MINUTES
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, MARCH 26, 2013
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

ROLL CALL: ***Dingwall, Mandic, Peterson, Bixby, Kalmick, Franklin, Pinchiff***
P P A P P P P

Commissioner Peterson was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY BIXBY, SECONDED BY FRANKLIN, TO MOVE STUDY SESSION ITEM NO. C TO AFTER STUDY SESSION ITEM NO. A-1, BY THE FOLLOWING VOTE:

AYES:	**Dingwall, Mandic, Bixby, Kalmick, Franklin, Pinchiff**
NOES:	**None**
ABSENT:	**Peterson**
ABSTAIN:	**None**

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. ENVIRONMENTAL IMPACT REPORT NO. 07-001/ GENERAL PLAN AMENDMENT NO. 05-001/ ZONING MAP AMENDMENT NO. 05-001(WARNER NICHOLS) – Ricky Ramos, Senior Planner

Ricky Ramos, Senior Planner, gave a brief overview of the proposed project.

There was a brief discussion regarding the status of the barn as a historically significant structure.

There was a brief discussion regarding the cost for renovating the historic structures for use.

There was a lengthy discussion regarding the Galvin Survey for the Historical and Cultural Resources update.

B. STUDY SESSION ITEMS – NONE

C. PUBLIC COMMENTS

Mary Urashima, resident, spoke in opposition to study session Item No. A-1, citing inadequate analysis of historical, archaeological, and paleological resources. She stated that the barn should be considered a historical structure.

Barbara Haynes, Huntington Beach Historic Resources Board, spoke in opposition to study session Item No. A-1, stating that she supports the preservation of historical Wintersburg and citing concerns that the environmental review is inadequate.

Richardson Gray, Huntington Beach Neighbors, spoke in opposition to study session Item No. A-1, asking the commission to accept alternative two in the EIR to prohibit the demolition of the historic structures. Mr. Gray also asked that the public hearing be postponed until the Galvin Survey is released to the public.

Jerry Moffatt, Rainbow Environmental Services, spoke in support of study session Item No. A-1, noting that security at the site has been increased.

D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) – Jane James

Jane James, Acting Planning Manager, reported that there were three Late Communication items for Public Hearing Item No. B-1, and one Late Communication each for Public Hearing Item Nos. B-2 and B-3.

E. PLANNING COMMISSION COMMITTEE REPORTS

Commissioner Pinchiff reported on the recent Historic Resources Board meeting.

F. PLANNING COMMISSION COMMENTS - NONE

6:00 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Kalmick

P	*P*	*P*	*P*	*P*	*P*	*P*

ROLL CALL: ***Dingwall, Mandic, Peterson, Bixby, Kalmick, Franklin, Pinchiff***

AGENDA APPROVAL

A MOTION WAS MADE BY BIXBY, SECONDED BY DINGWALL, TO REOPEN THE PUBLIC HEARING FOR ITEM NO. B-1, BY THE FOLLOWING VOTE:

AYES: **Dingwall, Mandic, Peterson, Bixby, Kalmick, Franklin, Pinchiff**
NOES: **None**
ABSENT: **None**
ABSTAIN: **None**

MOTION APPROVED

A. PUBLIC COMMENTS – NONE

B. PUBLIC HEARING ITEMS

B-1. CONDITIONAL USE PERMIT NO. 12-029 / VARIANCE NO. 13-001 (SURF CITY CHRISTIAN PRESCHOOL EXPANSION – CONTINUED FROM THE FEBRUARY 26, 2013 MEETING) **Applicant:** Marcus Paris, DeRevere & Associates **Property Owner:** Surf City Christian Preschool **Request:** **CUP:** To permit (a) the expansion of an existing 2,800 sq. ft. preschool by constructing a new 2,800 sq. ft. building, an 18-space parking lot, and site improvements; and (b) approximately 60 linear ft. blockwall and gate measuring 6 ft. high in lieu of a maximum height of 3.5 ft. within five ft. of the front property line adjacent to Graham Place. **VAR:** To permit a 7 ft., 2 in. street side yard setback in lieu of a minimum of 10 ft. street side yard setback for the new preschool building. **Location:** 5432 Heil Avenue, 92649 (southwest corner of Graham Street and Heil Avenue) **City Contact:** Jill Arabe

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 12-029 and Variance No. 13-001 with suggested findings and conditions of approval."

The Commission made the following disclosures:

- Commissioner Dingwall has visited the site and spoken with neighbors and the property owner.
- Commissioner Mandic has visited the site and spoken with the applicant.
- Vice-Chair Peterson has visited the site and spoken with the applicant.
- Chair Bixby has visited the site and has spoken to neighbors, the applicant, staff, and Robert Durazzo.
- Commissioner Kalmick has visited the site, spoken with staff, the applicant, adjacent neighbors, and parents of students.
- Commissioner Franklin has spoken with the applicant and adjacent property owners, visited the site, and reviewed the recording of the previous Planning Commission meeting on this project.
- Commissioner Pinchiff has visited the site and spoken with the applicant and with staff.

Jill Arabe, Associate Planner, gave the staff presentation and an overview of the project.

There was a brief discussion regarding the traffic accident statistics at the adjacent intersection.

THE PUBLIC HEARING WAS OPENED.

Don and Tami Hopkins, property owners, spoke in support of Item No. B-1. Mr. Hopkins noted that a parking plan will be put in place to limit any potential parking impacts. Ms. Hopkins noted that current desire for enrollment far exceeds the current capacity and that the expansion would be a benefit to those residents wishing to enroll their children at Surf City Christian Preschool.

Dell DeRevere, applicant, spoke in support of Item No. B-1.

Monique Lott, resident, spoke in support of Item No. B-1, but expressed concern with the potential traffic and parking impacts. She asked the commission to consider adding conditions prohibiting queuing on Heil Avenue and other measures to counter potential traffic impacts.

Scott Hardy (with 4 minutes donated by Howard Lott), spoke in opposition to Item No. B-1, citing potential traffic and parking impacts.

James Pilkington, resident, spoke in support of Item No. B-1. He noted that the preschool was blighted prior to the ownership of the Hopkins, and that the expansion would be a benefit to the community and to the families currently on the waiting list.

Tara Smith, resident, spoke in support of Item No. B-1, citing the potential benefits to the community.

Barbara Delgleize, resident, spoke in support of Item No. B-1, citing the potential improvements to the property and benefits to the community.

Kevin Kettler, resident, spoke in support of Item No. B-1, but expressed concern regarding potential parking and traffic impacts.

Tami Hopkins, property owner, spoke in rebuttal to the public hearing comments. She noted that the expansion design would result in a safer traffic situation for all involved and that she wants the expansion to be a success for everyone and that they have been working with the Planning and Building Department since 2008 to design the best project possible.

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

There was a lengthy discussion regarding the proposed parking plan and the potential parking and traffic impacts.

There was a brief discussion regarding the potential for school zone signage.

There was a brief discussion regarding the landscaping.

STRAW VOTE #1
A motion was made by Franklin, seconded by Bixby, to require minor architectural enhancements to the existing building, such as veneer stone treatments, subject to the approval of the Planning and Building Director.

AYES:	**Dingwall, Mandic, Peterson, Bixby, Franklin, Pinchiff**
NOES:	**Kalmick**
ABSTAIN:	**None**
ABSENT:	**None**

MOTION APPROVED

STRAW VOTE #2
A motion was made by Mandic, seconded by Peterson, to require a two foot vinyl extension to the proposed block wall, for sound attenuation.

AYES:	**Dingwall, Mandic, Peterson, Bixby, Kalmick, Pinchiff**
NOES:	**Franklin**
ABSTAIN:	**None**
ABSENT:	**None**

MOTION PASSED

STRAW VOTE #3
A motion was made by Mandic, seconded by Franklin, to add a row of trees along the wall adjacent to the neighbor, sufficient in staff's opinion for sound attenuation and screening.

AYES:	**Dingwall, Mandic, Peterson, Bixby, Kalmick, Franklin, Pinchiff**
NOES:	**None**
ABSTAIN:	**None**
ABSENT:	**None**

MOTION APPROVED

STRAW VOTE #4
A motion was made by Peterson, seconded by Franklin, to require right turn only onto Graham Street from the parking lot during peak hours.

AYES:	**Dingwall, Mandic, Peterson, Bixby, Kalmick, Franklin, Pinchiff**
NOES:	**None**
ABSTAIN:	**None**
ABSENT:	**None**

MOTION APPROVED

STRAW VOTE #5
A motion was made by Kalmick, seconded by Bixby, to modify Condition No. 5b to require a minimum of one person to monitor the parking lot during scheduled drop-off and pick up times as deemed necessary by the Planning and Building Director.

AYES:	**Mandic, Peterson, Bixby, Kalmick, Franklin**
NOES:	**Pinchiff**
ABSTAIN:	**Dingwall**
ABSENT:	**None**

MOTION APPROVED

Commissioner Mandic indicated that she was no longer in support of Straw Vote Motion No. 1.

A MOTION WAS MADE BY FRANKLIN, SECONDED BY KALMICK, TO APPROVE CONDITIONAL USE PERMIT NO. 12-029 AND VARIANCE NO. 13-001 WITH SUGGESTED FINDINGS AND AMENDED CONDITIONS OF APPROVAL AS MODIFIED BY APPROVED STRAW VOTES WITH A SIX MONTH STAFF REVIEW, BY THE FOLLOWING VOTE:

AYES:	**Mandic, Peterson, Bixby, Kalmick, Franklin, Pinchiff**
NOES:	**Dingwall**
ABSTAIN:	**None**
ABSENT:	**None**

MOTION APPROVED

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 section 15303 of the CEQA Guidelines, because the proposed project consists of the construction of a new 2,800 sq. ft. preschool building.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 12-029:

1. Conditional Use Permit No. 12-029 to permit a) the construction of a 2,800 sq. ft. preschool building, 18-space parking lot, and site improvements, and b) approximately 60 linear ft. of blockwall and gate measuring 6 ft. high in lieu of a maximum height of 3.5 ft. within five ft. of the front property line adjacent to Graham Place will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The project will not significantly impact surrounding residential uses or the existing church to the west of the subject property. The project consists of the expansion of the existing preschool use and is not anticipated to generate impacts related to safety, noise, and traffic. The adjacent residential use to the south is adequately buffered by setbacks, landscaping, and a six-foot high block wall. Potential noise generated by the use will also be absorbed by existing street traffic. The new parking lot will provide sufficient parking and access onsite so as not to interfere with adjacent streets. Public improvements as a result of this project will upgrade the curb, gutter, and sidewalks for safe pedestrian circulation. As conditioned, the use will implement measures to minimize queuing on streets through staggered drop off/pick up schedules and parking lot monitoring. The proposed blockwall and gate encroaching into the front yard setback adjacent to Graham Place will provide additional play area for the preschool use in order to meet State licensing requirements. The encroachment will not impact vehicular or pedestrian traffic because the 6 ft. high wall is located outside of the 25 ft. visibility triangle at the corner of the street intersection and five ft. width of enhanced landscaping will be provided between the sidewalk and proposed wall.

2. The conditional use permit will be compatible with surrounding uses because the project is an expansion of the existing preschool and incorporates site elements similar to the neighborhood. The building is designed as a single story structure with enhanced building materials such as stucco, wood siding, and stone veneer. The inclusion of a parking lot will relocate existing queuing from Graham Place to the eastern portion of the property onsite. Adequate setbacks and landscape buffers are provided between the proposed building and improvements to surrounding residential uses. Activities in the outdoor play area will not generate noise impacts above existing conditions due to the site's proximity to arterial streets and the construction of six-foot high block wall fencing. A five ft. wide landscape

planter will be located between the sidewalk and wall along Graham Place. Tiered landscaping consisting of groundcover, shrubs, climbing vines, and trees will soften the appearance of the wall at a reduced setback. The wall will be composed of 4.5 ft. high of split face block and 1.5 ft. high of wrought iron separated every 15-20 ft. by 6.5 ft. high stone veneer pilasters.

3. The proposed conditional use permit will comply with the provisions of the RL (Residential Low Density) zone and other applicable regulations including minimum onsite parking, landscaping, building height, and setbacks with the exception of the street side setback along Heil Avenue and the fence height deviation.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Residential Low Density on the subject property. In addition, it is consistent with the following goals, policies, and objectives of the General Plan:

   A. *Land Use Element*

   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 9.4.2: Require that institutional structures incorporated in residential neighborhoods be designed to be compatible with and convey the visual and physical scale and character of residential structures.

   B. *Noise Element*

   Objective N 1.3: Minimize the adverse impacts of traffic-generated noise on residential and other "noise-sensitive" uses.

   Policy N 1.2.4: Encourage existing "noise sensitive uses," including schools, libraries, health care facilities, and residential uses to incorporate fences, walls, landscaping, and/or other noise buffers and barriers, where appropriate and feasible to mitigate noise impacts.

   C. *Urban Design Element*

   Policy UD 1.1.1: Coordinate streetscape and landscape design in all residential neighborhoods to strengthen their identities.

   The proposed project will expand its existing services by hiring more staff and increasing the student capacity of the preschool. Site improvements will include enhanced landscaping, vehicular and pedestrian circulation, and onsite parking for patrons and staff members. The public right-of-way will be upgraded to enhance pedestrian circulation, drainage, and aesthetics. The needs of the residents will be provided through additional child care and educational services at this location. Furthermore, the new building will be compatible with the existing neighborhood through the site layout and building design. The site layout incorporates enhanced landscaping, decorative paving at parking lot entrances, and ample walkways. The building will be designed with similar elements of surrounding residences

including asphalt shingle hip roofs, lattice trellis entrance, stone wainscoting, stucco and siding. The overall height of the building is 26 feet, which includes a tower feature at the front of the building. The neighborhood consists of a mixture of single story and two-story residences.

The incorporation of a parking lot will eliminate existing vehicle queuing for drop-off along Graham Place and provide parking spaces onsite. Based on the proposed preschool operation, classes will commence at staggered times in order for traffic impacts to be minimized. A six-foot high block wall and five-foot wide landscaped planter will buffer potential noise impacts generated by the parking lot and children's play area. Because the preschool is surrounded by streets, noise generated by the use is absorbed by the street traffic and will not be above existing conditions.

FINDINGS FOR APPROVAL - VARIANCE NO. 13-001:

1. The granting of the variance will not constitute a grant of special privilege inconsistent with limitations placed upon other properties in the vicinity and under an identical zone classification. The subject site is bounded by three streets and substandard in size compared to current standards for establishment of the General Day care use. Similar properties in the vicinity are developed with single family homes and contain no more than two street frontages. Greater setbacks and site improvements are required of the project including an 18-space parking lot, landscape buffers, and public sidewalks on three frontages.

2. Because of special circumstances applicable to the subject property including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The existing site is substandard in size because it is approximately 26,000 sq. ft. Under current zoning regulations, development and establishment of the General Day care use requires a minimum lot size of one acre. Since the site was previously established in 1968, the continuation of the use is permitted and the expansion is subject to approval of a conditional use permit. Furthermore, the site fronts three streets which requires greater setbacks than typical single family residences in the vicinity that front one or two streets. Developable and usable area of the site is reduced as a result of the increased setbacks. The land use is also limited by State requirements which require minimum indoor and outdoor activity areas for each child.

3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. Benefits of the project include increased child care and educational opportunities for the neighborhood. In order to continue to serve the community and provide quality care, the expansion of the preschool is necessary to meet the demands of population growth. With the variance request, the expansion will provide the adequate amount of indoor and outdoor play area for the children, sufficient parking onsite for staff and visitors, and increased enrollment for services.

4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification and is consistent with the General Plan. The variance is applicable to a portion of the new building fronting Heil Avenue. The remainder of the building and site will comply with applicable development standards. Due to site constraints including lot size, three street frontages, and minimum activity areas, the variance is necessary to achieve greater daycare services and onsite and offsite improvements. The 2 ft., 10 in. encroachment will not interfere with any driveways or street visibility areas and therefore, no safety impacts are anticipated. The variance will enhance

the streetscape because it will allow for articulation along the building wall among other site improvements.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 12-029/VARIANCE NO. 13-001:

1. The site plan, floor plans, and elevations received and dated February 12, 2013 shall be the conceptually approved design with the following modifications:

    a) The 6.5 ft. high pilasters shall be composed of stone veneer to match the proposed stone veneer on the new preschool building.

    b) A 2 ft. high solid vinyl extension shall be added to the 6 ft. high block wall along the southerly property line.

    c) A row of broad leaf evergreen trees shall be added along the south property line wall subject to the review and approval of the Planning and Building Department.

    d) The most easterly tree along Heil Avenue shall be relocated equidistant between the two westerly trees along Heil Avenue.

    e) Minor enhancements (such as a stone veneer treatment along building base) shall be depicted on the existing building to match the new building, subject to approval by the Planning and Building Department.

2. Prior to submittal for building permits, the following shall be completed:

    a) Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire, Public Works, and Building shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.

    b) A reduced copy of the approved site plan and processing fee shall be submitted to the Planning Division for addressing of the new building.

3. Signage shall be reviewed under separate permits and applicable processing.

4. Prior to issuance of building permits, the following shall be completed:

    a) A Lot Line Adjustment to consolidate the two lots shall be submitted for review and approved by the Departments of Planning and Building and Public Works.

5. Prior to final building permit inspection, minor enhancements to the existing building as described in Condition of Approval No. 1.e., shall be completed.

6. The use shall comply with the following:

    a) Hours of operation: 7:00 a.m. – 6:00 p.m. (Monday through Friday). No additional events shall be permitted beyond the approved days and hours of

operation unless approved by the City through a Temporary Activity Permit or Temporary Use Permit with Neighborhood Notification.

b) A minimum of one staff member shall monitor the parking lot during scheduled drop-off and pick-up times and direct vehicles as deemed necessary by the Planning and Building Department.

c) No queuing shall be permitted on Heil Avenue and Graham Street.

d) The drop-off and pick-up schedule shall be conceptually approved and implemented as necessary. Minor amendments shall be permitted to eliminate queuing onto Heil Avenue and Graham Street, subject to review and approval by the Departments of Public Works and Planning and Building.

e) The total enrollment shall not exceed 111 students.

f) The parking lot exit onto Graham Street shall be right turn only during peak hours.

7. Six months after the issuance of a Certificate of Occupancy permit, staff shall provide a status report of the project at a Planning Commission study session.

8. The Development Services Departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning & Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.

9. Conditional Use Permit No. 12-029 / Variance No. 13-001 shall become null and void unless exercised within two years of the date of final approval by the Planning Commission, or such extension of time as may be granted by the Director of Planning & Building pursuant to a written request submitted to the Planning Division a minimum 30 days prior to the expiration date.

10. 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/green-building-guidelines-rating).

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.

B-2. **SITE PLAN REVIEW NO. 11-04/VARIANCE NO. 12-04 – APPEAL-CONTINUED FROM THE FEBRUARY 26, 2013 MEETING (CASA RINCON)** **Appellant/Applicant:** Sean Pate, CEO of The Pate Foundation, 575 Anton Blvd., Ste 1100, Costa Mesa, CA 92626 **Property Owner:** Morrie Golcheh, Progressive Real Estate, 10537 Santa Monica Blvd., Suite No. 350, Los Angeles, CA 90025 **Request: SPR:** To permit the construction of an approximately 10,900 square foot, four-story affordable housing apartment project with an overall height of 50 feet within the Town Center Neighborhood Segment of Beach & Edinger Corridors Specific Plan (SP 14). The project will consist of 24 affordable housing units containing 4 one-bedroom units (615 sq. ft./unit), 5 two-bedroom units (843 sq. ft./unit), 6 three-bedroom units (1,028 sq. ft./unit) and 9 four-bedroom units (1,224 sq. ft./unit) including a 693 square foot, two-story community recreation building with an overall height of 33 feet. **VAR:** To permit (a) 8 feet high perimeter privacy walls in lieu of a maximum height of 6 feet permitted; (b) a reduction in required public open space from a minimum 1,200 sq. ft. to 925 square feet; and (c) eliminate the private entry type requirement from the project design. **Location:** 18431 Beach Blvd., Huntington Beach, CA 92648 **City Contact:** Rosemary Medel

STAFF RECOMMENDATION: Motion to: "Deny Site Plan Review No.11-004 and Variance No. 12-004 with suggested findings of denial."

The Commission made the following disclosures:

- Commissioner Dingwall had no disclosures.
- Commissioner Mandic had no disclosures.
- Vice-Chair Peterson has visited the site.
- Chair Bixby has visited the site.
- Commissioner Kalmick had no disclosures.
- Commissioner Franklin had no disclosures.
- Commissioner Pinchiff has visited the site.

Rosemary Medel, Associate Planner, gave the staff presentation and an overview of the project.

There was a brief discussion regarding the building entrance type.

THE PUBLIC HEARING WAS OPENED.

Sean Pate, Pate Foundation, spoke in support of Item No. B-2. He stated that he has worked with staff to adjust the initial project proposal to a project staff might support.

Magdy Hanna, developer, spoke in support of Item No. B-2. He stated that he has been working on this project for two years to obtain approval. He noted that the proposed project is entirely affordable housing.

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

Vice-Chair Peterson confirmed with staff that the applicant was provided with the Beach Edinger Corridors Specific Plan and requirements.

There was a lengthy discussion regarding emergency access to the site and the parking at the site.

CALL FOR THE QUESTION
There was a motion by Peterson, seconded by Franklin, to call for the question.

AYES:	**Dingwall, Peterson, Bixby, Kalmick, Franklin, Pinchiff**
NOES:	**Mandic**
ABSTAIN:	**None**
ABSENT:	**None**

MOTION APPROVED

A MOTION WAS MADE BY PETERSON, SECONDED BY BIXBY, TO DENY SITE PLAN REVIEW NO. 11-004 AND VARIANCE NO. 12-004 WITH FINDINGS FOR DENIAL, BY THE FOLLOWING VOTE:

AYES:	**Dingwall, Peterson, Bixby, Kalmick, Franklin, Pinchiff**
NOES:	**Mandic**
ABSTAIN:	**None**
ABSENT:	**None**

MOTION APPROVED

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

Staff has reviewed the proposed project and determined that it is within the scope of development analyzed in Certified Program EIR No. 08-008 for the BECSP. The EIR was certified by the Planning Commission on December 8, 2009. The project is exempt under the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15182 of the CEQA Guidelines, which states that when an Environmental Impact Report (EIR) has been prepared for a specific plan, there is no need to prepare an EIR or Mitigated Negative Declaration (MND) for residential projects within the parameters of that specific plan. Furthermore, implementation of the project would not result in any new or more severe potentially adverse environmental impacts that were not considered in the previously certified Program EIR for the Beach and Edinger Corridors Specific Plan project. Therefore, based on the analysis for the project no additional environmental review is required.

FINDINGS FOR DENIAL – SITE PLAN REVIEW NO. 11-004:

1. The project is not consistent with the City's General Plan and all applicable requirements of the Municipal Code because the proposed development does not enhance the vacant land as part of an integrated development within Town Center Neighborhood District, which is the most urbanized segment of the Beach and Edinger Corridors Specific Plan.

2. The project will be detrimental to the general welfare of persons working or residing in the vicinity because the project has not accounted for the impacts of the adjacent multiple family developments as evidenced by designing the emergency vehicle access only from the overcrowded alley. The location of the balconies and windows on the west side of the project are oriented towards the second story windows of the adjacent development creating potential privacy issues. The proximity of these balconies has the potential to generate excessive noise to the adjacent residential developments as they are not sufficiently recessed in the structure to reduce or mitigate sound. Lack of a master planned development creates further issues of circulation and shared parking. Additionally, the quality of architectural design is not in keeping with the quality of design required by the Beach and Edinger Corridors Specific Plan and the area. Rooflines and use of materials do not complement surrounding or recently approved projects in the vicinity. Therefore, because of these design issues the project has the potential to be detrimental to the value of the property and improvements in the neighborhood.

3. The project will adversely affect the Circulation Plan of this Specific Plan and Five Points area because access to the site from the public alley does not provide efficient circulation in order to address the parking conflicts of the adjacent multiple family developments gaining access to their garages, utilizing the alley for additional parking, which may result in inadequate emergency vehicle access from the alley to the subject site. Integrated mixed use projects account for shared parking opportunities. Because this development would be a stand-alone project, the opportunity for shared parking is not available and therefore will burden the already under-parked surrounding residential developments.

4. The project does not comply with the applicable provisions of the Beach and Edinger Corridors Specific Plan and other applicable regulations because the project does not provide the required public open space in an area that is accessible to the public on a 24 hour basis. The required common lobby entrance design type is not incorporated into the architecture of the building. The proposed perimeter privacy wall height exceeds the height permitted within the Specific Plan by over two feet without proposing solutions to reduce the visual impact of the walls with better design or grading solutions.

FINDINGS FOR DENIAL - VARIANCE NO. 12-004:

1. The granting of Variance No. 12-004 to permit perimeter privacy walls at eight feet high in lieu of the maximum height of six feet as required by the Specific Plan, 925 square feet of public open space in lieu of the required 1,200 square feet, and eliminate the private entry type design requirement from the residential building design will constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The Specific Plan requires residential developments of twenty units or more to provide public open space. Eliminating the requirement of public open space, while maintaining the proposed number of units does not constitute an undue hardship. Consequently, the requested variance would be the first request within the recently adopted BECSP. Similar variances have not been granted to other Specific Plan properties within the same district that contain similar development constraints.

2. There are no special circumstances applicable to the subject property, the strict application of the Specific Plan is not found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. While the project site has a grade difference from Beach Blvd to the rear of the site, the Specific Plan encourages the consolidation of parcels in order to create more integrated projects meeting the goals of the Specific Plan. Therefore, if the adjacent parcels were consolidated into a master

development there would be sufficient onsite circulation to accommodate emergency vehicles, address onsite traffic and pedestrian circulation and there would be the opportunity for shared parking to accommodate the residential development.

The granting of a variance is not necessary to preserve the enjoyment of one or more substantial property rights. The requested variance is not necessary in order to allow for the construction of a residential project on this site. The Beach and Edinger Corridors Specific Plan requires that a property meet certain minimum development requirements such as those imposed for open space types, open space location, maximum fence height and private entry types of buildings. In this case, the project does not comply with the applicable public open space types for design or location. The design does not incorporate a common entry type design into the building and exceeds the allowable fence height along the north, south and east property lines.

B-3. **SIX-MONTH REVIEW OF CONDITIONAL USE PERMIT NO. 11-001 (TAPHOUSE RESTAURANT) Applicant/Business Owner:** Dwight Chornomud **Property Owner:** Huntington Partners, LLC **Request:** Six-month review of Conditional Use Permit No. 11-001 approved by the Planning Commission on September 13, 2011 which permitted 1) the establishment, maintenance, and operation of an approximately 9,186 sq. ft. two-level indoor restaurant and 1,082 sq. ft. outdoor dining area; 2) alcohol sales; 3) live entertainment consisting of music and dancing; 4) approximately 564 sq. ft. outdoor storage area; and 5) a reduction in the number of required parking spaces to less than the number required pursuant to HBZSO Section 213.08 based on a parking survey and shared parking analysis and data. When Conditional Use Permit No. 11-001 was approved, the Planning Commission required review of the use within six months of issuance of Certificate of Occupancy to verify compliance with all conditions of approval and applicable Chapters of the Huntington Beach Zoning and Subdivision Ordinance. **Location:** 8901 Warner Avenue, 92647 (northwest corner at Magnolia Street – Bridgecreek Plaza) **City Contact:** Ethan Edwards

STAFF RECOMMENDATION: Motion to: "Receive and file as adequate."

The Commission made the following disclosures:

- Commissioner Dingwall had no disclosures.
- Commissioner Mandic has visited the site.
- Vice-Chair Peterson has visited the site and participated in the prior Planning Commission approval.
- Chair Bixby has visited the site and participated in the prior Planning Commission approval.
- Commissioner Kalmick has visited the site.
- Commissioner Franklin has visited the site.
- Commissioner Pinchiff has visited the site.

Ethan Edwards, Associate Planner, gave the staff presentation and an overview of the project.

There was a brief discussion regarding security cameras for the parking lot.

THE PUBLIC HEARING WAS OPENED.

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

A MOTION WAS MADE BY FRANKLIN, SECONDED BY KALMICK, TO APPROVE CONDITIONAL USE PERMIT NO. 12-028 WITH AMENDED FINDINGS AND AMENDED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES:	**Mandic, Peterson, Bixby, Kalmick, Franklin, Pinchiff**
NOES:	**None**
ABSTAIN:	**Dingwall**
ABSENT:	**None**

MOTION APPROVED

C. CONSENT CALENDAR – NONE

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
Jane James, Acting 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 Pinchiff reported that he recently attended the Huntington Beach Chamber of Commerce's Economic Conference, where they discussed the state of the local economy. He also noted that Huntington Beach Family Fun Day was this coming Saturday, March 30, 2013.

ADJOURNMENT: Adjourned at 10:00 PM to the next regularly scheduled meeting of Tuesday, April 9, 2013.

APPROVED BY:

Scott Hess, Secretary

Mark Bixby, Chairperson