



# MINUTES

## HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, APRIL 12, 2022

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

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### 6:00 P.M. – COUNCIL CHAMBERS

#### CALL PLANNING COMMISSION MEETING TO ORDER

#### PLEDGE OF ALLEGIANCE – Led by Commissioner Rodriguez

P P P A P P P

ROLL CALL: *Adam, Rodriguez, Acosta-Galvan, Perkins, Mandic, Scandura, Ray*

Chair Perkins was absent.

#### PUBLIC COMMENTS - NONE

#### PUBLIC HEARING ITEMS

#### **22-248 ZONING TEXT AMENDMENT NO. 22-001 (MINOR ACCESSORY STRUCTURES)**

##### **REQUEST:**

To amend Chapter 203 and Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) relating to minor accessory structures.

##### **LOCATION:**

Citywide

##### **RECOMMENDED ACTION:**

That the Planning Commission take the following actions:

- A) Find that Zoning Text Amendment (ZTA) No. 22-001 is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (General Rule) of the CEQA Guidelines because there is no potential for the amendment to the Huntington Beach Zoning and Subdivision Ordinance to have a significant effect on the environment.
- B) Recommend approval of Zoning Text Amendment No. 22-001 with findings (Attachment No. 1) by approving draft City Council Ordinance No. 4252 and forward to the City Council for consideration.

The Commission made the following disclosures:

- Commissioner Adam had no disclosures.
- Commissioner Rodriguez had no disclosures.
- Vice-Chair Acosta-Galvan spoke with staff and Councilmember Kalmick.

- Commissioner Mandic had no disclosures.
- Commissioner Scandura spoke with staff and the City Attorney's office.
- Commissioner Ray had no disclosures.

Tess Nguyen, Associate Planner, gave the staff presentation for the proposed project.

There was discussion on the following items: the difference between 'accessory structures' and 'accessory dwelling units', the proposed height limit, the number of active code enforcement cases for unpermitted accessory structures, the current wall height limits in the zoning code, and the potential for requiring wall toppers should the accessory structure height exceed the wall height.

**THE PUBLIC HEARING WAS OPENED.**

James Nashar, resident, spoke in support of allowing accessory structures within the setbacks. He noted that if he had to comply with the current zoning code, he would be limited to a shed only three feet wide. He indicated that he is the subject of a code enforcement complaint and that he has had his shed for twenty years.

Sidney Hymes, resident, spoke in support of Item No. 22-248. Mr. Hymes indicated that many of the existing sheds in the city are 10 ft. or taller and asked the commission to consider amending the height restriction to 10 ft.

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

**THE PUBLIC HEARING WAS REOPENED.**

Peter Dawson, resident, spoke in support of Item No. 22-248, noting that many sheds throughout the city that exceed the current height requirements are not visible from the street.

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

There was discussion on the following items: allowable distance between dwelling and accessory structure, asking retailers to disclose maximum allowed height of accessory structures prior to purchase, and what size accessory structure would require a building permit.

There was a lengthy discussion regarding the proposed allowed height of eight feet, and the current maximum allowable wall height of six feet with a two foot lattice extension. There was discussion on increasing the allowed height to ten feet and requiring a lattice extension on any wall adjacent to the accessory structure.

**A MOTION WAS MADE BY RODRIGUEZ, SECONDED BY RAY FIND THAT ZONING TEXT AMENDMENT (ZTA) NO. 22-001 IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15061(B)(3) (GENERAL RULE) OF THE CEQA GUIDELINES BECAUSE THERE IS NO POTENTIAL FOR THE AMENDMENT TO THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE TO HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, AND ECOMMEND**

**APPROVAL OF ZONING TEXT AMENDMENT NO. 22-001 WITH FINDINGS (ATTACHMENT NO. 1) BY APPROVING DRAFT CITY COUNCIL ORDINANCE NO. 4252 AND FORWARD TO THE CITY COUNCIL FOR CONSIDERATION WITH MODIFICATION ALLOWING UP TO 10 FT. IN HEIGHT AND REQUIRING LATTICE FENCE EXTENSION FOR ANY STRUCTURE OVER 8FT. IN HEIGHT, BY THE FOLLOWING VOTE:**

**AYES:** Adam, Rodriguez, Acosta-Galvan, Scandura, Ray  
**NOES:** Mandic  
**ABSENT:** Perkins  
**ABSTAIN:** None

**MOTION PASSED**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

Zoning Text Amendment No. 22-001 is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (General Rule) of the CEQA Guidelines because there is no potential for the amendment to the Huntington Beach Zoning and Subdivision Ordinance to have a significant effect on the environment.

**FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 22-001:**

1. Zoning Text Amendment No. 22-001 to amend Chapter 203 and Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance relating to minor accessory structures is consistent with the general land uses and policy of the General Plan as follows:

Policy LU-4C – Encourage and provide incentives for residential property owner to maintain their homes and buildings.

The Zoning Text Amendment will provide homeowners more flexibility to have minor accessory structures in their backyard to enhance the enjoyment of their property and meet their storage needs.

2. Zoning Text Amendment No. 22-001 is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed because it does not propose any new land uses. In addition, minor accessory structures would still be within the overall maximum height allowed for accessory structures.
3. A community need is demonstrated for the change proposed because property owners would like more flexibility to have minor accessory structures in their backyard to enhance the enjoyment of their property and meet their storage needs.
4. Its adoption will be in conformity with public convenience, general welfare, and good zoning practice because the Zoning Text Amendment will give property owners more opportunities to have minor accessory structures in their backyard while still maintaining compatibility with nearby properties. Additionally, the proposed amendments would align the minor accessory structure definition and location requirements with municipal code provisions for accessory structures exempt from building permit requirements.

**CONSENT CALENDAR - NONE**

**NON-PUBLIC HEARING ITEMS - NONE**

**PLANNING ITEMS**

Ricky Ramos, Acting Planning Manager, reported on recent and upcoming City Council meetings and reported on items scheduled for upcoming Planning Commission meetings.

**PLANNING COMMISSION ITEMS**

Commissioner Ray thanked his fellow commissioners and staff for his Planning Commission Chair plaque.

**ADJOURNMENT:** Adjourned at 6:50 PM to the next regularly scheduled meeting of Tuesday, April 26, 2022.

APPROVED BY:

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Jennifer Villaseñor, Acting Secretary

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Brendon Perkins, Chairperson