MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, MAY 13, 2008
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

ROLL CALL: *P Farley, A Dwyer, P Shier-Burnet, P Livengood, P Shaw, P Speaker, P Scandura*

Commissioner Dwyer was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY SCANDURA, SECONDED BY FARLEY, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF MAY 13, 2008, BY THE FOLLOWING VOTE:

AYES: **Farley, Shier-Burnet, Livengood, Shaw, Speaker, Scandura**
NOES: **None**
ABSENT: **Dwyer**
ABSTAIN: **None**

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. GENERAL PLAN AMENDMENT #07-02 (HOUSING ELEMENT UPDATE) – Jennifer Villasenor, Associate Planner

Jennifer Villasenor, Associate Planner, presented an overview of the project and noted that this amendment is scheduled for a Public Hearing before the Planning Commission on May 27, 2008.

A-2. CONDITIONAL USE PERMIT #07-39 (SENIOR CENTER LANDSCAPE PLANS) – Jennifer Villasenor, Associate Planner

Jennifer Villasenor, Associate Planner, reported that the City has not received any submittals for project design or landscape plans beyond the conceptual plans that were approved by the Planning Commission at the December 11, 2007, public hearing. She also stated that receipt of any future submittals will be brought to the Planning Commission for review and approval.

A-3. CONDITIONAL USE PERMIT #07-44/COASTAL DEVELOPMENT PERMIT #07-18 (APPEAL – HERMAN RESIDENCE) – Andrew Gonzales, Assistant Planner

Andrew Gonzales, Assistant Planner, gave an overview of the project and noted that he has received ten letters regarding this Item – eight from Huntington Harbour residents and two from the Huntington Harbour Property Owners Association (HHPOA).

Commissioner Scandura stated that he filed an appeal on this Item because the proposed residence would be approximately 2-1/2 times larger than any of the existing residences on Falkland Circle. He also noted that he had considered filing an appeal on 3282 Falkland Circle, but did not see the same mass and bulk problems as he has observed on the proposed structure at 3292 Falkland Circle.

Planning Manager Herb Fauland noted that it is not the purview of the Planning Commission to enforce Covenants, Conditions and Restrictions (CC&Rs).

Commissioner Shier-Burnett asked about the average lot size on Falkland Circle and requested full size diagrams be presented at the public hearing on May 27, 2008.

General discussion ensued regarding garage size, parking issues and privacy concerns.

Commissioner Scandura stated that he concurs with Commissioner Shier-Burnett and would like to see full-size diagrams on May 27th; he also stated that his main concern with the structure was not its proposed 35' height, but its overall mass and bulk.

A-4. GENERAL PLAN CONFORMANCE #08-02 (GOTHARD REMNANT ROW) – Hayden Beckman, Planning Aide

Hayden Beckman, Planning Aide, gave an overview of the project and noted that the remnant parcel on Gothard Street is approximately 1,400 square feet.

A-5. ENTITLEMENT PLAN AMENDMENT #07-01 (PIERSIDE PAVILION UPDATE) – Rami Talleh, Senior Planner

Rami Talleh, Senior Planner, gave an overview of the proposed project and noted that the project would include a possible restaurant expansion.

Commissioner Scandura asked if the conceptual plans had changed and staff replied that there had been no major changes.

Chair Livengood recommended moving Public Comments after Item No. A-5.

THE AGENDA WILL REFLECT ITEMS IN THEIR ORIGINAL ORDER.

B. STUDY SESSION ITEMS

B-1. CODE OF ETHICS (AB1234 – TRAINING) – Chair Livengood

Senior Deputy City Attorney Leonie Mulvihill reported that AB1234 training is a requirement for those serving on public judicial bodies; she noted that the training must be completed every two years. She also stated that the City is offering AB1234 classes in both July 2008 and September 2008 and that there is currently no online training available.

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Herb Fauland, Planning Manager, briefly reviewed the agenda.

D. PLANNING COMMISSION COMMITTEE REPORTS

Chair Livengood announced that the upcoming League of California Cities Conference in Long Beach is scheduled for September and asked if any of the Commissioners are interested in attending.

Director of Planning Scott Hess announced that the statewide California American Planning Association conference will be held in Hollywood in September.

E. PUBLIC COMMENTS

Beverly Schuberth, Kennedy Commission, spoke in favor of Item No. A-1 and commended the City for its efforts.

Roseann Andrus, Orange County United Way, spoke in favor of Item No. A-1 and commended the City for its efforts.

Alicia Dose, resident at 3242 Gilbert, spoke in opposition to Item No. A-2, stating that she is against overbuilding in Huntington Harbour.

Dorothy Ralphs, Huntington Harbour Property Owners Association (HHPOA), spoke in opposition to Item No. A-2 and said that she felt the height of the proposed structure would not be compatible with the rest of the neighborhood.

Mike Palikin, HHPOA, spoke in opposition to Item No. A-2, due to his concerns about privacy, compatibility, and size of the proposed structure.

Janet Littlejohn, HHPOA, spoke in opposition to Item No. A-2, and said that she thinks the proposed structure is too massive and would block the sun and solar panels on neighboring houses.

Elizabeth Ament Hewell, Sky View Designs, spoke in favor of Item No. A-2, noting that there would be five parking spaces available onsite and that the view from the proposed structure would be the harbor, not the neighboring houses.

F. PLANNING COMMISSION COMMENTS

Chair Livengood reported on the number of letters addressed to Commissioner Scandura opposing the proposed recycling center at the Ralph's Shopping Center at

Beachmont Plaza. Planning Manager Herb Fauland noted that this item would be heard by the Zoning Administrator on May 28, 2008.

Vice Chair Shier-Burnett asked staff about a rumored parking structure supposedly being built at the Downtown Library on 6th Street; Director of Planning Scott Hess reported that no plans have been submitted - only concept ideas have been presented by the City's consultant. He did note that a stacked parking structure concept is being considered at the Downtown Art Center.

Chair Livengood spoke of Neighborhood Compatibility issues and the use of the committee to address the issues. Planning Manager Herb Fauland reported that this Planning Commission sub-committee (formed in January 2008) is already in place, with Commissioners Shaw and Dwyer as liaisons and Commissioner Farley as alternate.

Commissioner Scandura spoke of his attendance at a "Brownfield's Commission" conference in Detroit, Michigan.

6:15 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Shaw

	P	*A*	*P*	*P*	*P*	*P*	*P*
ROLL CALL:	**Farley,**	**Dwyer,**	**Shier-Burnett,**	**Livengood,**	**Shaw,**	**Speaker,**	**Scandura**

Commissioner Dwyer was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY SPEAKER, SECONDED BY FARLEY, TO APPROVE THE PLANNING COMMISSION AGENDA OF MAY 13, 2008, BY THE FOLLOWING VOTE:

AYES: **Farley, Shier-Burnett, Livengood, Shaw, Speaker, Scandura**
NOES: **None**
ABSENT: **Dwyer**
ABSTAIN: **None**

MOTION APPROVED

A. ORAL COMMUNICATIONS – NONE

B. PUBLIC HEARING ITEMS - NONE

C. CONSENT CALENDAR - NONE

D. NON-PUBLIC HEARING ITEMS

D-1. GENERAL PLAN CONFORMANCE #08-01 (LEBARD SCHOOL) **Applicant:** City of Huntington Beach/Huntington Beach City School District **Request:** General Plan Conformance No. 08-001 represents a request by the City of Huntington Beach and the Huntington Beach City School District (HBCSD) to determine if disposition and acquisition of the LeBard School site is in compliance with the goals and policies of the General Plan. **Location:** 20451 Craimer Lane, Huntington Beach, CA 92646 (East of the intersection of Brookhurst Street and Indianapolis Avenue) **Project Planner:** Jennifer Villasenor

STAFF RECOMMENDATION: Motion to: "Adopt Resolution No. 1620 approving General Plan Conformance No. 08-001 with findings."

A MOTION WAS MADE BY SCANDURA, SECONDED BY SHIER-BURNETT, TO ADOPT RESOLUTION NO. 1620, APPROVING GENERAL PLAN CONFORMANCE NO. 08-001 WITH FINDINGS, BY THE FOLLOWING VOTE:

AYES:	**Farley, Shier-Burnett, Livengood, Shaw, Speaker, Scandura**
NOES:	**None**
ABSENT:	**Dwyer**
ABSTAIN:	**None**

MOTION APPROVED

FINDINGS AND CONDITIONS OF APPROVAL

GENERAL PLAN CONFORMANCE NO. 08-001

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the 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 Section 15306, Class 6 of the CEQA Guidelines because the project involves information collection which does not result in major disturbance to an environmental resource.

FINDINGS FOR APPROVAL – GENERAL PLAN CONFORMANCE NO. 08-001:

1. The proposed disposition and acquisition of the LeBard School site is consistent with the following goals and policies of the General Plan:

   A. *Land Use Element*

   LU Policy 13.1.6: "Encourage surplus schools and other public properties to be made available first for other public purposes, such as parks, open space, adult or child care, and secondarily for reuse for private purposes and/or other land uses and development."

   This policy is consistent with State law in that the City and other public entities have priority to purchase or lease surplus school property. As a result, the City of Huntington Beach has opted to exercise the first opportunity right to consider purchasing and reusing the site for public purposes, such as a park or open space, with the City Council's recent authorization

to pursue acquisition of the site. Should the City and other public entities with priority decline the offer to purchase the LeBard School site, the development of the site for private purposes with other land uses may be considered along with the approval of a general plan amendment and zoning map amendment.

B. *Recreation and Community Services Element*

RCS Policy 5.1.1: "Review the parks and recreation facilities relationship with the local schools. The review should include:

a. the concept of providing both school recreation facilities and park facilities at the same site;
b. information submitted by the school districts regarding the financial and fiscal impacts to the school districts in preserving closed schools for park purposes without adequate compensation to the school district;
c. the determination of each school's contribution in providing recreational opportunities to the neighborhood; and
d. the identification of an "alternative" plan to provide the recreational opportunities in the event of a school closure."

The City of Huntington Beach does not operate any recreational programs at the subject site, but the Sea View Little League utilizes the playing fields year-round. The Surplus School Property Purchasing Plan, updated in November 2007, indicates that relocation of the existing playing fields to another City park would likely displace other recreational opportunities at that park. Community Services staff is evaluating alternative plans for the existing youth sports group if the property is sold and the existing recreational and open space is not preserved.

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.

D-2. PLANNING COMMISSION GOALS – Chair Livengood

RECOMMENDED ACTION: Motion to: "Approve the Planning Commission Goals 2008 as submitted."

A MOTION WAS MADE BY SPEAKER, SECONDED BY FARLEY, TO APPROVE THE PLANNING COMMISSION GOALS 2008 AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES:	**Farley, Shier-Burnett, Livengood, Shaw, Speaker, Scandura**
NOES:	**None**
ABSENT:	**Dwyer**
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 scheduled for the next City Council meeting.

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING
Scott Hess, Director of Planning – 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

Commissioner Scandura asked if the Parkside/Shea Homes project modifications (recently approved by the California Coastal Commission) would be reviewed by the Planning Commission. Director of Planning Scott Hess noted that this project would be reviewed by the City Council

ADJOURNMENT: Adjourned at 7:11 PM to the next regularly scheduled meeting of May 27, 2008.

APPROVED BY:

Scott Hess, Secretary

Tom Livengood, Chair