MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, AUGUST 14, 2012
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 Peterson

ROLL CALL: ***Shier Burnett (A), Peterson (P), Bixby (P), Mantini (P), Delgleize (P), Ryan (P)***

Commissioner Shier Burnett arrived at 7:20 PM but left during Item No. B-2.

AGENDA APPROVAL

A MOTION WAS MADE BY DELGLEIZE, SECONDED BY RYAN, TO APPROVE THE PLANNING COMMISSION AGENDA OF AUGUST 14, 2012, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PUBLIC COMMENTS - NONE

B. PUBLIC HEARING ITEMS

B-1. ZONING TEXT AMENDMENT NO. 12-02 (PARK FEE) Applicant: City of Huntington Beach **Property Owner:** Not Applicable **Request:** To: 1) amend Chapter 254 (Dedications and Reservations) of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to delete the site-specific-appraisal approach for determining park in lieu fees for residential projects that require tentative maps and replace it with standard citywide fees and incorporate other related changes; and 2) delete Section 230.20 of the HBZSO pertaining to park fees for projects not requiring a tentative map. **Location:** Citywide **Project Planner:** Ricky Ramos

STAFF RECOMMENDATION: Motion to: "Approve Zoning Text Amendment No. 12-02 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 Peterson has no disclosures.
- Vice Chair Bixby has attended the study session.
- Chair Mantini has attended the study session.
- Commissioner Delgleize has attended the study session.
- Commissioner Ryan has attended the study session.

Ricky Ramos, Senior Planner, gave the staff presentation and an overview of the proposed amendment.

THE PUBLIC HEARING WAS OPENED.

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

A MOTION WAS MADE BY DELGLEIZE, SECONDED BY RYAN, TO APPROVE ZONING TEXT AMENDMENT NO. 12-02 WITH FINDINGS AND FORWARD TO THE CITY COUNCIL, BY THE FOLLOWING VOTE:

AYES:	**Peterson, Bixby, Mantini, Delgleize, Ryan**
NOES:	**None**
ABSENT:	**Shier Burnett**
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 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. 12-02:

1. Zoning Text Amendment (ZTA) No. 12-02 to: 1) amend Chapter 254 (Dedications and Reservations) of the HBZSO to delete the site-specific-appraisal approach for determining park in lieu fees for residential projects that require tentative maps and replace it with standard citywide fees and incorporate other related changes; and 2) delete Section 230.20 of the HBZSO pertaining to park fees for projects not requiring a tentative map is consistent with the goals, objectives, policies, general land uses and programs specified in the General Plan including:

   A. Land Use Element

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

Objective LU 14.1: Preserve and acquire open spaces for the City's existing and future residents that provide, maintain, and protect significant environmental resources, recreational opportunities, and visual relief from development.

Policy LU 14.1.2: Permit the acquisition and/or dedication of lands for new open space purposes in any land use zone where they complement and are compatible with adjacent land uses and development, contingent on City review and approval.

Policy LU 14.1.4: Provide for the acquisition and development of the City's parks in accordance with the Parks and Recreation Element of the General Plan.

B. *Recreation and Community Services Element*

Goal RCS 2: Provide adequately sized and located active and passive parklands to meet the recreational needs of existing and future residents, and to preserve natural resources within the City of Huntington Beach and its sphere of influence.

Policy RCS 2.1.1: Maintain the current park per capita ratio of 5.0 acres per 1,000 persons, which includes the beach in the calculation.

Policy RCS 8.1.5: Update, on a periodic basis, the park in lieu fee assessed to all new development.

C. *Environmental Resources/Conservation Element*

Goal ERC 1: Improve and enhance the overall aesthetic value and appearance of the City of Huntington Beach through the provision and maintenance of local public and private open space.

The revised ordinance will allow the City to collect park in lieu fees as necessary to acquire and/or improve park and recreational facilities throughout the City to meet the needs of residents consistent with the General Plan and the October 2011 Master Facilities Plan and Development Impact Fee (DIF) Calculation and Nexus Report (Amended April 2012).

2. ZTA No. 12-02 does not affect a general land use provision and compatibility with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. ZTA No. 12-02 will revise Chapter 254 and delete Section 230.20 of the HBZSO. It will not affect the zoning of any property or the allowed uses and development standards of any zoning district.

3. A community need is demonstrated for the change proposed. ZTA No. 12-02 will reflect the City's desired approach for determining park in lieu fees for new development consistent with the October 2011 Master Facilities Plan and DIF Calculation and Nexus Report (Amended April 2012) and in consideration of maximizing the goals, objectives, and policies of the General Plan. It will result in equitable standard citywide park fees for rental and for-sale residential units. It will help developers determine development costs earlier in the process.

4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice because ZTA No. 12-02 will allow the city to provide sufficient park and recreational facilities for its residents.

Commissioner Delgleize recused herself on Item No. B-2 due to a possible conflict of interest and left the room.

B-2. MITIGATED NEGATIVE DECLARATION NO. 11-007/COASTAL DEVELOPMENT PERMIT NO. 11-012/CONDITIONAL USE PERMIT NO. 11-021/ENTITLEMENT PLAN AMENDMENT NO. 11-007/VARIANCE NO. 11-005/DESIGN REVIEW NO. 11-015 (PIERSIDE PAVILION EXPANSION) **Applicant:** Michael Adams, Michael C. Adams Associates **Property Owner:** Joe Daichendt, Theory R Properties LLC **Request:** **MND:** To analyze the potential environmental impacts associated with the implementation of the proposed project. **CDP/CUP:** To permit: a) the demolition of approximately 400 sq. ft. of the existing structure including an elevator shaft and two stairwells; and construct a connecting four-story, 90 foot high, approximately 27,772 square foot mixed-use, visitor serving/office building and approximately 9,401 sq. ft. infill expansion by extending existing storefronts; b) the sale and consumption of alcoholic beverages within the restaurant areas; c) to expand the allowable uses within the Pierside Pavilion development from the previously approved limits established by Entitlement Plan Amendment No. 07-01 and the Owner Participation Agreement (executed in 2009 and amended in 2011) by adding 10,527 sq. ft. of retail, 5,705 sq. ft. of restaurant, and 21,441 sq. ft. of office; and, d) permit shared parking. **EPA:** To amend Conditional Use Permit No. 10-017 to modify the location of the existing retail carts on public and private property. **VAR:** To permit a maximum height of 68 ft. (plus up to 90 ft. for mechanical housing) in lieu of a maximum of 45 ft. **DR:** To review the design, colors, and materials of the remodel of the existing building to remain and proposed building. **Location:** 300 Pacific Coast Highway, 92648 (northeast corner of Pacific Coast Highway and Main Street) **Project Planner:** Ethan Edwards

STAFF RECOMMENDATION: Motion to:

A. "Approve Mitigated Negative Declaration No. 11-007 with findings and mitigation measure (Attachment No. 1);"

B. "Approve Coastal Development Permit No. 11-012, Conditional Use Permit No. 11-021, Entitlement Plan Amendment No. 11-007, and Variance No. 11-005 as modified with findings and suggested conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Shier Burnett has attended the study session, attended the July 10, 2012 neighborhood meeting, and visited the site.
- Commissioner Peterson has visited the site, attended the study session, and attended the Design Review Board meeting on this item.

- Vice Chair Bixby has attended the study session, met with Jeff Smith and Pier Colony residents, met with the applicant, visited the site and spoken to staff.
- Chair Mantini has visited the site, attended the study session, and spoken to staff.
- Commissioner Ryan has attended the study session, met with the applicant, and met with the Pier Colony HOA.

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

There was a brief discussion regarding the required fire lanes. Staff noted that the public should contact Code Enforcement should there be any unauthorized use of the fire lanes.

There was a brief discussion regarding the potential for an environmental impact report.

There was a discussion regarding the potential parking impacts and the downtown shared parking plan.

THE PUBLIC HEARING WAS OPENED.

Joe Daichendt, property owner, spoke in support of Item No. B-2, stating the he felt the project would be a benefit to the city. He asked the Planning Commission to allow the rooftop mechanical equipment to be located against the neighboring condominiums, to allow the maximum building height at 68 ft, and that the project not be required to go back to the Design Review Board for a fourth time.

Greg James, architect,, spoke in support of Item No. B-2, noting the additional landscaping and raised sidewalk to create a buffer between vehicular and pedestrian traffic.

Richard Theil, resident, spoke in opposition to Item No. B-2, citing potential noise impacts and potential impacts to the values of adjacent properties.

David Abu, resident, spoke in opposition to Item No. B-2, citing potential noise, property value, and aesthetic impacts.

Jeff Smith, resident, spoke in opposition to Item No. B-2, citing potential impacts to property values and the quality of life for adjacent residents.

Thomas Mauriello, representing Pier Colony residents, spoke in opposition to Item No. B-2 (with 4 minutes donated by Carol McCann), stating that the potential noise, view and aesthetic impacts have not been properly analyzed and an Environmental Impact Report is needed.

Bill Garrisi, resident, spoke in opposition to Item No. B-2, citing potential property value impacts. He stated that Pier Colony and Pierside Pavilion were originally one project and the removal of the buffer between the sites would violate the original Conditional Use Permit.

Gary Baker, resident, spoke in opposition to Item No. B-2, citing potential property value reductions.

Robert Bryant, resident, spoke in opposition to Item No. B-2, citing potential property value reductions.

Paul Strain, resident, spoke in opposition to Item No. B-2, citing potential impacts to aesthetics, noise, and reduced property values.

David Miank, project manager, spoke in support of Item No. B-2.

Tom McCann, resident, spoke in opposition to Item No. B-2, citing potential impacts to property values. He stated that there was a fair argument for an Environmental Impact Report (EIR) and asked the Planning Commission to request an EIR.

Jim Soha, resident, spoke in opposition to Item No. B-2, citing potential noise, aesthic, and quality of life impacts. He noted that the adjacent Black Bull Chophouse already has a negative impact on the residents of Pier Colony.

Robert Stookey, resident, spoke in opposition to Item No. B-2 (with 4 minutes donated by Sue Stookey), citing potential noise, view, property value, and safety impacts.

Mike Adams, applicant, spoke in support of Item No. B-2, noting that this site was included in the Downtown Specific Plan EIR, so a Mitigated Negative Declaration is the proper document.

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

There was a lengthy discussion regarding the Design Review Board recommendations.

There was a brief discussing regarding the massing of the building and the obstruction of the public view corridor.

Chair Mantini expressed concern with the design of the building and the potential parking impacts.

A MOTION WAS MADE BY BIXBY, SECONDED BY PETERSON, TO DENY MITIGATED NEGATIVE DECLARATION NO. 11-007 WITH FINDINGS, BY THE FOLLOWING VOTE:

AYES: Peterson, Bixby, Ryan
NOES: Mantini
ABSENT: Shier Burnett
ABSTAIN: Delgleize

MOTION APPROVED

A MOTION WAS MADE BY BIXBY, SECONDED BY PETERSON, TO DENY COASTAL DEVELOPMENT PERMIT NO. 11-012, CONDITIONAL USE PERMIT NO. 11-021, ENTITLEMENT PLAN AMENDMENT NO. 11-007, AND VARIANCE NO. 11-005 WITH FINDINGS, BY THE FOLLOWING VOTE:

AYES: Peterson, Bixby
NOES: Mantini, Ryan
ABSENT: Shier Burnett
ABSTAIN: Delgleize

MOTION FAILED

Mr. Fauland noted that a motion must be approved with a simple majority vote. There was a five minute recess.

Scott Hess, Director of Planning and Building, confirmed that a project cannot be approved or denied without a simple majority vote. Chair Mantini requested that Vice-Chair Bixby restate his motion.

Chair Mantini indicated that she would be changing her vote in order to move the item forward.

A MOTION WAS MADE BY BIXBY, SECONDED BY RYAN, TO DENY COASTAL DEVELOPMENT PERMIT NO. 11-012, CONDITIONAL USE PERMIT NO. 11-021, ENTITLEMENT PLAN AMENDMENT NO. 11-007, AND VARIANCE NO. 11-005 WITH FINDINGS, BY THE FOLLOWING VOTE:

AYES: Peterson, Bixby, Mantini
NOES: Ryan
ABSENT: Shier Burnett
ABSTAIN: Delgleize

MOTION APPROVED

FINDING FOR DENIAL – MITIGATED NEGATIVE DECLARATION NO. 11-007:

The potential Impacts to the public view corridor (vacated 3rd Street) between Pier Colony and the proposed Pierside Pavilion expansion was not properly analyzed and addressed in the Mitigated Negative Declaration (MND). In addition, the MND did not include mitigation measures to address the potential impacts to views by the proposed project.

FINDING FOR DENIAL – COASTAL DEVELOPMENT PERMIT NO. 11-012/CONDITIONAL USE PERMIT NO. 11-021/ENTITLEMENT PLAN AMENDMENT NO. 11-007/VARIANCE NO. 11-005:

The proposed project will impact the public view corridor (vacated 3rd Street) between Pier Colony and Pierside Pavilion because it was not properly analyzed and mitigated by the MND, is inconsistent with the General Plan's Coastal Element policies to protect visual resources and is inconsistent with the requirements for street vacations identified in the Downtown Specific Plan. The proposed project does not adequately address the requirements for street vacations, does not protect visual coastal resources and does not address the environmental impacts to existing views and the view corridor established by the vacation of 3rd Street.

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
Vice-Chair Bixby wished former Commissioner Farley well in his future endeavors.

Chair Mantini reminded her fellow commissioners that there is a Subdivision Committee hearing on Wednesday, August 15, 2012.

ADJOURNMENT: Adjourned at 8:57 PM to the next regularly scheduled meeting of Tuesday, September 11, 2012.

APPROVED BY:

Scott Hess, Secretary

Janis Mantini, Chairperson