MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, DECEMBER 13, 2011
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 Shier Burnett

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

Vice Chair Mantini was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY PETERSON, SECONDED BY SHIER BURNETT, TO APPROVE THE PLANNING COMMISSION AGENDA OF DECEMBER 13, 2011, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PUBLIC COMMENTS

John Briscoe, resident, spoke in opposition to a proposed school bond measure.

B. PUBLIC HEARING ITEMS

B-1. ENVIRONMENTAL IMPACT REPORT NO. 10-004 (BEACH AND ELLIS MIXED USE PROJECT) Applicant: City of Huntington Beach **Property Owner:** Morrie Golcheh, Progressive Property Management **Request:** To review the environmental impacts associated with the Beach and Ellis Mixed Use Project to permit the development of 105 residential units, 37,000 square feet of retail space, and 483 parking spaces on 2.74 acres. The project improvements include the development of a six-story mixed use project with an internal parking

structure allowing for retail along Beach Boulevard and Ellis Avenue at both the ground and second level with residential units above. Levels four through six accommodate the residential units and provide 10,500 square feet of residential open space. Additionally, 1,850 square feet of ground-level public open space is provided at the corner of Beach Blvd and Ellis Ave. The existing service station, restaurant and retail uses would be demolished as a result of this project. 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 120 residential units and 71,000 square feet of retail commercial including a two level health club for the subject property. As such, the analysis in Draft EIR No. 10-004 is tiered from the BECSP Program EIR where appropriate. **Location:** 18502-18552 Beach Blvd, 2.74-acre site located at the southeast corner of Beach Boulevard and Ellis Avenue **Project Planner:** Rosemary Medel

STAFF RECOMMENDATION: Motion to: "Certify EIR No. 10-004 as adequate and complete in accordance with CEQA requirements by approving Resolution No. 1657 (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Shier Burnett has visited the site and attended the study session.
- Commissioner Peterson has visited the site and attended the study session.
- Chair Delgleize has visited the site, attended the study session, attended public comment meetings at the Central Library, and spoken to staff.
- Commissioner Farley has visited the site and attended the study session.
- Commissioner Bixby has visited the site, attended public comment meetings at the Central Library, attended the study session, and spoken to staff.
- Commissioner Ryan has visited the site and attended the study session.

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

There was a brief discussion regarding the emergency response time mentioned in the EIR.

There was a discussion regarding grading of the site and active remediation of the site during the grading process.

THE PUBLIC HEARING WAS OPENED.

Stephen Knight, resident spoke in opposition to the project, citing concerns with potential traffic impacts.

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

There was a discussion on the potential traffic impacts and the traffic analysis included in the staff report.

A MOTION WAS MADE BY RYAN, TO CERTIFY EIR NO. 10-004 AS ADEQUATE AND COMPLETE IN ACCORDANCE WITH CEQA REQUIREMENTS BY APPROVING RESOLUTION NO. 1657.

MOTION NOT SECONDED

A MOTION WAS MADE BY BIXBY, SECONDED BY FARLEY, TO DENY CERTIFICATION OF EIR NO. 10-004 WITH FINIDINGS, BY THE FOLLOWING VOTE:

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

MOTION FAILED

A MOTION WAS MADE BY RYAN, SECONDED BY SHIER BURNETT, TO CERTIFY EIR NO. 10-004 AS ADEQUATE AND COMPLETE IN ACCORDANCE WITH CEQA REQUIREMENTS BY APPROVING RESOLUTION NO. 1657, BY THE FOLLOWING VOTE:

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

MOTION FAILED

Scott Hess, Director of Planning and Building, stated that unless appealed the Environmental Impact Report No. 10-004 would remain uncertified.

B-2. ZONING TEXT AMENDMENT NO. 09-002 (WIRELESS COMMUNICATION FACILITIES) Applicant: City of Huntington Beach **Property Owner:** Not Applicable **Request:** To amend Section 230.96 (Wireless Communication Facilities) of the Huntington Beach Zoning and Subdivision Ordinance by revising the citywide permitting and entitlement process for wireless communication facilities (e.g. cell phone antennas and towers) as well as other provisions of the current ordinance. **Location:** Citywide **Project Planner:** Ricky Ramos

STAFF RECOMMENDATION: Motion to: "Approve Zoning Text Amendment No. 09-002 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 Shier Burnett has visited sites with wireless facilities, attended one study session, and listened to a recording of an additional study session.
- Commissioner Peterson has attended the study sessions and spoken with the FCC.
- Chair Delgleize has attended the study session, attended a Planner's Environmental Risk meeting, and heard similar projects.
- Commissioner Farley has attended the study sessions.
- Commissioner Bixby has attended the study session, spoken to staff, and met with residents.
- Commissioner Ryan has attended the study sessions.

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

There was a brief discussion regarding the publicly available list of cell tower sites in the city.

THE PUBLIC HEARING WAS OPENED.

Diane Larson, resident , (with 4 minutes each donated by Diana O'Brien and Michelle Thorpe) spoke in opposition of Item No. B-2, citing concerns that the amendment does not address wireless facilities within 500 feet of school sites and does not prohibit wireless facilities on city-owned park land adjacent to elementary schools.

Carol Settimo, resident , spoke in opposition of Item No. B-2, citing concerns with the potential impacts to residents and the potential for wireless facilities at school sites.

Ron Passmore, resident, spoke in opposition to Item No. B-2, citing the need for stricter guidelines and requesting that cell sites be limited to industrial and commercial zones.

John Finley, resident, spoke in opposition to Item No. B-2, citing potential impacts to property values for sites, adjacent to future cell tower sites.

Laurie Barette, resident, spoke in opposition to Item No. B-2, seconding Diane Larson's comments. She cited potential impacts to residents adjacent to cell phone sites.

Gaye Infanti, resident, spoke in opposition to Item No. B-2, citing the need for additional restrictions to protect property values and diminish the impacts to residents. She requested that all wireless facilities require a conditional use permit.

John Briscoe, resident, spoke in opposition to Item No. B-2, citing the need to include language to address the valuation of the sites submitted which affect revenues for the city and school districts.

Leslie Daigle, Verizon Wireless, spoke in opposition to Item No. B-2, citing concerns that the requirements are too open ended and could negatively impact applicants.

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

There was a brief discussion regarding federal regulations for wireless facilities.

There was a discussion regarding the processing guidelines, valuation estimates, and the option for a gap in service analysis.

STRAW VOTE #1
A motion was made by Farley, seconded by Shier Burnett, to require Zoning Administrator approval for all wireless communication facility within 1,200 feet of residential.

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

MOTION APPROVED

STRAW VOTE #2
A motion was made by Bixby, seconded by Farley, to increase the co-location threshold to 2,500 feet where feasible.

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

MOTION APPROVED

A MOTION WAS MADE BY SHIER BURNETT, SECONDED BY RYAN, TO APPROVE ZONING TEXT AMENDMENT NO. 09-002 WITH FINDINGS AND MODIFICATIONS AND FORWARD TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

AYES: Shier Burnett, Peterson, Delgleize, Farley, Bixby, Ryan
NOES: None
ABSENT: Mantini
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. 09-002:

1. Zoning Text Amendment No. 09-002 to amend Section 230.96 (Wireless Communication Facilities) of the Huntington Beach Zoning and Subdivision Ordinance is consistent with the goals, objectives, policies, general land uses and programs specified in the General Plan including:

   A. *Land Use Element*

   Policy LU 1.1.1: Establish incentives for the development of uses to support the needs and reflect the economic demands of City residents and visitors.

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

   Goal LU 4: Achieve and maintain high quality architecture, landscape, and public open spaces in the City.

   Objective LU 9.2: Provide for the preservation of existing residential neighborhoods.

   B. *Utilities Element*

   Goal U 5: Maintain and expand service provision to City of Huntington Beach residences and businesses.

   Objective U 5.1: Ensure that adequate natural gas, telecommunication and electrical systems are provided.

   Policy U 5.1.1: Continue to work with service providers to maintain current levels of service and facilitate improved levels of service.

   C. *Coastal Element*

Policy C 4.2.4: Wireless communication facilities shall be sited, to the maximum extent feasible, to minimize visual resource impacts. Minimization may be accomplished through one or more of the following techniques: co-locating antennas on one structure, stealth installations, locating facilities within existing building envelopes, or minimizing visual prominence through colorization or landscaping and removal of facilities that become obsolete.

D. *Economic Development Element*

Policy ED 2.3.1: Strive to reduce all discretionary permit and licensing processing time.

The proposed ZTA will continue to allow WCFs in most zoning districts subject to City approval to service the needs of the residents, businesses, and visitors and continue to provide processing incentives for those facilities that meet certain development standards. It continues to encourage WCFs to use stealth techniques and requires all associated buildings or structures to be compatible with the surrounding environment. It will provide for the preservation of existing residential neighborhoods by requiring a conditional use permit for all new WCFs proposed within 1,200 feet of residential areas and requiring co-location of all new ground mounted WCFs onto an existing facility located within 2,500 ft. if feasible.

2. In the case of a general land use provision, the change proposed is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. Zoning Text Amendment No. 09-002 will revise the citywide wireless communication facilities ordinance. 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. Zoning Text Amendment No. 09-002 will reflect the City's desired approval process and requirements for WCFs in consideration of maximizing the goals of the General Plan.

4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice because Zoning Text Amendment No. 09-002 will continue to allow WCFs throughout most of the city while protecting the community's general welfare and quality of life through the new permitting and entitlement process.

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED JULY 12, 2011

RECOMMENDED ACTION: Motion to: "Approve the July 12, 2011, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY FARLEY, SECONDED BY PETERSON, TO APPROVE THE JULY 12, 2011, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

C-2. PLANNING COMMISSION MINUTES DATED AUGUST 9, 2011

RECOMMENDED ACTION: Motion to: "Approve the August 9, 2011, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY FARLEY, SECONDED BY RYAN, TO APPROVE THE AUGUST 9, 2011, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

C-3. PLANNING COMMISSION MINUTES DATED AUGUST 23, 2011

RECOMMENDED ACTION: Motion to: "Approve the August 23, 2011, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY SHIER BURNETT, SECONDED BY BIXBY, TO APPROVE THE AUGUST 23, 2011, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

C-4. PLANNING COMMISSION MINUTES DATED SEPTEMBER 13, 2011

RECOMMENDED ACTION: Motion to: "Approve the September 13, 2011, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY FARLEY, SECONDED BY RYAN, TO APPROVE THE SEPTEMBER 13, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

C-5. PLANNING COMMISSION MINUTES DATED SEPTEMBER 27, 2011

RECOMMENDED ACTION: Motion to: "Approve the September 27, 2011, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY FARLEY, SECONDED BY RYAN, TO APPROVE THE SEPTEMBER 27, 2011, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

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
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

Commissioner Farley confirmed with staff that the election of the new Planning Commission chair would occur at the January 10, 2012, study session.

Chair Delgleize thanked her fellow commissioners for their contributions throughout 2011 and wished them happy holidays.

ADJOURNMENT: Adjourned at 9:32 PM to the holiday celebration at Luggatti's Italian Grill at 210 5th Street on December 14, 2011 at 6:00 PM and then adjourn to the next regularly scheduled meeting of Tuesday, January 10, 2012.

APPROVED BY:

Scott Hess, Secretary

Janis Mantini, Chairperson

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