



---

**MINUTES**  
**HUNTINGTON BEACH PLANNING COMMISSION**  
TUESDAY, JULY 27, 2010  
HUNTINGTON BEACH CIVIC CENTER  
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

---

5:15 P.M. – COUNCIL CHAMBERS

**CALL PLANNING COMMISSION MEETING TO ORDER**

**ROLL CALL:**        *A*        *P*        *P*        *P*        *P*        *P*        *P*  
*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 JULY 27, 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) – NONE**

**A-1    CONDITIONAL USE PERMIT NO. 08-052 (BRETHREN HIGH SCHOOL UPDATE) – Jason Kelley, Senior Planner**

Jason Kelley, Senior Planner, gave an update on Brethren's Conditional Use Permit as it relates to the lighting issue during football games and past code enforcement violations. Brethren is meeting with the City and ASYO to relocate four (4) existing City owned lights which would eliminate the light spillage situation. Brethren has made arrangements to schedule their football games off site if the lights are not relocated in time. The City did inform Brethren that CEQA will be required if the lights are relocated and an application would need to be filed and processed.

Mr. Kelley responded to the following Commissioner questions:

- Past code enforcement violations were regarding the number of lights and spillage, Brethren is approved for 4 lights at maximum 30 feet high which is in addition to the 4 existing City owned lights.
- Community Services is looking into the cost to upgrade the 4 existing City owned lights.

**A MOTION WAS MADE BY DELGLEIZE, SECONDED BY SHIER BURNETT, TO HEAR THE PUBLIC COMMENTS FOR ITEM NO. SS A-1, BY THE FOLLOWING VOTE:**

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

**MOTION APPROVED**

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

**A-2 GENERAL PLAN AMENDMENT NO. 10-001/ ZONING TEXT AMENDMENT NO. 10-001/ SITE PLAN REVIEW NO. 10-001 (THE VILLAGE AT BELLA TERRA/COSTCO) – Jane James, Senior Planner**

Jane James, Senior Planner, gave the staff presentation and an overview of the project. She said there will be a second study session on August 10 and a Public Hearing on August 24. The General Plan Amendment and Zoning Text Amendment is to amend the size of Area A and B and amend the Specific Plan to allow warehouse sales outlets and gasoline station as a permitted uses. The Site Plan Review is to approve construction of a 154,113 square foot Costco with sales/installation and gas station along with 468 multi-family residential units and an additional 30,000 square feet of commercial uses.

Ms. James responded to Commissioner questions as listed below:

- The shared parking is for the entire site since visitors would probably visit more than one store.
- Car stacking is proposed for the gas station only.
- Residential units face towards the landscaping areas and not the gas station.
- A full shared parking study and analysis will be performed and available August 24.
- One of the conditions of approval that staff will be recommending is that Costco be LEED certified.

Commissioner Speaker asked if additional lanes or lights would be added to Center Avenue for improved access into the site. Ms. James responded that there is no plan to add additional lanes on Center Street but there is a proposed change to the driveway access.

Commissioner Scandura stated that we need to assure that Center Avenue can handle the traffic and that there should be another way to get into Costco. Ms. James responded that a traffic study will be performed for this site and will also look at other Costco sites. Commissioner Scandura also stated that Costco needs to be compatible with Bella Terra. Ms. James responded that staff will make recommendations to the Design Review Board when they review the request on July 29 so the design will blend with Bella Terra.

Commissioner Delgleize was concerned because traffic is already impacted at Bella Terra and that a secondary road along the railroad tracks would be beneficial,

Commissioner Shier Burnett stated that in the 2008 approval of Bella Terra, there was discussion for a reciprocal access to the proposed project on the Levitz site. She asked where the access is on the plan.

Commissioner Scandura stated that bringing a Costco into the City has been a priority for over 20 years but we need to be careful not to overlook the design and traffic issues.

**A-3 ENTITLEMENT PLAN AMENDMENT NO. 10-003 (PLAZA ALMERIA CARTS) – Ethan Edwards**

Ethan Edwards, Associate Planner, presented an overview of the project. He reported that the request is to amend the number of approved vending carts from 6 to 18. The application will be reviewed at the Design Review Board on Thursday, July 29 and public hearing by the Planning Commission on August 10.

Commissioner Livengood stated that he would not be at the meeting for the public hearing but was concerned about the increasing number of carts and how it may impact the retail stores. He suggested that the Downtown Committee review the request and if they support the increase, then it should go forward.

Mr. Edwards responded to Commissioner questions as follows:

- There is an 8 to 10 feet pedestrian separation between the carts.
- The carts would be limited to the approved site plan and could not be moved around without another entitlement plan amendment
- The existing and proposed carts are in the public right-of-way.

Commissioner Shier Burnett requested information on the License Agreements with the City for the carts on the public right-of-way. Mr. Edwards indicated that there is an existing license agreement that would be required to be amended if the project is approved.

Commissioner Scandura asked that the final site plan for the carts include the location of the outdoor dining. He also requested staff to obtain the Police Department comments on placement of the carts to assure that they are positioned on the sidewalk to prevent people from queuing in the street.

**A-4 GENERAL PLAN CONFORMANCE NO. 10-002 (CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2010/11) – Rosemary Medel, Associate Planner**

Rosemary Medel, Associate Planner, reported that the request was submitted by the Department of Public Works for the Capital Improvement Program for fiscal year 2010/11. The Planning Commission's role is to look at the list of improvements and ensure conformity with the goals, objectives and policies of the General Plan. The cost of the projects will be discussed at the City Council level.

Commissioner Scandura asked if the First and Atlanta parking lot will require changes to the surrounding streets. Todd Broussard, Public Works Engineering, reported that no changes are proposed.

Commissioner Shier Burnett asked if the gated access to the Sports Complex from the Library parking lot is part of the request. Mr. Broussard responded that it is a Community Service project and staff will determine if that is a possibility.

Commissioner Delgleize asked if items could be added to the list. Mr. Broussard said that the various departments were asked for projects that had funding available and then reviewed by administration to develop the list.

**B. STUDY SESSION ITEMS - NONE**

**C. PUBLIC COMMENTS**

Terry Crowther, resident, spoke in opposition to the light poles and the resulting spillage. He commented that Brethren has violated their CUP for five consecutive games over a three month period and it is not being enforced and should be scheduled for a revocation hearing.

Alison Goldberg, resident, spoke in opposition to the use because Brethren doesn't respond to the City or the concerns of the residents. The City is experiencing a financial crisis and should not pay anything to move the City lights so they can play football games.

Bill Killans, resident, spoke in opposition to the use because of the light spillage.

Scott Miller, resident, spoke in opposition to the use because they are not a good neighbor. He added that it is not fair to the community to spend tax payer money to move the lights.

Staff responded that there is no proposal to move the lights at this time

Becky Sullivan, representing DJM Capital, addressed the Commission regarding the Bella Terra II/Costco project. She said they are available to respond to any questions or comments. She invited the Commission to attend a community meeting scheduled for August 3, 2010.

Mike Adams responded to the Commission regarding the questions for the Plaza Almeria carts as follows:

- There is a landscaped area between the carts and curb line on Main Street; therefore, a person could not step off the curb without going in the landscaped area.
- When the Plaza Almeria project was built, the developer entered into a license agreement in exchange for the right to use the public sidewalk area and leases it on an annual basis from the City.
- Each shop would have the first chance to operate a cart.
- The parking on Main Street was relocated to 5<sup>th</sup> Street in order to accommodate outdoor vending carts and outdoor dining.

**D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)**

Herb Fauland, Planning Manager, reviewed the items for tonight's meeting.

**E. PLANNING COMMISSION COMMITTEE REPORTS**

Commissioner Livengood reported that the Design Review Board will hold a special meeting on Thursday, July 29, 2010, to discuss The Village at Bella Terra/Costco.

**F. PLANNING COMMISSION COMMENTS**

Commissioner Scandura requested a Study Session on the topic of Takings.

**6:30 PM – RECESS FOR DINNER**

**7:00 P.M. – COUNCIL CHAMBERS**

**CALL PLANNING COMMISSION MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE** – Led by Chair Farley

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

Commissioner Mantini was absent.

**MOMENT OF SILENCE**      Mark Porter, former Planning Commissioner, 1980-1986 and 2002

Commissioner Livengood spoke regarding Mr. Porter and his tenure as a Planning Commissioner and his civic involvement. Mr. Porter was very involved with environmental issues, a founding member of Huntington Beach Tomorrow and well respected in the community.

## **AGENDA APPROVAL**

**A MOTION WAS MADE BY SHIER BURNETT, SECONDED BY SPEAKER, TO APPROVE THE PLANNING COMMISSION AGENDA OF JULY 27, 2010, BY THE FOLLOWING VOTE:**

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

## **MOTION APPROVED**

### **A. ORAL COMMUNICATIONS**

Steve Stafford addressed the Commission regarding the wall on the roadway between Huntington Beach High School and the residential properties. The wall in some places is nine feet high and some of the trees are 30 feet high. He said that he has come close to being hit by a car when he walks his dog in this area.

### **B. PUBLIC HEARING ITEMS**

**B-1. ZONING TEXT AMENDMENT NO. 09-004 (CONDITIONS OF APPROVAL CITATION AUTHORITY - CONTINUED FROM JULY 13, 2010 WITH PUBLIC HEARING OPEN) Applicant:** City of Huntington Beach **Location:** Citywide **Request:** Amend the Huntington each Zoning and Subdivision Ordinance (HBZSO) to clarify the City's authority to issue administrative (civil) citations for violations of conditions of approval associated with any permits. **Project Planner:** Michael Fuentes

**STAFF RECOMMENDATION:** Motion to: "Approve Zoning Text Amendment No. 09-004 with findings for approval (Attachment No. 1) and forward Draft Ordinances (Attachment No.2) to the City Council for adoption."

The Commission made the following disclosures:

- Commissioner Scandura attended the study session.
- Vice Chair Speaker attended the study session.
- Chair Farley attended the study session.
- Commissioner Shier Burnett attended the study session.
- Commissioner Delgleize attended the study session.
- Commissioner Livengood attended the study session.

Michael Fuentes, gave the staff presentation and overview of the request.

Commissioner Scandura asked about the penalty if a violation of the conditions of approval for a project is discovered either during construction or once the Certificate of Occupancy is issued. Mr. Fuentes reported that if a violation is discovered, a Notice of Violation is issued identifying the areas to be corrected. If they do not comply with the initial violation within 30 days, a Final Notice of Violation is issued and a reinspection fee of \$135 is assessed for the cost to recover the inspector's time. If the owner does not comply with the Final Notice, a progressive fee may be charged.

Commissioner Speaker asked if the 1 to 30 day compliance period after a Notice of Violation and the violation matrix is in the Ordinance. Mr. Fuentes said it is not in the Ordinance but the compliance period is department policy.

Commissioner Speaker asked if the City takes into consideration the cost to comply with the correction. Mr. Fuentes responded that if it is a simple repair, they are given 30 days to correct but if it is something extensive, they are given additional time.

Commission Speaker asked why we are granting more authority to Code Enforcement at a time that we should be working with owners as a result of the recession. Mr. Fuentes responded that Code Enforcement's goal is to obtain voluntary compliance.

Herb Fauland, Planning Manager, added that the amendments are to clarify the Ordinance as it relates to conditions of approval for entitlements that have been granted, not to add additional layers of bureaucracy.

Scott Hess, Planning & Building Director, noted that department policy dictates the time for compliance based on the severity of the problem. Commissioner Speaker said he still has a problem with the language that states each 24 hour period constitutes a separate offense.

**THE PUBLIC HEARING WAS RE-OPENED.**

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

Commissioner Shier Burnette asked for an overview of the number of violations that result in the Level 2 or 3 fines or criminal prosecution. Mr. Fuentes said that the voluntary compliance rate is extremely high with approximately 90% after the initial notice and in 18 years approximately 2 or 3 cases went to prosecution.

Commissioner Scandura agreed with Commissioner Speaker's concern that the violation matrix is not part of the Ordinance.

Mike Vigliotta, Legal Council, indicated that including the violation matrix in the Ordinance could result in legal problems in the future and better handled as department policy.

Commissioner Speaker said he would be voting against the Ordinance because it appears that the Ordinance is adding another layer of enforcement.

Commissioner Livengood suggested that the item be continued and wording be revised to be clearer.

Scott Hess, Planning & Building Director, noted that a Study Session could be scheduled to work on the wording.

**A MOTION WAS MADE BY SCANDURA, SECONDED BY SHIER BURNETT, TO APPROVE ZONING TEXT AMENDMENT NO. 09-004 (CONDITIONS OF APPROVAL CITATION AUTHORITY, BY THE FOLLOWING VOTE:**

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

**MOTION FAILED**

**A MOTION WAS MADE BY SCANDURA, SECONDED BY SHIER BURNETT, TO CONTINUE ZONING TEXT AMENDMENT NO. 09-004 (CONDITIONS OF APPROVAL CITATION AUTHORITY) TO A DATE UNCERTAIN AND DIRECT STAFF TO REVISE THE ORDINANCE PER THE PLANNING COMMISSION'S COMMENTS, BY THE FOLLOWING VOTE:**

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

**MOTION PASSED**

**C. CONSENT CALENDAR**

**C-1. REVISED PLANNING COMMISSION MINUTES DATED APRIL 27, 2010**

**RECOMMENDED ACTION: Motion to: "Approve the Revised April 27, 2010, Planning Commission Minutes with revisions as submitted."**

**A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SPEAKER TO APPROVE THE REVISED MINUTES DATED APRIL 27, 2010 AS SUBMITTED, BY THE FOLLOWING VOTE:**

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

**C-2. PLANNING COMMISSION MINUTES DATED JUNE 8, 2010**

**RECOMMENDED ACTION:** Motion to “Approve the June 8, 2010, Planning Commission Minutes as submitted.”

Herb Fauland, Planning Manager, reported that due to a printing error the minutes should be continued.

**A MOTION WAS MADE BY SPEAKER, SECONDED BY DELGLEIZE TO CONTINUE THE MINUTES DATED JUNE 8, 2010, BY THE FOLLOWING VOTE:**

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

**MOTION PASSED**

**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 Scandura offered condolences to the family of former Planning Commissioner Mark Porter.

Vice Chairperson Speaker requested larger diagrams be provided for the location of the proposed carts at Plaza Almeria.

Commissioner Livengood requested Code Enforcement to look into what has been done along the roadway between Huntington Beach High School and the residential properties.

**ADJOURNMENT:** Adjourned at 7:59 PM to the next regularly scheduled meeting of **Tuesday, August 10, 2010.**

  
\_\_\_\_\_  
Scott Hess, Secretary

  
\_\_\_\_\_  
Blair Farley, Chairperson