus is not required in a Development Agreement. She stated that the Center Avenue requirements seemed reasonable to her, especially considering the request to delay the Park and Recreation fees, and that she would support staff's recommendation.

Commissioner Peterson indicated that he felt the Center Avenue paving requirements should have been included earlier in the process.

Vice-Chair Mantini indicated that she is in agreement with Commissioner Peterson.

Commissioner Farley stated that he is in agreement with Commissioner Shier Burnett.

Commissioner Bixby stated that he will not support the motion to approve the Development Agreement due to exemptions requested for the condo conversion ordinance, which he felt was not in conformance with the Housing Element.

A MOTION WAS MADE BY PETERSON; SECONDED BY RYAN, TO APPROVE DEVELOPMENT AGREEMENT NO. 08-001 WITH SUGGESTED FINDINGS FOR APPROVAL AND FORWARD DRAFT ORDINANCE TO THE CITY COUNCIL FOR ADOPTION EXCLUDING THE LANGUAGE REGARDING THE CENTER AVENUE IMPROVEMENTS, BY THE FOLLOWING VOTE:

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

MOTION FAILED

A MOTION WAS MADE BY FARLEY, SECONDED BY SHIER BURNETT, TO APPROVE DEVELOPMENT AGREEMENT NO. 08-001 WITH SUGGESTED FINDINGS FOR APPROVAL AND FORWARD DRAFT ORDINANCE TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

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

MOTION FAILED

A MOTION WAS MADE BY RYAN, SECONDED BY PETERSON, TO FORWARD DEVELOPMENT AGREEMENT NO. 08-001 TO THE CITY COUNCIL WITHOUT FINDINGS OR A RECOMMENDATION, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

Chair Delgleize returned to the meeting.

Commissioner Ryan recused himself from Item No. B-3 and left the room.

- B-3. ENVIRONMENTAL IMPACT REPORT NO. 10-003 (BEACH AND WARNER MIXED-USE PROJECT – CONTINUED FROM THE APRIL 26, 2011 MEETING WITH THE PUBLIC HEARING TO BE OPENED) Applicant:** City of Huntington Beach **Property Owners:** Decron Properties, Len Lichter, City of Huntington Beach. **Request:** To review the environmental impacts associated with the Beach and Warner Mixed Use Project to permit the development of 279 residential units, 29,600 square feet of additional retail space and 6,000 square feet of restaurant space on 9.4 acres. Project improvements would include development of two mixed use structures from one to six stories with podium design parking allowing for retail at the ground level, residential units constructed above both parking structures and at ground level along Cypress Avenue and Elm Street. Live work units will front Warner. Under the proposed project, the existing fifteen-story 196,000 square-foot (sf) office building; the 18,531 sf retail/restaurant building along Warner Avenue; the 7,205 sf restaurant on Beach Boulevard; and the six-story, 863 stall parking structure located at the northeast corner of Sycamore Avenue and Ash Street would remain. All other existing buildings on the project site would be demolished and replaced with new development. The project is located within the Beach and Edinger Corridors Specific Plan (BECSP), adopted in March 2010. Development on the project site was included in the Notice of Preparation for the BECSP EIR and analyzed as part of the larger scope of development contemplated in the BECSP EIR (Program EIR No. 08-008), which anticipated approximately 272 dwelling units and 35,600 square feet of commercial area on the project site. As such, the analysis in Draft EIR No. 10-003 is tiered from the BECSP Program EIR where appropriate. **Location:** 7822-7862 Warner Avenue and 17011-17091 Beach Boulevard, 9.4-acre L-shaped site on the southwest corner of Beach Boulevard and Warner Avenue. **Project Planner:** Rosemary Medel

STAFF RECOMMENDATION: Motion to: "Certify EIR No. 10-003 as adequate and complete in accordance with CEQA requirements by approving Resolution No. 1654 (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Shier Burnett has visited the site.
- Commissioner Peterson has visited the site.
- Vice Chair Mantini has visited the site.
- Chair Delgleize has visited the site, spoken to staff, and attended public meetings regarding the project.
- Commissioner Farley has visited the site and attended the study session.
- Commissioner Bixby has attended public meetings regarding the project, visited the site, attended the study session, and spoken to staff.

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

THE PUBLIC HEARING WAS OPENED.

Len Lichter, property owner, spoke in opposition to Item No. B-3. Commissioner Shier Burnett asked Mr. Lichter which building on the project property he owned and Mr. Lichter stated that he owned 17111 Warner Avenue.

Bill Loose, Ocean View School District, spoke in opposition to Item No. B-3, stating that he felt potential impacts to the school district were not adequately analyzed. There was a brief discussion regarding the most recent student population study.

Mark Schiel, Ocean View School District, spoke in opposition to Item No. B-3, citing potential impacts to the school district and Oak View School in particular.

Robert Bergman, attorney representing Ocean View School District, spoke in opposition to Item No. B-3, stating that he felt that the EIR did not adequately analyze the impacts of the project.

Laura Dale-Pash, Ocean View School District, spoke in opposition to Item No. B-3, citing potential impacts to the Oak View School, which is currently at enrollment capacity.

Catherine Luke, resident spoke in opposition to Item No. B-3, citing potential traffic impacts.

Greg Ryan, resident, spoke in opposition to Item No. B-3, citing potential traffic impacts.

Brad Luke, resident spoke in opposition to Item No. B-3, citing potential traffic, health, air quality, and accessibility impacts.

John Briscoe, Ocean View School Board Trustee, spoke on Item No. B-3 and encouraged the City to request updated demographic and populations data from the Ocean View School District.

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

Commissioner Bixby asked staff to elaborate on their outreach to the Ocean View School District (OVSD). Mary Beth Broeren indicated that the school district was originally contacted to provide student generation rates in 2008 for the program EIR for the Beach and Edinger Corridors Specific Plan. During the public comment process for the project EIR the OVSD provided a comment letter with updated enrollment information and did not provide or indicate that there was updated student generation rate data.

Commissioner Farley asked staff to address Mr. Lichter's opposition to the project. Ms. Broeren noted that Mr. Lichter agreed to have his property included in the EIR analysis but there is no project before the Planning Commission regarding his property.

There was a brief discussion regarding the Senate Bill 50 Impact Fees.

Chair Delgleize confirmed with staff that the school district was notified of the EIR.

There was a brief discussion regarding traffic impact fees and the timeline for identified traffic improvements.

There was a brief discussion regarding mitigation measures for a potential project on the site and the potential shelf life of the EIR.

Commissioner Farley confirmed with staff that building any of the projects analyzed in the EIR would require a Conditional Use Permit due to the proposed building heights.

Commissioner Bixby indicated that he would not support certifying the EIR due to concerns over parking.

Commissioner Farley indicated that he would not support certifying the EIR due to concerns that the information from OVSD is no longer accurate.

Commissioner Shier Burnett stated that she would be supporting certification of the EIR and noted that the analysis shows that the minimum parking requirements would be met.

A MOTION WAS MADE BY MANTINI, SECONDED BY SHIER BURNETT, TO CERTIFY ENVIRONMENTAL IMPACT REPORT NO. 10-003 AS ADEQUATE AND COMPLETE IN ACCORDANCE WITH CEQA REQUIREMENTS BY APPROVING RESOLUTION NO. 1654, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

Commissioner Ryan returned to the meeting.

- B-4. ZONING TEXT AMENDMENT NO. 11-001 (AMENDING CHAPTER 233 SIGNS-TEMPORARY POLITICAL SIGNS) Request:** To amend Chapter 233 Signs, Section 233.08 Exempt Signs, of the Huntington Beach Zoning and Subdivision Ordinance to change the regulations pertaining to the posting and removal of election signs or political signs (subsection O, Temporary Signs). **Applicant:** City of Huntington Beach. **Location:** Citywide. **Project Planner:** Rosemary Medel

STAFF RECOMMENDATION: Motion to: "Approve Zoning Text Amendment No. 11-001 with findings (Attachment No. 1) and forward Draft Ordinance (Attachment No. 2) to the City Council for adoption."

Rosemary Medel, Associate 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.

Commissioner Farley asked staff to confirm the date restrictions for signs for elections not held in November. Staff indicated that signs for elections not held in November would remain the same as the current ordinance.

Commissioner Shier Burnett recommended modifying the ordinance to apply to all elections, not solely local candidate elections. There was a brief discussion regarding the possibility of limiting the number of signs per candidate in a given area.

Commissioner Farley recommended amending the ordinance to allow signs to be put up 45 days prior to any election. Commissioner Mantini concurred with this recommendation and suggested a ten day period to remove signs.

STRAW VOTE #1

A motion was made by Farley, seconded by Bixby, to allow all signs to be erected 45 days prior to any election.

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

MOTION FAILED

STRAW VOTE #2

A motion was made by Shier Burnett, seconded by Bixby, to allow all signs to be erected 50 days prior to any election.

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

MOTION APPROVED

STRAW VOTE #3

A motion was made by Farley, seconded by Mantini, to change the maximum numbers of days to remove signs to ten calendar days after an election.

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

MOTION APPROVED

A MOTION WAS MADE BY FARLEY, SECONDED BY SHIER BURNETT, TO APPROVE ZONING TEXT AMENDMENT NO. 11-001 WITH FINDINGS AS AMENDED BY STRAW VOTES AND FORWARD DRAFT ORDINANCE TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

SUGGESTED FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 11-001:

1. Zoning Text Amendment No. 11-001 amends Chapter 233 Signs, Section 233.08 Exempt Signs (Political) of the Huntington Beach Zoning and Subdivision Ordinance, to reduce the time period for the posting of political signs in a manner consistent with the goals, policies and objectives specified in the General Plan. The amendment controls the proliferation of visual clutter in the public right-of-way addressing the display and removal time period of signage through concise regulatory language.
2. In the case of the general land use provisions, the amendments proposed are compatible with the uses authorized in, and the standards prescribed for the Zoning districts for which they are proposed. The changes do not affect zoning of any property by altering allowed land use or the development standards thereof. Therefore, the changes do not affect the compatibility of uses allowed and established by the General Plan and Zoning designations.
3. A community need is demonstrated for the proposed amendment to ensure a sign code that is protective of the City's goals for enhancing the visual image of the city. The amendment to Chapter 233 Signs affects the visual blight resulting from the display of political signage. For four elections between 2004 and 2010 a total of 58 candidates applied for political office, each displaying signage announcing their candidacy. This demonstrates that there continues to be a potential proliferation of political signs. The reduced display period for political signs will not conflict with the City's peak summer season, and will reduce visual blight.

Its adoption will be in conformity with public convenience, general welfare and good zoning practice because the General Plan Urban Design Element goals and policies indicate the desire to protect the aesthetic appearance of the City and reduce a weak visual image. The adoption of this amended ordinance will ensure that visual blight is reduced by reducing the duration of the display period, not permitting display of political signs until after the peak summer season and the timely removal of signage.

C. CONSENT CALENDAR – NONE

D. NON-PUBLIC HEARING ITEMS – NONE

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING

Scott Hess, Director of Planning and Building- reported on the items from the previous City Council Meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING

Scott Hess, Director of Planning and Building- 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 9:27 PM to the next regularly scheduled meeting of Tuesday, November 8, 2011.

APPROVED BY:

Scott Hess, Secretary

Janis Mantini, Chairperson