MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, SEPTEMBER 23, 2014
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CANCELLED – NO STUDY SESSION

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Posey

ROLL CALL: ***P Semeta, P Posey, P Franklin, P Peterson, P Pinchiff, P Bixby, P Kalmick***

AGENDA APPROVAL

A MOTION WAS MADE BY KALMICK, SECONDED BY SEMETA, TO APPROVE THE PLANNING COMMISSION AGENDA OF SEPTEMBER 23, 2014, BY THE FOLLOWING VOTE:

AYES: **Semeta, Posey, Franklin, Peterson, Pinchiff, Bixby, Kalmick**
NOES: **None**
ABSENT: **None**
ABSTAIN: **None**

MOTION APPROVED

A. PUBLIC COMMENTS – NONE

B. PUBLIC HEARING ITEMS

B-1. CONDITIONAL USE PERMIT NO. 13-036 – APPEAL (MACARTHUR GROUP COMMERCIAL BUILDING) **Appellant:** Planning Commissioner Edward Pinchiff **Applicant:** Jeff Bergsma, Team Design **Property Owner:** MacArthur Group LLC **Request:** To permit the development of a vacant parcel with the construction of a new 3,700 sq. ft. commercial building consisting of a 24-hour, 2,300 sq. ft. convenience store with alcohol sales for off-site consumption and 1,400 sq. ft. eating and drinking establishment with outdoor dining in conjunction with the sale and consumption of alcoholic beverages. **Location:** 16001 Bolsa Chica Street, 92649 (southwest corner of Edinger Avenue and Bolsa Chica Street) **City Contact:** Jill Arabe, Associate Planner

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 13-036 with findings and suggested conditions of approval (Attachment No. 1)." The Commission made the following disclosures:

- Commissioner Semeta has visited the site and spoken with staff and with Bill Jarjour.
- Commissioner Posey has visited the site, met with the applicant and spoken with Bill Jarjour.
- Vice-Chair Franklin had no disclosures.
- Chair Peterson has visited the site.
- Commissioner Pinchiff has visited the site.
- Commissioner Bixby has spoken with staff, visited the site, and spoken with Bill Jarjour, and resident Julie Snedeker.
- Commissioner Kalmick visited the site, spoken with staff, the applicant, and with the owners of Seagate Liquor.

Jill Arabe, Associate Planner, gave the staff presentation and an overview of the project. She noted that staff was recommended revisions to suggested Condition of Approval Nos. 7(r)(i) and 7(r)(vi).

THE PUBLIC HEARING WAS OPENED.

Ralph Deppisch, 7–11 representative, spoke in support of Item No. B-1. He requested that 24 hour operation be approved. He cited the early morning coffee customers as their focus and indicated that a 6:00 AM opening time would impact their business. He noted that the security system, lighting and well trained staff should alleviate any security concerns.

Jeff Bergsma, applicant, spoke in support of Item No. B-1, indicating that they would like 24 hour operation, but if that is not possible they would prefer operating hours of 5:00 AM to 1:00 AM in lieu of the Zoning Administrator approval of 6:00 AM to 2:00 AM.

Peter Howell, Rutan & Tucker, spoke on behalf of Bill Jarjour in opposition to Item No. B-1, citing lack of sufficient environmental review of the site and the soil contamination. He indicated adjacent residents expressed concern regarding noise impacts for a 24 hour operation.

Justin Jarjour, resident, spoke in opposition to Item No. B-1, citing the potential impacts of a 24 hour operation. He expressed concern with economic diversity for the area, noting that there are 24 liquor licenses in a one mile radius of the site. He also expressed concern with the contaminated soil on site and the remediation measures being taken.

Bill Jarjour, Seagate Liquor, spoke in opposition to Item No. B-1, citing concerns with the potential noise and traffic impacts to adjacent residents of a 24 hour operation.

Tristan Harris, MacArthur Group, LLC, spoke in support of Item No. B-1. He spoke briefly on the status of soil remediation on site, noting that the remediation has been ongoing over several years. He indicated that they would be amenable to reciprocal access to the adjacent site.

Larry Ambrose, resident, spoke in oppostition to Item No. B-1, citing concerns with the potential impacts of a 24 hour operation and the number of 7-11s already in the area.

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

There was a brief discussion regarding the circulation impacts of the project without reciprocal access.

There was a brief discussion regarding soil contamination remediation on site.

There was a brief discussion regarding police calls to similar sites. Police Captain Bill Stuart indicated that the numbers of police calls to similar 7–11 sites are extremely low.

There was a lengthy discussion regarding the hours of operation, neighborhood compatibility, and the number of alcohol licenses in the area.

STRAW VOTE #1
A motion was made by Kalmick, seconded by Franklin, to allow the convenience stop to be open for 24 hours.

AYES:	**Semeta, Franklin, Peterson, Pinchiff, Bixby, Kalmick, Posey**
NOES:	**None**
ABSTAIN:	**None**
ABSENT:	**None**

MOTION APPROVED

STRAW VOTE #2
A motion was made by Bixby, seconded by Franklin, to condition the restaurant to close at 12:00 AM.

AYES:	**Semeta, Posey, Franklin, Peterson, Pinchiff, Bixby, Kalmick**
NOES:	**None**
ABSTAIN:	**None**
ABSENT:	**None**

MOTION APPROVED

STRAW VOTE #3
A motion was made by Franklin, seconded by Bixby, to prohibit the sale of alcohol from the convenience store between the hours of 12:00 AM to 7:00 AM.

AYES:	**Semeta, Posey, Franklin, Peterson, Pinchiff, Bixby, Kalmick**
NOES:	**None**
ABSTAIN:	**None**
ABSENT:	**None**

MOTION APPROVED

There was a brief discussion regarding modifying Condition No. 7(f) to prohibit alcohol sold for off-site consumption to be consumed within the restaurant portion of the site and to modify Condition No. 7 (g) to limit onsite consumption of alcohol to within the restaurant and the fenced outdoor dining portion of the site.

A MOTION WAS MADE BY POSEY, SECONDED BY BIXBY, TO APPROVE CONDITIONAL USE PERMIT NO. 13-036 WITH FINDINGS AND CONDITIONS OF APPROVAL INCLUDING STRAW VOTES AND SUGGESTED MODIFICATIONS TO CONDITIONS OF APPROVAL NO. 7(f), 7(g), and 7(r), BY THE FOLLOWING VOTE:

AYES: Semeta, Posey, Franklin, Peterson, Pinchiff, Bixby, Kalmick
NOES: None
ABSTAIN: None
ABSENT: 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 exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the project involves the construction of a new commercial building not exceeding 10,000 square feet in floor area on a site zoned for such use.

FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 13-036:

1. Conditional Use Permit No. 13-036 for the construction of a 3,700 sq. ft. commercial building consisting of a 2,300 sq. ft. 24-hour convenience store with alcohol sales for off-site consumption and a 1,400 sq. ft. eating and drinking establishment with outdoor dining in conjunction with the sale and consumption of alcoholic beverages 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 development will improve an existing vacant lot and provide additional commercial services in the vicinity. The proposed commercial uses are similar to surrounding existing uses. Potential noise generated by the uses will not exceed existing noise levels and will comply with the City's Noise Ordinance. The nearest residential uses in the vicinity are located more than 120 feet from the property to the southeast and are buffered by the arterial streets, flood control channel, and parking lots. Furthermore, the layout of the site provides adequate onsite circulation for pedestrians and vehicles and as conditioned, appropriate reciprocal access with the adjacent commercial center. The proposed alcohol use as conditioned will not generate noise, traffic, demand for parking, or other impacts above that which currently exists and will be consistent with the subject property's zoning.

2. The 3,700 sq. ft. commercial building consisting of a 2,300 sq. ft. 24-hour convenience store with alcohol sales for off-site consumption and a 1,400 sq. ft. eating and drinking establishment with outdoor dining in conjunction with the sale and consumption of alcoholic beverages will be compatible with surrounding uses because the project consists of commercial uses similar to those found in the vicinity. Alcohol sales is ancillary to the retail use and eating and drinking establishment and will not generate significant impacts related to parking, traffic, or noise above existing conditions. The site is physically separated from noise sensitive uses by streets, flood control channel, and parking lots and located more than 120 feet away from residential uses with building entrances oriented to the streets. The proposed single-story building features an architectural tower element for the convenience store entrance and enhanced building features include a flat roof with parapet walls and cornice treatment, steel canopies and columns to break up the façade massing, variable façade offsets and material changes, and a stone base at the pedestrian scale.

3. The 3,700 sq. ft. commercial building consisting of a 2,300 sq. ft. 24-hour convenience store with alcohol sales for off-site consumption and a 1,400 sq. ft. eating and drinking establishment with outdoor dining in conjunction with the sale and consumption of alcoholic beverages 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. The project complies with the development standards in terms of minimum onsite parking, building height, setbacks, and landscaping. Adequate vehicular and pedestrian circulation is provided for convenient access throughout the project and as conditioned, provides reciprocal access with the adjacent commercial center.

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 Commercial General on the subject property. In addition, it is consistent with the following objectives and policies of the General Plan:

   A. *Land Use Element*

      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, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

      Policy LU 10.1.15: Require that buildings, parking, and vehicular access be sited and designed to prevent adverse impacts on adjacent residential neighborhoods.

      Policy LU 10.1.12: Require that Commercial General uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development.

      The proposed project is a small commercial development located within close proximity of existing commercial and residential uses. The site layout provides adequate onsite circulation for vehicles and pedestrians and as conditioned, reciprocal access with the adjacent shopping center. It will visually improve the character of the area by constructing an architecturally compatible single-story commercial development with enhanced landscaping and upgraded sidewalk improvements. The proposed uses are neighborhood serving and conveniently accessible to local residents and visitors in the vicinity. The ancillary use of alcohol sales to a convenience store and eating and drinking establishment is appropriate when it is surrounded by similar commercial uses and when existing residential uses are adequately buffered from the proposed use.

   B. *Urban Design Element*

      Goal UD 1: Enhance the visual image of the City of Huntington Beach.

   The proposed building incorporates architectural treatments consistent with the City's Design Guidelines including a tower element at the corner of the building, variable offsets to break up the building massing, steel canopies and columns to enhance the façades, and a combination of materials and colors. Decorative paving is proposed at the driveway entrance and pedestrian crossings with drive aisles to provide a traffic calming effect and improved site design. Landscape planters adjacent to the street frontages and distributed throughout the site help screen the parking lot and enhance the visual image of the environment.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 13-036:

1. The site plan received and dated July 18, 2014, and floor plans, and elevations received and dated June 24, 2014, shall be the conceptually approved design with the following modifications:

    a. A three feet wide landscape planter (including the two feet overhang for parking stalls) and minimum four feet wide walkway shall be provided to the north of the convenience store between the parking spaces (#1-5) and the building.

    b. The driveway off Edinger Avenue shall be removed and the required landscape planter and appropriately dimensioned parking spaces shall be constructed between parking spaces #21 and #22.

    c. The gate doors or fencing serving the temporary resource extraction enclosure along the west property line shall not encroach over the property line unless authorization from the adjacent property owner is provided.

    d. The elevations shall incorporate a combination of the following modifications subject to review and approval by the Planning and Building Department:

        i. The primary color of the building shall be a lighter shade of gray than depicted on the colors and materials board dated April 24, 2014.

        ii. The metal storefront shall be painted black or a darker color.

        iii. The wainscot shall incorporate more gray hues.

    e. Parking space #6 shall be removed so as not encroach within the required fire lane.

    f. The floor plans and elevations shall be revised to be consistent with the layout change per the revised site plan.

    g. The plans shall be revised to reflect the correct building square footage and net parcel size.

2. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties immediately adjacent to and across the street within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning Division.

3. Prior to submittal for building permits, the following shall be completed:

    a. One set of project plans, revised pursuant to Condition of Approval No. 1 and Code Requirements, shall be submitted for review, approval, and inclusion in the entitlement file, to the Planning Division.

    b. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire, Public Works, and Building shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building

permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.

c. A reduced copy of the approved site plan and processing fee shall be submitted to the Planning Division for addressing of the new suites.

4. Prior to issuance of building permits, the following shall be completed:

a. Detailed landscaping plans complying with HBZSO Chapter 233 shall be submitted to the Planning Division for review and approval.

b. The subject property shall provide an irrevocable reciprocal driveway access easement between the subject site and adjacent westerly property as depicted on the approved plans. The subject property shall be responsible for making necessary improvements to implement the reciprocal access. The legal instrument shall be submitted to the Planning Division prior to building permit issuance. The document shall be approved by the Planning Division and City Attorney as to form and content and, when approved, shall be recorded with the County Recorder prior to final building permit approval. A copy of the recorded document shall be filed with the Planning Division for inclusion in the entitlement file prior to final building permit approval. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.

c. If the adjacent westerly property owner does not agree to the terms and provisions of joint and reciprocal access, Condition No. 1b shall not apply and driveway access from Edinger Avenue may continue with appropriate improvements subject to approval by the Planning Division and Public Works Department. The subject property shall enter into an irrevocable offer for future reciprocal access and shared entry between the subject site and adjacent westerly property. Language in the irrevocable offer agreement shall indicate that the subject property owner will close the subject site's driveway access from Edinger Avenue with appropriate improvements in the event that the adjacent westerly property owner accepts the offer. The legal instrument shall be submitted for review and approval by the Planning Division and the City Attorney as to form and content, and when approved, recorded in the Office of the County Recorder prior to final building permit approval. A copy of the recorded document shall be filed with the Planning Division for inclusion in the entitlement file prior to final building permit approval.

5. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released until the following has been completed:

a. All existing overhead 12kV electrical distribution and various communication lines along the Edinger Avenue and Bolsa Chica Street frontages shall be undergrounded. In lieu of compliance with this project condition, a fair-share fee, in the amount of $55,000 shall be paid to the City of Huntington Beach Public Works Department. **(PW)**

b. All improvements are completed in accordance with approved plans, except as provided for by conditions of approval.

c. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to the Planning Division.

d. Compliance with all conditions of approval specified herein shall be verified by the Planning Division.

e. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.

f. A Certificate of Occupancy must be approved and issued by the Planning and Building Department.

6. Signage shall be reviewed under separate permits and applicable processing.

7. The uses (eating and drinking establishment, outdoor dining, and convenience store) shall comply with the following:

a. Unless approved by a subsequent entitlement, the eating and drinking establishment shall be limited to a maximum of 12 seats within the interior of the suite; and the outdoor patio area shall not exceed a maximum of 20% of the indoor area or 400 sq. ft., whichever is less.

b. The convenience store shall be limited to a maximum of 10% of the floor area devoted to sales, display, and storage of alcoholic beverages (beer and wine).

c. The daily hours of operation shall be limited as follows:

i. Convenience store:	24 Hours
1. Off-site alcohol sales:	7:00 a.m. to 12:00 a.m.
ii. Eating and Drinking Establishment:	7:00 a.m. to 12:00 a.m.
1. Outdoor dining:	7:00 a.m. to 10:00 p.m.

d. Truck deliveries to all businesses shall be limited to between the hours of 7:00 a.m. to 10:00 p.m., Monday through Friday, and 9:00 a.m. to 10:00 p.m., Saturday and Sunday.

e. Prior to the sales, service or consumption of alcoholic beverages for the eating and drinking establishment and outdoor dining area, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by ABC, shall be submitted to the Planning and Building Department for the entitlement file. The business shall be limited to a Type 41 (On Sale Beer and Wine for Bona Fide Public Eating Place) ABC License. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.

f. Alcohol sold for off-site consumption shall not be consumed on the premises. **(PC)**

g. Alcohol sold for on-site consumption in the eating and drinking establishment shall only be consumed in the eating and drinking establishment and fenced in outdoor dining area. **(PC)**

h. Within the eating and drinking establishment and outdoor dining area, the sale of alcoholic beverages shall be made only in conjunction with the sale of food to the person ordering the beverage. **(PD)**

i. Dancing and entertainment shall be prohibited unless approved by a conditional use permit.

j. Food service from the regular menu shall be available from the time the eating and drinking establishment opens to the public, until at least one hour prior to the scheduled closing time. **(PD)**

k. No loitering shall be permitted within the vicinity of any entrances and exits and in the parking lot at any time. **(PD)**

l. The patio area shall have only one entry/exit point. A sign shall be posted in a conspicuous space at the entrance/exit point of the patio, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**

m. An employee shall maintain continuous supervision at all times of the patio area when the patio area is being utilized for the sales, service or consumption of alcoholic beverages. **(PD)**

n. No dining or consumption of alcoholic beverages shall be permitted within the outdoor patio area between the hours of 10:00 p.m. and 7:00 a.m. **(PD)**

o. The patio area shall be sufficiently illuminated to permit the identification of patrons. **(PD)**

p. The eating and drinking establishment's use conditions listed herein shall be clearly posted on the premises at all times.

q. Prior to the sales of alcoholic beverages, the convenience store shall obtain an ABC License authorizing off sale alcohol sales. The business shall be limited to a Type 20 (Off Sale Beer and Wine) ABC License. **(PD)**

r. The display or sale of the following items within the convenience store shall be prohibited:

    i. Wine in containers of less than 750 milliliters.

    ii. Malt beverage products with alcohol content greater than five and one-half percent by volume.

    iii. Wine with an alcoholic content greater than 14 percent by volume unless in corked bottles and aged at least two years.

    iv. Beer or malt liquor sold individually in containers of 40 ounces or less.

    v. Containers of beer or malt liquor not in their original factory packages of six-packs or greater.

    vi. Cooler products, either wine or malt beverage based, in less than four-pack quantities. **(PD)**

s. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and discern the appearance and conduct of all persons on or about the parking lot. **(PD)**

t. "No Loitering" and "No Open Container" signs shall be affixed and clearly visible on the north and west sides of the building. **(PD)**

u. Mandatory Responsible Beverage Service (RBS) training and certification shall be required for new employees within 90 days of being hired and for existing employees every 12 months. Training shall be provided by an ABC approved RBS trainer and records of the training must be maintained on-site for review. **(PD)**

v. Both businesses shall employ a video surveillance system and a one-month video library. The minimum requirements for the cameras will be: color, digital recording to DVR and able to record in low light. The business shall ensure all doors, eating areas, and parking areas are covered by video surveillance. Electronic copies of video must be made available to the Huntington Beach Police Department within 48 hours of request. Digital recordings shall be made available for viewing on-scene upon request by police officers conducting investigations. **(PD)**

w. All owners, employees, representatives, and agents must obey all state, local, and municipal laws, and conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise; at all times. **(PD)**

8. The owner or owner's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.

9. CUP No. 13-036 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.

10. 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.

11. 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/green-building-guidelines-rating).

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.

B-2. ZONING TEXT AMENDMENT NO. 12-001 (ZSO MAINTENANCE) Applicant: City of Huntington Beach **Request:** To amend four chapters of the Huntington Beach Zoning and Subdivision Ordinance (ZSO) that will reorganize entitlement permits of certain applications to the lower hearing body, codify existing policies, and clarify certain sections of the ZSO. The four chapters to be amended are Chapter 203, Definitions; Chapter 211, Commercial Districts; Chapter 212, Industrial Districts; and Chapter 230, Site Standards. **Location:** Citywide **City Contact:** Joanna Cortez, Assistant Planner

STAFF RECOMMENDATION: Motion to: "Approve Zoning Text Amendment No. 12-01 with findings (Attachment No. 1) and forward the draft ordinance (Attachment No. 2) to the City Council for adoption."

The Commission made the following disclosures:

- Commissioner Semeta had no disclosures.
- Commissioner Posey had no disclosures.
- Vice-Chair Franklin attended the study session.
- Chair Peterson had no disclosures.
- Commissioner Pinchiff attended the study session.
- Commissioner Bixby attended the study session.
- Commissioner Kalmick attended the study session and spoke with David Treiman.

Joanna Cortez, 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.

A MOTION WAS MADE BY KALMICK, SECONDED BY FRANKLIN, TO APPROVE ZONING TEXT AMENDMENT NO. 12-001 WITH FINDINGS AND FORWARD THE DRAFT ORDINANCE TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

AYES: Semeta, Posey, Franklin, Peterson, Pinchiff, Bixby, Kalmick
NOES: None
ABSTAIN: None
ABSENT: 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 exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to City Council Resolution No. 4501, Class 20, which supplements CEQA because the request is a minor amendment to a zoning ordinance that does not change the development standards intensity or density.

FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 12-01:

1. Zoning Text Amendment (ZTA) No. 12-01 to: 1) amend Chapter 230, Site Standards, of the HBZSO to delete inconsistent language, provide clarification of the code by codifying existing policies and code interpretations, and allow select entitlement requests to be reviewed by the lower hearing body; and 2) amend Chapters 203, Definitions, 211, C Commercial Districts, and 212, I Industrial Districts to maintain consistency with the proposed changes in Chapter 230 of the HBZSO is consistent with the goals, objectives, policies, general land uses and programs specified in the General Plan including:

   A. *Land Use Element*

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

   B. *Housing Element*

   Policy HE 4.3: Explore continued improvements to the entitlement process to streamline and coordinate the processing of permits, design review, and environmental

   C. *Noise Element*

   Objective N 1.4: Minimize noise spillover or encroachment from commercial and industrial land uses into adjoining residential neighborhoods or "noise-sensitive" uses.

   This Zoning Text Amendment will allow the City to process new development requests with greater precision and in a timely manner. The proposed amendments would decrease processing time for applicants; encourage new businesses; and ultimately improve customer service. Additionally, the public's well-being will not be compromised as residential and sensitive uses have been taken into account by introducing distance requirements for certain uses. The new changes are proposed to provide greater customer service and will benefit the City with future developments.

2. In the case of a general land use provision, the ZTA No. 12-01 is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The amendment revises processing of entitlements and clarifies permitted uses within the zoning classifications.

3. A community need is demonstrated for the change proposed. The need for clarification of the HBZSO along with reduced processing time is a constant desire of the community.

4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice because ZTA No. 12-01 will codify existing policies and create a zoning and subdivision ordinance reflective of the City's on going effort to provide greater customer service.

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED MAY 27, 2014

RECOMMENDED ACTION: Motion to: "Approve the May 27, 2014, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY KALMICK, SECONDED BY SEMETA, TO APPROVE THE MAY 27, 2014 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES:	**Semeta, Posey, Peterson, Pinchiff, Bixby, Kalmick**
NOES:	**None**
ABSTAIN:	**Franklin**
ABSENT:	**None**

MOTION APPROVED

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

Jane James, 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

<u>ADJOURNMENT:</u> Adjourned at 8:31 PM to the next regularly scheduled meeting of Tuesday, October 14, 2014.

APPROVED BY:

Scott Hess, Secretary	Erik Peterson, Chair