MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, MARCH 23, 2010
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

	A	*P*	*P*	*P*	*P*	*P*	*P*
ROLL CALL:	*Mantini,*	*Scandura,*	*Speaker,*	*Farley,*	*Shier Burnett,*	*Delgleize,*	*Livengood*

Commissioner Mantini was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SPEAKER, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF MARCH 23, 2010, BY THE FOLLOWING VOTE:

AYES:	**Scandura, Speaker, Farley, Shier Burnett, Delgleize, Livengood**
NOES:	**None**
ABSENT:	**Mantini**
ABSTAIN:	**None**

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. CONDITIONAL USE PERMIT NO. 06-020/ENTITLEMENT PLAN AMENDMENT NO. 06-008 (BLACK BULL CHOP HOUSE - SIX MONTH REVIEW – 300 PACIFIC COAST HIGHWAY, SUITE 112, 92648) – Ethan Edwards, Associate Planner

Ethan Edwards, Associate Planner, gave a brief overview of the proposed project. He noted that the Conditional Use Permit (CUP) and Entitlement Plan Amendment (EPA) were originally approved on September 12, 2006, and were reviewed by the Planning Commission on February 24, 2009. He said that since that hearing, there have been several violations of the entertainment permit. He noted that this item will come before the Planning Commission at the public hearing on April 13, 2010.

Commissioner Scandura directed the Planning Commission's attention to staff report attachment 2.0 (Police Department memo to Mr. Edwards) which details the violations. Mr. Scandura noted that there were four to five violations listed

and asked how many count under the 'four strikes' law. Police Chief Ken Small said that all the violations count. He also noted that the Police Department is requesting modifications to the Conditional Use Permit (attachment 2.2) prior to the public hearing on April 13, 2010. He said the Police Department will be recommending both the restriction of operating hours and the prohibition of dancing. Chief Small thanked staff for their efforts and said that the Police Department will be present at the public hearing.

Commissioner Shier Burnett asked if Black Bull would have to adhere to the new standard conditions of approval for eating and drinking establishments with alcohol beverage sales and/or live entertainment in the Downtown Specific Plan area, District 1 (approved by the City Council on January 19, 2010). Chief Small noted that those conditions/operating hours would only apply to new businesses that apply for ABC licenses.

A-2. CONDITIONAL USE PERMIT NO. 08-009 (METRO Q RESTAURANT – ONE YEAR REVIEW – 19092 BEACH BLVD, SUITES J-M, 92648) – Tess Nguyen, Associate Planner

Tess Nguyen, Associate Planner, gave a brief overview of the proposed project. She noted that the Conditional Use Permit was reviewed by the Planning Commission on September 9, 2009 and was deemed adequate. She also noted that since that time, there have been very few calls or complaints made to the Police Department. She said that the Police Department is recommending that the restaurant continue operations under the current conditions. She noted that it is also staff's recommendation that the Planning Commission deem the review as adequate and complete.

Ms. Shier Burnett questioned the fine levied against the restaurant on July 5, 2009 (attachment 2.1). Ms. Nguyen stated that the fine has since been paid.

Mr. Scandura asked if the Planning Commission can accept the review as adequate at a study session and staff confirmed this.

A MOTION WAS MADE BY SCANDURA, SECONDED BY LIVENGOOD, TO ACCEPT THE REVIEW OF CONDITIONAL USE PERMIT NO. 08-009 AS ADEQUATE AND COMPLETE, BY THE FOLLOWING VOTE:

AYES:	**Scandura, Speaker, Farley, Shier Burnett, Delgleize, Livengood**
NOES:	**None**
ABSENT:	**Mantini**
ABSTAIN:	**None**

MOTION APPROVED

B. STUDY SESSION ITEMS – NONE

C. PUBLIC COMMENTS - NONE

D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Herb Fauland, Planning Manager, reviewed the items for tonight's meeting. He noted that there is one Late Communication for Item No. B-1 (Huntington Christian School Modular Trailers).

E. PLANNING COMMISSION COMMITTEE REPORTS

Commissioner Shier Burnett reported on her attendance at the Design Review Board (DRB) meeting on March 11, 2010. She said that the DRB reviewed three wireless facilities, bicycle lockers at City Hall, and the Harmony Cove Residential and Marina Development.

Commissioner Delgleize reported on her attendance at the Environmental Board (EB) meeting of March 4, 2010. She noted that a representative from Village Green was also in attendance. She said that she has met with Village Green in Irvine and is looking forward to the launch of their new environmentally-friendly software. She also complimented Energy Project Manager Aaron Klemm, and said that his environmental efforts and hard work have earned him a great reputation with staff and in other cities.

F. PLANNING COMMISSION COMMENTS

Commissioner Scandura noted that he will be attending the League of California Cities Planner's Institute in Monterey on March 24-26, 2010.

Mr. Scandura noted that two of the Planning Commission's decisions were appealed on Friday, March 19, 2010: the Newland Car Wash (CUP 09-012) and Huntington Shorecliffs Mobilehome Park (TTM 17296).

Mr. Scandura also noted that the Ward/Garfield Specific Plan will be coming before the City Council on April 19, 2010.

Chair Farley asked staff for a brief process review of the upcoming COSTCO project. Planning Manager Herb Fauland said that the Environmental Impact Report (EIR) portion of this project will drive the timeline. He also said that he anticipates this project will come before the Planning Commission for review prior to the end of 2010.

Director of Planning and Building Scott Hess noted that he is meeting with the COSTCO project's developer and staff on March 25, 2010.

Ms. Delgleize noted that Planning Manager Mary Beth Broeren gave a COSTCO presentation to the Orange County Board of Realtors last week.

Mr. Hess noted that the City Council denied the T-Mobile cell tower (CUP 09-015) at their March 15, 2010, meeting. Deputy City Attorney Mike Vigliotta noted that if T-Mobile is unhappy with this decision, their next line of recourse would be in court.

Commissioner Livengood asked staff about the 12-page Huntington Shorecliffs Appeal received by the Planning Commission on March 19, 2010. He said that he would like some clarification as to why Hart, King & Colden appealed the item. Mr. Hess noted that staff will be meeting with Hart, King & Coldren on March 29, 2010, and will be able to provide the Planning Commission with an update after that meeting.

Commissioner Shier Burnett asked staff to address how the Public Works Department identifies maintenance projects. Mr. Vigliotta noted that Public Works staff would be in attendance at the Planning Commission Workshop on March 31, 2010 and this topic can be discussed then.

5:45 PM – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Livengood

	A	***P***	***P***	***P***	***P***	***P***	***P***
ROLL CALL:	***Mantini,***	***Scandura,***	***Speaker,***	***Farley,***	***Shier Burnett,***	***Delgleize,***	***Livengood***

Commissioner Mantini was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SPEAKER, TO APPROVE THE PLANNING COMMISSION AGENDA OF MARCH 23, 2010, BY THE FOLLOWING VOTE:

AYES: **Scandura, Speaker, Farley, Shier Burnett, Delgleize, Livengood**
NOES: **None**
ABSENT: **Mantini**
ABSTAIN: **None**

MOTION APPROVED

A. ORAL COMMUNICATIONS - NONE

B. PUBLIC HEARING ITEMS

B-1. ENTITLEMENT PLAN AMENDMENT NO. 09-012 (HUNTINGTON CHRISTIAN SCHOOL BUILDINGS – AMENDMENT TO CONDITIONAL USE PERMIT NO. 02-012/MITIGATE NEGATIVE DECLARATION NO. 02-006) Applicant: Wayne Carvalho, Mike Adams and Associates **Request:** To permit the addition of two modular buildings totaling 4,800 sq. ft. and an amendment to Conditional Use Permit No. 02-012 and Mitigated Negative Declaration No. 02-006 to modify condition of approval No. 6(b) requiring bi-annual neighborhood traffic committee meetings. **Location:** 9700 Levee Drive, 92648 (southwest corner of Queens Park Lane and Levee Drive) **Project Planner:** Andrew Gonzales

STAFF RECOMMENDATION: Motion to: "Approve Entitlement Plan Amendment No. 09-012 with findings and suggested conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Scandura has visited the site, attended the study session, and spoken to the school's principal.
- Vice Chair Speaker has visited the site and attended the study session.
- Chair Farley has attended the study session, visited the site and was formerly a staff member at Huntington Christian School.
- Commissioner Shier Burnett has visited the site and attended the study session.
- Commissioner Delgleize has visited the site, met with staff and attended the study session.
- Commissioner Livengood has visited the site and attended the study session.

Andrew Gonzales, Associate Planner, gave the staff presentation and an overview of the project.

Commissioner Livengood noted that according to the most recent trip generation study (done in 2008), the total enrollment of the school is capped at 575 students. Mr. Gonzales noted that the applicant conducted trip generation studies both before and after the most recent increase in enrollment. Planning Manager Herb Fauland directed the Planning Commission's attention to condition of approval 7a on attachment 4.11 (CUP 02-12), which states "Following the initial issuance of Certificate of Occupancy, subsequent requests for Certificates of Occupancy will be subject to the applicant demonstrating that the increased enrollment will not result in an increase in vehicle trips to and from the site beyond those previously generated by the school operating as a 720 student public school."

Commissioner Scandura said that he has concerns that the two modular trailers will be used for purposes other than classrooms. He also said that he has concerns with a potential increase in traffic.

THE PUBLIC HEARING WAS OPENED.

Wayne Carvalho, the applicant, spoke in favor of Item No. B-1. He said that the intended uses of the modular trailers would be band practice, art, music and a computer lab. He said that the number of students and number of classrooms would remain the same. He also noted that the total enrollment of the students is capped at 575.

Ms. Shier Burnett asked Mr. Carvalho how the residents were notified of this project. Mr. Carvalho said that Huntington Christian School sends out a mass mailing each August.

Carol Maytubby, resident, spoke against Item No. B-1. She noted concerns with increased traffic, the potential decrease in property values and aesthetics.

Abraham Maherofteh, resident, spoke in opposition to Item No. B-1. He said that he has concerns with increased traffic, children's safety and a possible increase in residential parking.

Bill Mordhoist, resident, spoke against Item No. B-1. He said that he is confused as to proposed classroom usage. He also said that Huntington Christian School is a revenue-driven business.

Ms. Shier Burnett asked Mr. Mordhoist how long ago the project site was a public school. Mr. Mordhoist said that he thought it was a public school approximately seven years ago, and had at that time been a public school for approximately 20-25 years. Mr. Fauland said that staff would research this issue. Mr. Fauland also noted that the staff report says that the former Burke School had a maximum capacity of 720 students.

John Burgard, resident, spoke regarding Item No. B-1. He said that he would like to see more traffic/caution signs in the neighborhood. He also said that he had not been noticed that this item was coming before the Planning Commission.

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

Mr. Livengood recommended modifying condition of approval 1a on attachment 1.2 (EPA 09-012). Chair Farley asked staff if the Planning Commission can change conditions of approval. Mr. Fauland said yes, but generally not to that level of specificity.

Mr. Livengood recommended that the Planning Commission specify exactly what the modular trailers can be used for. He also recommended modifying condition of approval 7a on attachment 4.11 (CUP 02-12), to change the phrase "local public elementary schools" to "local private elementary schools." Mr. Fauland said that this project would have to be re-noticed if condition 7a was to be changed, as Conditional Use Permit 02-012 is from 2002, and was not advertised as part of EPA No. 09-012.

Mr. Livengood said that he has concerns that trip generation studies done at local public schools will not be applicable, due to this being a private school. He also said that he has issues with the lack of the residents' attendance at the Huntington Christian School/neighborhood traffic committee meetings.

Commissioner Delgleize questioned the trip generation studies provided by the applicant. Mr. Gonzales noted that Planning and Public Works staff analyze these reports. Ms. Delgleize also asked if traffic laws are being enforced. Mr. Gonzales said yes, by both Code Enforcement and Police Department officers.

Ms. Shier Burnett asked if the public is aware of who to contact in the event of traffic complaints. Mr. Fauland noted that Code Enforcement officers haven't received any complaints.

Mr. Fauland recommended that the Planning Commission add an amendment to condition of approval #2 (EPA 09-012), requiring the neighborhood traffic committee to notice the residents. Ms. Shier Burnett asked for the noticing radius, and Mr. Fauland suggested 300-500'. Mr. Gonzales said that the property owners and tenants within a 1000' radius of the site were noticed for tonight's public hearing.

Ms. Shier Burnett recommended advising the residents of additional forms of recourse and providing Code Enforcement and Police Department phone numbers to be used to report traffic complaints.

Mr. Farley said that he feels condition of approval #2 on EPA 09-012 is sufficient as written.

Ms. Shier Burnett questioned the trip generation studies. Mr. Gonzales noted that these were provided by the applicant.

Ms. Shier Burnett said that a school is a school, regardless if it is public or private, and not considered a church or a business. She recommended that the Planning Commission view the project as a school.

Commissioner Speaker reminded the Commission that the proposal before them is adding two buildings and a fire lane. He noted that the original Conditional Use Permit is from 2002 and can't be changed without re-noticing.

Mr. Scandura suggested an enrollment cap based on the number of car trips, based on former Burke School's enrollment of 720 and Huntington Christian School's enrollment of 575. Mr. Gonzales noted that trip generation studies would be conducted differently for a public vs. a private school.

Mr. Scandura said that current transportation modes for school children differ from those of the 1970s. He recommended traffic committee meetings with better resident notification. He noted that the Huntington Christian School enrollment is currently capped at 575. He said that the residents need to be notified of the traffic committee meetings, and provided with a phone list of who to call to report traffic concerns. He recommended modifying condition of approval on attachment 4.10 (CUP 02-12) to require a 1000' public notice at least ten days before a traffic committee meeting.

Mr. Speaker noted that attachment 4.10 is part of the 2002 CUP and can't be changed without re-noticing. He recommended adding condition of approval 1c to attachment 1.2 on EPA 09-012, requiring noticing of traffic committee meetings.

Mr. Livengood recommended two traffic committee meetings per year with a 1000' notice.

Mr. Scandura recommended changing condition of approval #2 on EPA 09-012 to include biannual Huntington Christian School/neighborhood traffic committee meetings with a 1000' notice to be provided a minimum of ten days before each meeting.

Mike Adams, the applicant, said that he concurs with Commissioner Scandura's request.

A MOTION WAS MADE BY SCANDURA, SECONDED BY LIVENGOOD, TO APPROVE ENTITLEMENT PLAN AMENDMENT NO. 09-012 WITH FINDINGS AND MODIFIED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES: **Scandura, Speaker, Farley, Shier Burnett, Delgleize, Livengood**
NOES: **None**
ABSENT: **Mantini**
ABSTAIN: **None**

MOTION APPROVED

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The proposed project is Categorically Exempt pursuant to Section 15314, Class 14, of the California Environmental Quality Act, which allows minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or ten classrooms, whichever is less. The prior entitlement was analyzed under MND No. 02-06

FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 2009-012:

1. Entitlement Plan Amendment No. 09-012 for the addition of two modular building totaling 4,800 sq. ft. and an amendment to Conditional Use Permit No. 02-012 and an amendment to Conditional Use Permit No. 02-012 and Mitigated Negative Declaration No. 02-006 to modify condition of approval No. 6(b) requiring bi-annual neighborhood traffic committee meeting will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of property and improvements in the neighborhood. The new buildings will be located to the west of the site immediately adjacent to an existing school and modular building. The modular buildings will be oriented away from adjacent homes. Adjoining residences will be buffered from the buildings by a minimum 10 ft. setback, 6 ft. high block wall, and 43 ft. 6 in. wide landscaped area. The buildings will function in the same capacity as other buildings on the subject site and will maintain the same operating hours as the school. Emergency access to the buildings is provided by a 28 ft. by 171 ft. fire lane and turn around area which adequately provides safe vehicular egress/ingress for emergency vehicles. Adjacent to the fire lane an additional 27 parking spaces will be provided which will be shielded to adjacent residences by a 10 ft. wide landscaped planter. The modification to condition No. 6(b) will function in substantially the same manner as the existing condition with the only change that public notification shall be provided to property owners and tenants within 1000 ft. from the subject site a minimum of 10 days prior to each regular scheduled bi-annual meeting.

2. The conditional use permit will be compatible with surrounding uses because it is consistent with the existing use of the site as a private school. With existing mitigation regarding traffic impacts and pedestrian safety, the proposed school will be compatible with surrounding residential uses.

3. The proposed establishment of a private school at the subject property will comply with the provisions of the base district and other applicable provisions in Title 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The existing and proposed school facilities comply with all code requirements including building height, landscaping, parking, and any specific condition required for the proposed use in the district in which it would be located. 47 permanent surplus parking spaces and additional overflow parking will be available on the subject site.

4. The granting of the conditional use permit will not adversely affect the General Plan. The proposed residential use is consistent with the Land Use Element designation of Public on the subject property. The project will serve the educational needs of community and surrounding region and is consistent with the following goals and policies of the General Plan:

   Objective LU 9.4: Provide for the inclusion of recreational, institutional, religious, educational, and service uses that support resident needs within residential neighborhoods.

Policy LU 9.4.1: Accommodate the development of parks, sports facilities, schools, libraries, community meeting facilities, religious facilities, and similar community-serving uses in all residential areas, provided that they are compatible with adjacent residential uses and subject to review and approval by the City and other appropriate agencies.

Policy LU 9.4.3: Encourage the development and public use of City/School District joint use facilities where City parks and school facilities adjoin one another in order to maximize the use of the property, minimize the cost of development, and enhance the recreational and educational opportunities for the community.

Policy LU 13.13: Allow for the continuation of existing and development of new child, adult, and senior daycare facilities in any land use zone where they are compatible with adjacent uses and subject to City review and approval.

The subject site is zoned for the proposed use and was previously operating as a public school. The surrounding uses consist of single family residences zoned RL (Residential Low Density). The proposed private school is consistent with the PS (Public Semi-Public) zoning designation and RL (Residential Low Density) zone which both allow schools in each zoning designation with the approval of a conditional use permit. In addition, the proposed private school is consistent with the General Plan objectives and policies by advocating the inclusion of educational uses that support resident needs within residential neighborhoods, provides additional employment opportunities for residents of the City and surrounding region, and enhances the educational opportunities available for the youth of the community.

CONDITIONS OF APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 2009-012:

1. The site plan, floor plans, and elevations received and dated January 22, 2010 shall be the conceptually approved design with the following modifications:
   a. A minimum 3 ft. deep and 28 ft. wide decorative paving band shall be provided at the terminus of the new drive aisle adjoining the west property line (**DRB**).
   b. The depicted 4 ft. high green screen depicted on the preliminary landscape plan shall be omitted (**DRB**).
2. A neighborhood traffic committee shall be established to allow neighbors to express concerns and suggest methods of improving traffic and pedestrian safety. Huntington Christian shall meet with their regular neighborhood traffic committee twice a year in order to resolve any issues related to traffic and/or parking at the site. The school shall provide public notice to owners and tenants within 1000 ft. from the subject site a minimum of 10 days prior to each regularly scheduled meeting. The notice shall include appropriate contact information of both the school and the City. If, there are substantial neighborhood concerns with traffic and/or parking, then the issues shall be analyzed by Planning and Public Works staff and if necessary, shall be subject to further review by the Planning Commission in order to resolve any outstanding concerns. (**Revised Condition No. 6 b – Mitigation Measures**)
3. All conditions of approval required under Conditional Use Permit No. 02-012, with exception of Condition of Approval No. 6(b), shall remain valid.
4. 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.

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED JANUARY 12, 2010

RECOMMENDED ACTION: Motion to: "Approve the January 12, 2010, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY SPEAKER, SECONDED BY DELGLEIZE, TO APPROVE THE JANUARY 12, 2010, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES:	**Scandura, Speaker, Farley, Shier Burnett, Delgleize, Livengood**
NOES:	**None**
ABSENT:	**Mantini**
ABSTAIN:	**None**

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS - NONE

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING
Herb Fauland, Planning Manager - reported on the items from the previous City Council Meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING
Herb Fauland, Planning Manager – 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 Scandura wished Commissioners Shier Burnett and Livengood a happy birthday.

Commissioner Livengood noted that the Planning Commission and staff has been invited to the Shipley Center Nature Festival on May 1, 2010. He also said that the Bolsa Chica Land Trust, Amigos De Bolsa Chica and The Conservancy would be hosting an event at Bolsa Chica (near Warner Avenue) in April 2010.

ADJOURNMENT: Adjourned at 8:05 PM to the Planning Commission Workshop at the Central Library on March 31, 2010 at 8:00 AM and then adjourn to the next regularly scheduled meeting of Tuesday, April 13, 2010.

APPROVED BY:

Scott Hess, Secretary

Blair Farley, Chairperson