# MINUTES

## HUNTINGTON BEACH PLANNING COMMISSION

**TUESDAY, MARCH 24, 2009**
**HUNTINGTON BEACH CIVIC CENTER**
**2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648**

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

**CALL PLANNING COMMISSION MEETING TO ORDER**

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

Commissioner Farley arrived at 5:25 PM.

**AGENDA APPROVAL**

**A MOTION WAS MADE BY SCANDURA, SECONDED BY SPEAKER, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF MARCH 24, 2009, BY THE FOLLOWING VOTE:**

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

**MOTION APPROVED**

**A. PROJECT REVIEW (FUTURE AGENDA ITEMS)**

**A-1. ENVIRONMENTAL IMPACT REPORT NO. 08-008/GENERAL PLAN AMENDMENT NO. 08-002/ZONING MAP AMENDMENT NO. 08-002/ZONING TEXT AMENDMENT NO. 08-002 (BEACH AND EDINGER CORRIDORS SPECIFIC PLAN) – Rosemary Medel, Associate Planner**

Rosemary Medel, Associate Planner, gave a brief overview of the project. She noted that there have been six public workshops on this project, and tonight's study session is the first in a series to come before the Planning Commission.

Ms. Medel also noted that it is the Planning Commission's purview to focus on the proposed General Plan Amendment, Zoning Map Amendment and Zoning Text Amendment components of this project. She also reported that future Planning Commission study sessions would be noticed to the public.

Commissioner Speaker said that he has concerns with protecting the sales tax base and businesses in the Beach and Edinger Corridors.

Commissioner Mantini stated that she concurs with Commissioner Speaker and would like to protect the sales tax base for auto dealerships as well.

Commissioner Scandura asked staff if the Beach and Edinger Corridors Specific Plan is final. Ms. Medel said that comments from the public and the Planning Commission will be added to the master document. The master document will then come before the Planning Commission for approval and then will be forwarded to the City Council.

Commissioner Scandura also asked about specific focus areas within the Beach and Edinger Corridors. Ms. Medel said that the Planning Department is partnering with the Economic Development Department and that there are specific projects for Murdy Commons, the intersection of Beach Blvd. and Ellis Avenue and the intersection of Beach Blvd. and Warner Avenue. She also stated that these areas of focus would move in concert with the Beach and Edinger Corridors Specific Plan.

Chair Shier Burnett asked about the Town Center south of Edinger. Ms. Medel indicated that the residents had been notified of the Beach and Edinger Corridors public workshops via the city's website and first class mail.

Planning Manager Mary Beth Broeren noted that in the future, there will be radius mailings sent regarding Planning Commission study sessions. Ms. Broeren also noted that the aim of tonight's study session is to focus on Book I of the Specific Plan, the Community Intent of the Specific Plan. She commented that the Planning Commission may wish to consider longer study sessions in future to allow adequate time to discuss Books II and III. She also noted that the Downtown Specific Plan Update will be available for review in May or June of 2009.

Commissioner Delgleize asked about the focus area at Murdy Commons and Ms. Broeren said that the property owner is in talks with a developer.

Chair Shier Burnett and Ms. Broeren said that they would discuss the possibility of extending Planning Commission study session hours with Planning Manager Herb Fauland.

**A-2. MITIGATED NEGATIVE DECLARATION NO. 08-005/CONDITIONAL USE PERMIT NO. 08-015 (HOAG HEALTH CENTER EXPANSION, 19582 BEACH BLVD) – Rami Talleh, Senior Planner**

Rami Talleh, Senior Planner, gave a brief overview of the project.

Commissioner Delgleize asked about parking and Mr. Talleh stated that a reciprocal parking agreement has been offered to the Newland Shopping Center by Hoag Hospital.

Mr. Talleh also noted that this item was reviewed by the Design Review Board on June 12, 2008 and was recommended for approval with modifications.

Commissioner Scandura stated that he has concerns with the proposed reciprocal parking agreement between the Newland Center and Hoag Hospital.

Mr. Scandura also said that he would not be in attendance at the April 14, 2009 meeting, when this project is scheduled to come before the Planning Commission at the public hearing.

Commissioner Farley asked about the pet cemetery bordering Hoag Hospital. Mr. Talleh said that the cemetery is a Commercial/General permitted use and would not be affected. Mr. Farley also stated that he has concerns with increased traffic.

Chair Shier Burnett said that she has concerns with parking. Mr. Talleh said that a parking demand study has been completed for both the Newland Shopping Center and Hoag Hospital.

Chair Shier Burnett said that she would like to see a clear pedestrian path leading from the proposed parking garage to Hoag Hospital. Mr. Talleh said that he would address this issue when this project comes before the Planning Commission at the public hearing on April 14, 2009.

**B. STUDY SESSION ITEMS - NONE**

**C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) – Rami Talleh**

Rami Talleh, Senior Planner, reviewed the items for tonight's meeting. He advised that there are two Late Communications for Item No. B-1.

**D. PLANNING COMMISSION COMMITTEE REPORTS - NONE**

Commissioner Speaker reported on his attendance at the Design Review Board meeting of March 12, 2009. He noted that the Taco Bell remodel project on Beach Blvd. and Slater Avenue was approved. He also said that this remodel will be a test case for remodels of Taco Bell locations nationwide.

Commissioner Farley spoke of his attendance at the Downtown Specific Plan Update meeting with staff on March 11, 2009.

Commissioner Scandura also reported on his attendance at the Downtown Specific Plan Update meeting with staff on March 11, 2009.

**E. PUBLIC COMMENTS - NONE**

**F. PLANNING COMMISSION COMMENTS**

Commissioner Scandura noted that he will not be in attendance at the Planning Commission meeting of April 14, 2009.

Commissioner Scandura also reported on the League of California Cities Planners Institute to be held in Anaheim from March 25-27, 2009. He noted that he will be in attendance, along with Commissioner Delgleize, Commissioner Farley and Planning Manager Herb Fauland.

**5:57 PM – RECESS FOR DINNER**

**7:00 P.M. – COUNCIL CHAMBERS**

**CALL PLANNING COMMISSION MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE** – Led by Commissioner Delgleize

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

**A MOTION WAS MADE BY SHIER BURNETT, SECONDED BY SPEAKER, TO MOVE ITEM NO. D-1 AHEAD OF ITEM NO. B-1 AND TO APPROVE THE PLANNING COMMISSION AGENDA OF MARCH 24, 2009, BY THE FOLLOWING VOTE:**

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

**MOTION APPROVED**

**THE MINUTES WILL REFLECT ITEMS IN THEIR ORIGINAL ORDER.**

## A. ORAL COMMUNICATIONS

Dr. Gerald Chapman, resident, spoke regarding a fence at Ellis Avenue and Goldenwest Street at the Ellis/Goldenwest quarter section. Dr. Chapman said that he felt the fence was being constructed without the proper permits. Chair Shier Burnett asked staff to research the issue and provide the Planning Commission with an update.

Mary Jo Baretich, resident, spoke in opposition to Item No. B-1, saying that the feels that the Affordable Housing Ordinance may be prejudiced against lower income households.

## B. PUBLIC HEARING ITEMS

### B-1. ZONING TEXT AMENDMENT NO. 08-005 (AFFORDABLE HOUSING ORDINANCE REVISIONS – CONTINUED FROM THE NOVEMBER 12, 2008 MEETING)

**Applicant:** City of Huntington Beach **Request:** To amend Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to modify the provisions for affordable housing. The proposed amendment would increase the size of projects that would be allowed to pay in-lieu fees; increase the required income levels for affordable housing; decrease the required affordability term and make other minor changes to existing provisions. **Location:** Citywide **Project Planner:** Mary Beth Broeren

**STAFF RECOMMENDATION**: Motion to: "Approve Zoning Text Amendment No. 08-005 with findings for approval (Attachment No. 1) and forward the Draft Ordinance (Attachment No. 2) to the City Council for adoption."

The Commission made the following disclosures:

- Commissioner Speaker has spoken to Dick Harlow (Chamber of Commerce) and attended two study sessions.
- Commissioner Mantini has spoken to Mike Adams (Michael C. Adams Associates) and Dick Harlow, and is a member of the Huntington Beach Chamber of Commerce.

- Commissioner Farley has attended two study sessions and has spoken to Councilwoman Hardy.
- Chair Shier Burnett has attended two study sessions and voted on housing issues at a Planning Commission meeting in 2008.
- Commissioner Scandura has met with Councilman Coerper and attended two study sessions.
- Commissioner Livengood has met with staff and spoken to Dick Harlow.
- Commissioner Delgleize has attended the Ad Hoc City Council Committee on Affordable Housing, has spoken to Mike Adams and Dick Harlow and is a member of the Huntington Beach Chamber of Commerce.

Mary Beth Broeren, Planning Manager, gave the staff presentation and an overview of the project.

Commissioner Speaker asked staff what prompts the payment of an in-lieu fee. Ms. Broeren said that the Economic Development Department is looking to partner with developers or non-profit organizations who then may be allowed to use the in-lieu fees.

Deputy Director of Economic Development Kellee Fritzal said that in-lieu funds will be spent on targeted redevelopment areas.

Commissioner Speaker asked what happens to unused in-lieu funds and if there was a timetable for their use. Kathleen Head, consultant from Keyser Marston, said that there are planned programs to address the spending of in-lieu fees, but no timetable.

Commissioner Mantini inquired as to how the city maintains affordable units as affordable.

Ms. Fritzal noted that a new state law that became effective in January 2009 will allow the city better control of the Affordable Housing program.

Commissioner Mantini asked staff about large Affordable Housing projects proposed for the next five years. Ms. Broeren said that there are several projects within this timeline, both approved and non-approved, including the former Levitz site and projects along the Beach and Edinger Corridors. She said that she anticipates five to ten large Affordable Housing projects within the next five years.

Commissioner Farley asked if the in-lieu fee option would be available to projects along the Beach and Edinger Corridors and Ms. Broeren said yes. Mr. Farley also asked if the 60-year in-lieu fee restriction applies to the Holly Seacliff General Plan and Ms. Broeren said that Holly Seacliff has a 30-year in-lieu fee restriction.

Commissioner Farley also commented on the fractional requirement that was proposed to calculate in-lieu fees. Ms. Head stated that redevelopment law requires rounding up.

Commissioner Scandura asked if there would be a flat fee or a fee schedule for the payment of in-lieu fees. Ms. Broeren said that for ten to thirty units, the fee schedule per unit would be based upon the total size of the project.

Commissioner Livengood asked about varying in-lieu fees for different size projects. Ms. Broeren said that an in-lieu fee for a 3-unit project would be approximately $8,000 per

unit; the in-lieu fee would be approximately $14,000 per unit for a 9-unit project; and the in-lieu fee would be approximately $26,000 per unit for a 30-unit project.

Commissioner Livengood inquired about the affordability levels for low and moderate income rentals. Ms. Head indicated that they are 60% of 80% for low income and 60% of 110% for moderate income.

Commissioner Delgleize asked how in-lieu fees would be spent. Ms. Fritzal indicated that the Economic Development Department has focus areas for redevelopment. She cited the Oakview area, where six buildings were purchased and underwent rehabilitation and the Delaware Street site, which was purchased by a non-profit organization with the financial aid of the city. She indicated that in the previous instance, the non-profit organization is responsible for the maintenance of the site. She also stated that 32 complexes have received city redevelopment assistance, and noted that redevelopment agencies seek to work with rental units and apartment complexes.

Ms. Broeren noted that the City Council would like to see both rental and for-sale units to be within the affordable price range.

**THE PUBLIC HEARING WAS OPENED.**

Karen Jackle of Huntington Beach Tomorrow spoke in opposition to Item No. B-1. She said that the Affordable Housing Ordinance should be tailored more towards low income housing rather than moderate income housing and feels that the low income housing should be provided within the city, instead of allowing the payment of in-lieu fees. She said that Huntington Beach Tomorrow recommends allowing projects with up to 20 units to pay an in-lieu fee, instead of staff's recommendation, which would allow projects with up to 30 units to pay an in-lieu fee.

Billy O'Connell, from Collette's Children's Home, spoke regarding Item No. B-1, saying that he felt the Affordable Housing Ordinance should be geared towards very low income housing, including seniors.

Mike Adams of Michael C. Adams Associates spoke regarding Item No. B-1. He said that he thinks that all projects should be allowed to pay in-lieu fees and that the fee should be calculated based on the gap of rental housing.

Dick Harlow of the Huntington Beach Chamber of Commerce spoke regarding Item No. B-1. He stated that he believes the per unit in-lieu fee should be based on a percentage of the gap between affordable and non-affordable housing rental fees.

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

Commissioner Scandura stated that he has concerns regarding changing the legislative draft wording from "low income" to "moderate income", since he feels the Affordable Housing Ordinance needs to be focused on providing housing for a diverse workforce.

Commissioner Livengood suggested that the ordinance reflect median level for on-site rental units and low income for off-site units.

Commissioner Farley spoke regarding draft ordinance attachment No. 2.1, item B-2, and recommended striking the words "included in the project" from the verbiage.

Commissioner Mantini said that she thinks the in-lieu fees should be based on rental units, not for-sale units. Ms. Head said that the Chamber of Commerce's proposal is to set the in-lieu fee at a gap between rental units and ownership units.

Commissioner Delgleize asked if it would be better to do what the Chamber is recommending, allowing all projects to pay an in-lieu fee.

Commissioner Scandura said that he would recommend approving the Chamber's suggested in-lieu flat fee, as long as it applies to low income and very low income housing, along with moderate income housing.

Commissioner Farley said that he disagrees with the Chamber of Commerce's proposal, citing issues with increased traffic and the lack of viable public transportation.

Commissioner Speaker concurred with Commissioner Mantini and said that he thinks the in-lieu fees should be based on rental units. He also recommends that in-lieu funds should be required to be spent at a project's completion or within six months to one year after a project's completion.

Ms. Broeren noted there have been no in-lieu fees collected yet.

Ms. Fritzal noted that staff's recommendation is to spend the in-lieu fees within 3-5 years after a project's completion.

**STRAW VOTE #1**
**A motion was made by Livengood, seconded by Scandura, to amend the wording on the legislative draft, staff report attachment No. 3-1, Item B-2, to low (not very low) income for offsite rentals and median (not moderate) for onsite rentals.**

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

**MOTION FAILED**

**STRAW VOTE #2**
**A motion was made by Scandura, seconded by Livengood, to amend the wording on the legislative draft, staff report attachment No. 3-1, Item B-3, to median (not moderate) for for-sale units.**

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

**MOTION FAILED**

Ms. Broeren noted that the Ad Hoc Committee on Affordable Housing has agreed on the wording of the legislative draft and stated that median is less than moderate. Commissioner Farley asked for a definition of median versus moderate. Ms. Head said that median would encompass the $80,000-$100,000 annual income group, but would exclude the higher annual income group of $100,000-$120,000.

Commissioner Speaker said that he would like to see potential redevelopment projects identified within one year of the collection of in-lieu fees and would like a method in place to provide accountability for the spending of those fees. Ms. Broeren noted that in-lieu funds could take one to two years to accrue before there would be sufficient funds to spend on a redevelopment project.

Planning Director Scott Hess noted that the Planning Commission will be provided with a five year Housing Element update. Ms. Fritzal suggested an annual in-lieu fee report, and Mr. Speaker agreed. Senior Deputy City Attorney Leonie Mulvihill recommended that the annual report include a total of in-lieu fees collected, and what these fees were spent on. Ms. Mulvihill asked staff to add these reporting requirements to the draft ordinance.

**STRAW VOTE #3**
**A motion was made by Delgleize, seconded by Livengood, to adopt the Chamber of Commerce recommendation that developers of all residential projects (of any size) may pay a fee in-lieu of providing units onsite.**

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

**MOTION FAILED**

**A MOTION WAS MADE BY SPEAKER, SECONDED BY MANTINI, TO APPROVE ZONING TEXT AMENDMENT NO. 08-005 WITH FINDINGS AND MODIFICATIONS AND FORWARD THE DRAFT ORDINANCE TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:**

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

**MOTION APPROVED**

## FINDINGS FOR APPROVAL

## ZONING TEXT AMENDMENT NO. 08-005

### 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 the California Environmental Quality Act. The project is exempt because it involves minor amendments to Chapter 230 (Site Standards), Section 230.26 (Affordable Housing) to facilitate compliance with the City's affordable housing requirements.

**FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 08-005:**

1. Zoning Text Amendment No. 08-005 amends Chapter 230 (Site Standards), Section 230.26 (Affordable Housing) to increase the size of projects that would be allowed to pay in-lieu fees; allow fractional unit requirements to be satisfied by payment of an in-lieu fee; increase the required income levels for affordable housing; decrease the required affordability term of new inclusionary units and to make other minor changes to existing provisions in a manner consistent with the goals, policies and programs specified in the General Plan, particularly the Housing Element. The proposed changes are consistent with Programs 14 and 18 of the Housing Element requiring that the City pursue the Ad Hoc Committee recommendations and adoption of a reduced fee schedule for projects with affordable units, and they are consistent with the goals and policies of the Housing Element to facilitate the development of affordable housing.

2. In the case of the general land use provision, the change proposed is compatible with the uses authorized in, and the standards prescribed for in the zoning district for which it is proposed. The amendments to Chapter 230, Section 230.96 affect the inclusionary housing requirements that new residential development projects, not subject to other requirements of redevelopment project areas and/or Specific Plan areas, would be subject to. The changes do not affect zoning of any property by altering density or development standards. Therefore, the changes do not affect the compatibility of uses allowed and established by the General Plan and Zoning designations.

3. A community need is demonstrated for the proposed zoning text amendment to facilitate development of smaller residential projects, in particular, by allowing projects with up to 30 units to pay an in-lieu fee, and of all residential projects by increasing the affordability levels and reducing the affordability term. These changes improve the financial viability of residential projects, which will ultimately improve the supply of new housing units, both market rate and affordable, in the city.

4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice because the amendment to Chapter 230, Section 230.26 will encourage and facilitate residential development and provides consistency between the City's affordable housing requirements and state law.

## C. CONSENT CALENDAR

### C-1. PLANNING COMMISSION MINUTES DATED SEPTEMBER 23, 2008 (CONTINUED FROM THE MARCH 10, 2009 MEETING)

**RECOMMENDED ACTION:** Motion to: "Approve the September 23, 2008, Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY FARLEY, SECONDED BY SPEAKER, TO APPROVE THE SEPTEMBER 23, 2008, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:**

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

**MOTION APPROVED**

**C-2. PLANNING COMMISSION SPECIAL MEETING MINUTES DATED SEPTEMBER 30, 2008 (CONTINUED FROM THE MARCH 10, 2009 MEETING)**

**RECOMMENDED ACTION:** Motion to: "Approve the September 30, 2008, Planning Commission Special Meeting Minutes as submitted."

**A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SCANDURA, TO APPROVE THE SEPTEMBER 30, 2008, PLANNING COMMISSION SPECIAL MEETING MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:**

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

**MOTION APPROVED**

**C-3. PLANNING COMMISSION MINUTES DATED OCTOBER 28, 2008**

**RECOMMENDED ACTION:** Motion to: "Approve the October 28, 2008, Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SCANDURA, TO APPROVE THE OCTOBER 28, 2008, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:**

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

**MOTION APPROVED**

## D. NON-PUBLIC HEARING ITEMS

**D-1. GENERAL PLAN CONFORMANCE NO. 09-001 (EDINGER STORM CHANNEL IMPROVEMENTS) Applicant:** City of Huntington Beach **Request:** To determine if proposed improvements to the Edinger Storm Channel are in conformance with the goals, objectives, and policies of the General Plan. **Location:** Adjacent to the I-405 freeway between Newland Street and Edinger Avenue **Project Planner:** Hayden Beckman

**STAFF RECOMMENDATION:** Motion to: "Adopt Resolution No. 1630 approving General Plan Conformance No. 09-001 with findings (Attachment Nos. 1 and 2)."

Hayden Beckman, Planning Aide, gave the staff presentation and an overview of the project.

Commissioner Speaker asked if the approval of the General Plan Conformance would help reduce flood insurance rates in the overlay area, and staff said that it could lead to a reduction of rates in the floodplain area.

Commissioner Speaker also asked staff if the residents in the neighboring apartments were notified, and staff said no, not for a General Plan Conformance.

Commissioner Livengood asked if plans were in place to reduce impacts to the residents. Director of Planning Scott Hess noted that a representative from the Orange County Flood Control District, Mr. Charles Busslinger, was present. Mr. Busslinger said that the county will strive to minimize impacts on the residents of the neighboring apartment complex.

**A MOTION WAS MADE BY SCANDURA, SECONDED BY SPEAKER, TO ADOPT RESOLUTION NO. 1630 APPROVING GENERAL PLAN CONFORMANCE NO. 09-001 WITH FINDINGS, BY THE FOLLOWING VOTE:**

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

**MOTION APPROVED**

## FINDINGS FOR APPROVAL

## GENERAL PLAN CONFORMANCE NO. 09-001

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Planning Commission finds that the proposed project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15306 of the CEQA Guidelines because the project involves information collection which does not result in major disturbance to an environmental resource.

**FINDINGS FOR APPROVAL – GENERAL PLAN CONFORMANCE NO. 09-001:**

The proposed upgrades to the existing Edinger Storm Channel for the purpose of providing the desired level of flood protection is consistent with the goals, objectives, and policies of the City's General Plan and the Land Use Element designation of Right of Way on the subject property. The following goals, objectives and policies pertain to the proposed storm channel improvements:

**Utilities Element**

Goal U 3: Provide a flood control system which is able to support the permitted land uses while preserving the public safety; upgrade deficient systems; and pursue funding sources to reduce the costs of flood control provision in the City.

Objective U 3.1: Ensure that adequate storm drain and flood control facilities are provided and properly maintained in order to protect life and property from flood hazards.

Policy U 3.1.1: Maintain existing public storm drains and flood control facilities; upgrade and expand storm drain and flood control facilities.

Policy U 3.1.2: Coordinate with County agencies to improve the County's facilities.

The proposed improvements will provide an increased flow capacity of storm water runoff, thereby reducing the risk of overflow and subsequent damages to the areas surrounding and serviced by the channel. The project will allow inter-agency coordination associated with storm channel maintenance and upgrade construction to provide adequate drainage and flood protection to areas north of the I-405 freeway between Beach Boulevard and Newland Street in the cities of Huntington Beach, Westminster, and the Midway City neighborhoods.

## E. PLANNING ITEMS

**E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING**
Scott Hess, Director of Planning - no items reported from the previous City Council Meeting.

**E-2. CITY COUNCIL ITEMS FOR NEXT MEETING**
Scott Hess, Director of Planning – no items reported from the previous City Council Meeting.

**E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING**
Scott Hess, Director of Planning – reported on the items scheduled for the next Planning Commission meeting

## F. PLANNING COMMISSION ITEMS

**F-1. PLANNING COMMISSION REQUEST ITEMS – NONE**

**F-2. PLANNING COMMISSION COMMENTS**

Commissioner Scandura noted that this has been a productive meeting, even though the Planning Commission's vote was nearly split on Item No. B-1.

**ADJOURNMENT: Adjourned at 9:07 PM to the next regularly scheduled meeting of Tuesday, April 14, 2009.**

APPROVED BY:

Scott Hess, Secretary

Elizabeth Shier Burnett, Chairperson