Legislation Details (With Text)

File #:	21-272 **Version:** 1		
Type:	Public Hearing	**Status:**	Agenda Ready
File created:	3/24/2021	**In control:**	Planning Commission
On agenda:	4/27/2021	**Final action:**	
Title:	ZONING TEXT AMENDMENT NO. 21-002 (ENVIRONMENTAL ASSESSMENT COMMITTEE AND SUBDIVISION COMMITTEE) REQUEST: To amend the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to eliminate the Environmental Assessment Committee and Subdivision Committee to streamline the entitlement process. LOCATION: Citywide		
Attachments:	1. Att # 1 - Suggested Findings of Approval - ZTA No. 21-002, 2. Att # 2 - Draft City Council Ordinance No. 4230, 3. Att # 3 - ZTA No. 21-002 Legislative Draft, 4. Att # 4 - Excerpt of March 15, 2021 City Council Minutes, 5. Att # 5 - Council Member Kalmick Memorandum dated March 15, 2021		

Date	Ver.	Action By	Action	Result
4/27/2021	1	Planning Commission	approved with conditions	Fail

PLANNING COMMISSION STAFF REPORT

TO: **Planning Commission**
FROM: **Ursula Luna-Reynosa, Director of Community Development**
BY: **Tess Nguyen, Associate Planner**

SUBJECT:
ZONING TEXT AMENDMENT NO. 21-002 (ENVIRONMENTAL ASSESSMENT COMMITTEE AND SUBDIVISION COMMITTEE)

REQUEST:

To amend the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to eliminate the Environmental Assessment Committee and Subdivision Committee to streamline the entitlement process.

LOCATION:

Citywide

APPLICANT:

City of Huntington Beach

PROPERTY OWNER:

Not applicable

BUSINESS OWNER:

Not applicable

STATEMENT OF ISSUE:

1. Are the proposed amendments consistent with the City Council direction?

2. Does the project satisfy all the findings required for approval of a Zoning Text Amendment?

3. Has the appropriate level of environmental analysis been determined?

RECOMMENDATION:

That the Planning Commission take the following actions:

A) Find that Zoning Text Amendment (ZTA) No. 21-002 is categorically exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) (General Rule) of the CEQA Guidelines because there is no potential for the project to have a significant effect on the environment (Attachment No. 1).

B) Recommend approval of Zoning Text Amendment No. 21-002 with findings (Attachment No. 1) by approving draft City Council Ordinance No. 4230 and forward to the City Council for consideration.

ALTERNATIVE ACTION(S):

A) Do not recommend approval of Zoning Text Amendment No. 21-002 to the City Council.

B) Continue Zoning Text Amendment No. 21-002 and direct staff accordingly.

PROJECT PROPOSAL:

At the City Council's 2021 Strategic Planning workshop, assessing the City's overall structure for its boards and commissions was one of the approved goals. A City Council Ad Hoc Committee has been appointed to evaluate boards and commissions and make recommendations to the City Council. However, at the March 15, 2021 City Council meeting, Council Member Kalmick introduced an H Item to eliminate the Environmental Assessment Committee and Subdivision Committee to help streamline existing City processes for those looking to develop or redevelop their properties. The Council voted to direct staff to undertake the steps necessary to eliminate these committees. This item is the first step in that process where the Planning Commission is asked to consider recommending approval for the zoning text amendment for the reasons outlined in this staff report.

Environmental Assessment Committee

The Environmental Assessment Committee (EAC) consists of one staff member from the Community Development Department, Public Works Department, and City Attorney's Office. The EAC reviews environmental documentation for projects that are not otherwise exempt from the California

Environmental Quality Act (CEQA) and provides recommendations to the decision making body as to the efficacy of the environmental documentation.

The Environmental Assessment Committee process is as follows:

1. Staff prepares or causes the preparation of the environmental document (Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report).
2. The EAC determines if the environmental document is appropriate and makes recommendations to the decision making body.
3. The public is provided an opportunity to review the environmental document prior to a final decision.

Pursuant to City Council direction, Staff has reviewed the EAC process and proposes to eliminate the EAC review process. In general, the EAC provides redundant and unnecessary review which can add lengthy processing time that can unnecessarily delay projects. We recommend elimination of the EAC, in part, because the three departments that have representatives on the EAC are already intimately involved in the preparation and review of environmental documents associated with a "project". Then the departments' EAC member votes on the same documents their department prepared and reviewed. Essentially, staff drafts and reviews documents that they then ultimately vote on. While this process has not been challenged, it begs the question as to whether a fair process can exist where staff acts as the drafter, reviewer, and arbiter of the sufficiency of the environmental documents.

Elimination of the EAC does not preclude the public an opportunity to comment on the environmental document. During the public hearing by the decisions making body (e.g. Zoning Administrator, Planning Commission) a final decision to adopt or deny the environmental document will be made and the public has a final opportunity to provide public testimony. Depending on which environmental document is prepared (e.g. Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report), there are other opportunities for public comment prior to the public hearing.

Finally, there is no legal requirement that the EAC exists.

Subdivision Committee

The Subdivision Committee consists of three members of the Planning Commission and a representative from the following departments; Community Development, Public Works, and Fire. The Subdivision Committee reviews tentative tract maps to ensure compliance with the provisions of the Subdivision Map Act, Local Coastal Program (if applicable) and General Plan, and recommends approval, disapproval, or conditional approval of tentative tract maps to the decision making body. The Subdivision Committee holds a hearing when a property is to be subdivided into five or more parcels.

The Subdivision Committee process is as follows:

1. Staff reviews subdivision maps for compliance and prepares code requirements, suggested findings, and suggested conditions of approval.
2. The Subdivision Committee considers the information provided by Staff and makes recommendations to the decision making body.

Pursuant to City Council direction, Staff has reviewed the the subdivision mapping process and proposes to eliminate the the Subdivision Committee. In general, the Subdivision Committee

process is redundant as tentative tract maps are already reviewed by all departments for compliance with applicable standards and policies. The Subdivision Committee relies on staff for information in order to make its recommendations. Including a Subdivision Committee to the subdivision mapping process adds an additional step to the process and adds little, if any, value. The required findings are fairly straightforward with objective standards.

On March 15, 2021 the City Council unanimously directed staff to prepare the necessary amendments to the Huntington Beach Municipal Code and Huntington Beach Zoning and Subdivision Ordinance to eliminate both the Environmental Assessment Committee and Subdivision Committee (Attachments Nos. 4 and 5).

ISSUES AND ANALYSIS:

General Plan Conformance:

The Zoning Text Amendment is consistent with the economic development strategy of the General Plan to update the Huntington Beach Zoning and Subdivision Ordinance to ensure that development regulations and land use controls reflect the City's economic development goals. The proposed Zoning Text Amendment will reduce the processing time of projects and could facilitate the development of new projects and increase sales tax revenues.

Zoning Compliance:

Zoning Text Amendment No. 21-002 includes the following amendments to the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to implement the City Council's direction (Attachment No. 3):

HBZSO Section 240.04.B

B. ~~*Establishment of Environmental Assessment Committee. There is hereby established an Environmental Assessment Committee consisting of the Director of Community Development, the Director of Public Works, and the City Attorney, or a designated representative of each. A quorum shall require at least two members.*~~

HBZSO Section 240.04.C

C. ~~*The Environmental Assessment Committee shall have responsibility for evaluating the environmental impact of all discretionary projects, determine the appropriate environmental documentation required for compliance with CEQA and make recommendations to the discretionary body to adopt or deny a negative declaration or environmental impact report, consistent with state and local law.*~~

HBZSO Section 248.16

A decision on a discretionary approval is not final until the time for appeal expires. The time for appeal from a decision by the Zoning Administrator, ~~the~~ ~~*Environmental Assessment Committee*~~, ~~*Subdivision Committee*~~, Design Review Board, or the Planning Commission shall be filed within 10 calendar days after the date of the decision. Appeals may not be processed on actions which must be heard by and receive final action by the City Council, except that Coastal Development Permits for development located in the appealable area of the coastal zone may be appealed to the Coastal Commission as described in Section 245.32.

HBZSO Section 248.18

The Planning Commission shall hear an appeal from the decision of the director, Zoning Administrator, ***and*** Design Review Board~~, *Environmental Assessment Committee*~~, ~~and *Subdivision Committee*~~. The City Council shall hear an appeal from the decision of the Planning Commission. The decision of the City Council is final, except that Coastal Development Permits for development located in the appealable area of the coastal zone may be appealed to the Coastal Commission.

HBZSO Section 248.22

An applicant may appeal the failure of the Zoning Administrator, Design Review Board, ~~*Environmental Assessment Committee*~~, ~~*Subdivision Committee*~~ or Planning Commission to act on an application if the failure to act continues beyond a reasonable time and the time to act is not otherwise fixed by law. The appeal body shall consider all of the circumstances surrounding the application in determining what is a reasonable time.

HBZSO Section 248.28.A

A. A City Council member or a Planning Commissioner may appeal a decision of the director, Design Review Board, ~~*Environmental Assessment Committee*~~, ~~*Subdivision Committee*~~, Planning Commission or Zoning Administrator. The appeal shall be processed in the same manner as an appeal by any other person but need not be accompanied by the fee prescribed for an appeal.

HBZSO Section 250.10

~~***Subdivision Committee**. The Subdivision Committee of the City of Huntington Beach.*~~

HBZSO Section 250.12.G

~~*G. Subdivision Committee. The Subdivision Committee's responsibilities shall include examining and determining that tentative and vesting tentative maps comply with the provisions of the Subdivision Map Act, this title, the Local Coastal Program for maps located within the coastal zone, and the City's General Plan, and recommending approval, disapproval, or conditional approval of tentative or vesting tentative maps to the Planning Commission or Zoning Administrator.*~~

~~*The Subdivision Committee shall consist of the following members or their authorized representatives:*~~

~~*1. The director who shall serve as chairperson and secretary;*~~

~~*2. The City Engineer;*~~

~~*3. The Fire Chief; and*~~

~~*4. Three members of the Planning Commission.*~~

~~*Representatives from other departments shall attend meetings when requested to do so by the Subdivision Committee.*~~

HBZSO Section 251.08.A

~~*A. Subdivision Committee. Whenever a property is to be subdivided into five or more parcels, the Subdivision Committee may hold a public hearing prior to reporting on the tentative map for said subdivision. Notice of the time and place thereof, including a general description of the subject matter shall be given at least 10 days before the*~~

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~~*hearing. Copies of said notice shall be mailed to the subdivider, engineer, and property owner of the property proposed for subdivision. Notice shall also be given to each local agency expected to provide water, sewage, streets, schools, or other essential facilities or services to the subdivision.*~~

In addition to the amendments proposed in ZTA No. 21-002, amendments to the Huntington Beach Municipal Code (HBMC) are proposed to implement the City Council's direction (Attachment No. 3) and would be provided to the City Council for consideration in conjunction with the HBZSO amendments proposed in ZTA No. 21-002. The HBMC amendments are as follows:

HBMC Section 2.33.030.E

E. Provide staff services and support to the Planning Commission, Zoning Administrator, Design Review Board, Environmental Board, ~~*Subdivision Committee*~~*,* ~~*Environmental Assessment Committee*~~*,* and other committees, subcommittees, boards and commissions pertaining to planning.

HBMC Section 2.56.030.D

D. Assists boards, commissions and committees which encourage, foster, promote and facilitate the objectives of the department including, but not limited to, the Planning Commission, Community Services Commission, Public Works Commission, ~~*Subdivision Committee*~~, Board of Zoning Adjustments, or appoints deputy so to assist.

The Zoning Text Amendment implements the economic development strategy of the General Plan. The Zoning Text Amendment does not propose any new land uses or revise development standards. It addresses a community need to reduce the processing time of projects, which could facilitate the development of new projects and increase sales tax revenues.

Urban Design Guidelines Conformance:
Not applicable.

Environmental Status:
ZTA No. 21-002 will not have any significant effect on the environment and is categorically exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) (General Rule) of the CEQA Guidelines, because there is no potential for the amendment to the HBMC and HBZSO to have a significant effect on the environment.

Coastal Status:
The proposed amendment will be forwarded to the California Coastal Commission as a minor Local Coastal Program Amendment for certification.

***Design Review Board*:**
Not applicable.

***Subdivision Committee*:**
Not applicable.

Other Departments Concerns and Requirements:
Not applicable.

Public Notification:
Legal notice was published in the Huntington Beach Wave on April 15, 2021 and notices were sent to individuals and organizations requesting notification (Planning Division's Notification Matrix). As of April 20, 2021, no communications regarding the request have been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:	MANDATORY PROCESSING DATE(S):
Not applicable	Legislative Action - Not applicable

SUMMARY:

Staff is recommending approval of ZTA No. 21-002 based on the following reasons:

1. It is consistent with City Council direction.
2. It is consistent with the economic development strategy of the General Plan.
3. It addresses a community need to reduce the processing time of projects, which could facilitate the development of new projects and increase sales tax revenues.

ATTACHMENTS:
1. Suggested Findings of Approval - ZTA No. 21-002
2. Draft City Council Ordinance No. 4230
3. ZTA No. 21-002 Legislative Draft
4. Excerpt of March 15, 2021 City Council Minutes
5. City Council Member Kalmick memorandum dated March 15, 2021