MINUTES
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, MARCH 10, 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

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

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SPEAKER, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF MARCH 10, 2009, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. ZONING TEXT AMENDMENT NO. 08-005 (AFFORDABLE HOUSING ORDINANCE REVISIONS – CONTINUED FROM THE FEBRUARY 10, 2009 MEETING) – Mary Beth Broeren, Planning Manager

Mary Beth Broeren, Planning Manager, gave a brief overview of the project. She summarized the modifications to the ordinance that the city is proposing, based on input from the City Council Ad Hoc Committee on Affordable Housing. She noted that these modifications are detailed in attachment 1.1 of the staff report.

Commissioner Scandura stated his concerns that the required income level to quality for affordable housing should cover a broader spectrum.

Ms. Broeren noted that the changes recommended by the Huntington Beach Chamber of Commerce are detailed in attachments 1.13 and 1.14 of the staff report.

Commissioner Farley asked which City Council members are on the City Council Ad Hoc Committee on Affordable Housing. Ms. Broeren stated that the members are Mayor Keith Bohr, Mayor Pro Tem Cathy Green and Councilwoman Jill Hardy.

A-2. GENERAL PLAN CONFORMANCE NO. 09-001 (EDINGER STORM DRAIN) – Hayden Beckman, Planning Aide

Hayden Beckman, Planning Aide, gave a brief overview of the project and noted that Bob Milani, Senior Civil Engineer from the Public Works Department, was present and available to answer questions.

Commissioner Speaker asked what impact the project would have on flood insurance. Staff stated that the apartment building adjacent to the Edinger Storm Drain is in the flood zone, but the request for conformance does not address flood insurance. Staff said that more details would be provided when this item comes before the Planning Commission at the non-public hearing on March 24, 2009.

Commissioner Mantini asked about the General Plan Conformance schedule and staff stated that the cities of Huntington Beach and Westminster are on the same processing schedule.

Commissioner Farley asked about truck trips and Mr. Milani said that truck access to the site will be from the Edison parcel in Huntington Beach and Woodruff Street in Westminster.

Staff noted that this General Plan Conformance will also be subject to CEQA (California Environmental Quality Act) review in the future.

Commissioner Scandura asked if this General Plan Conformance falls under the mandatory processing deadline timeframe and staff said yes.

Commissioner Livengood asked about funding for this project. Mr. Milani stated that this is an improvement project funded by the County of Orange. Commissioner Scandura noted that the county is the lead agency on this project.

Commissioner Delgleize asked if the residents were notified regarding the project, and staff said noticing is not required for a General Plan Conformance.

B. STUDY SESSION ITEMS - NONE

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) – Herb Fauland

Herb Fauland, Planning Manager, reviewed the items for tonight's meeting. He advised that there are three Late Communications for Item No. B-2 and two Late Communications for Item No. B-3.

D. PLANNING COMMISSION COMMITTEE REPORTS

Commissioner Farley reported on his attendance at the Design Review Board Special meeting of February 26, 2009. He noted that The Strand Carts and Kiosks project was reviewed and recommended for approval to the Planning Director. He also reported on

his initial attendance at the Ad Hoc Green Committee meeting and noted that solar power projects were discussed.

Commissioner Scandura reported that the Downtown Specific Plan Update meeting will be held on March 11, 2009.

Commissioner Delgleize reported on her attendance at the Ad Hoc Green Committee meeting and noted that a Green Building update had been provided by Energy Project Manager Aaron Klemm.

E. PUBLIC COMMENTS

Mike Adams, speaking on behalf of the Chamber of Commerce, spoke regarding Item A-1 (Affordable Housing). 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.

Dick Harlow spoke regarding Item A-1 (Affordable Housing) and stated that he concurs with Mike Adams.

F. PLANNING COMMISSION COMMENTS

Commissioner Livengood asked staff about Affordable Housing practices in other cities and Planning Manager Mary Beth Broeren noted that this will be covered in the staff report when this item comes before the Planning Commission at the public hearing on March 24, 2009.

5:58 PM – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Livengood

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

AGENDA APPROVAL

A MOTION WAS MADE BY SCANDURA, SECONDED BY SPEAKER, TO APPROVE THE PLANNING COMMISSION AGENDA OF MARCH 10, 2009, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. ORAL COMMUNICATIONS

Bill Derksen, resident, spoke in favor of Item No. B-3 (Brethren Christian School Gymnasium). He said that the residents were aware that the gymnasium was in the works and he would like to see the school move ahead with the project.

B. PUBLIC HEARING ITEMS

B-1. MITIGATED NEGATIVE DECLARATION NO. 06-006/CONDITIONAL USE PERMIT NO. 06-030/VARIANCE NO. 08-011 (RAINBOW DISPOSAL)

Applicant: Richard Harlow **Request: MND:** To analyze the potential environmental impacts associated with the project. **CUP:** To permit a phased addition of approximately 193,150 square feet of new building area to the existing Rainbow Disposal facility, including an increase in capacity from the current 2,800 tons per day (TPD) to approximately 4,000 TPD. **VAR:** To permit a maximum building height of up to approximately 50 feet for transfer stations 1 and 2, and the secondary recycling building in lieu of the maximum permitted height of 42 feet to the roof peak and 46 feet to the top of the parapet. **Location:** 17121 Nichols Street, 92647 (west side of Nichols St., south of Warner Ave.) **Project Planner:** Ricky Ramos

STAFF RECOMMENDATION: Motion to:

A. "Approve Mitigated Negative Declaration No. 06-006 with findings and mitigation measures (Attachment No. 1);"

B. "Approve Conditional Use Permit No. 06-030 and Variance No. 08-011 with findings and suggested conditions of approval (Attachment Nos. 1 and 2)."

The Commission made the following disclosures:

- Commissioner Speaker has visited the site and spoken to Jerry Moffatt and Ron Shenkman.
- Commissioner Mantini has visited the site, spoken to Jerry Moffatt and attended the Study Session.
- Vice Chair Farley has attended the Study Session, visited the site, and spoken to Jerry Moffatt and Dick Harlow.
- Chair Shier Burnett has taken the site tour, attended the Study Session and spoken to Jerry Moffatt and Ron Shenkman.
- Commissioner Scandura has attended the Study Session, taken the site tour, and spoken to Jerry Moffatt and Dick Harlow.
- Commissioner Livengood has attended the Study Session and taken the site tour.
- Commissioner Delgleize met with Jerry Moffatt and Ron Shenkman, visited the site as a customer, and attended the Study Session.

Ricky Ramos, Senior Planner, gave the staff presentation and an overview of the project.

Commissioner Scandura asked staff about Condition of Approval 1b on staff report Attachment 1.5. Staff noted that the applicant was not in agreement with this suggested

condition of approval, which is a Design Review Board recommendation to reduce the parapet height to match the peak of the roof.

THE PUBLIC HEARING WAS OPENED.

Jerry Moffatt, Chief Operating Officer at Rainbow Disposal, spoke in support of Item No. B-1 and gave a PowerPoint presentation detailing the highlights of the project.

Dick Harlow, applicant, spoke in favor of Item No. B-1 and stated that he was available to answer questions.

Chip Clements, Rainbow Disposal, spoke in favor of Item No. B-1 and stated that he was available to answer questions.

Norm Westwell, President of Ocean View School District, spoke in favor of Item No. B-1, saying that the positive neighborhood impacts of the project would include better air quality and a reduction in noise and vermin.

Thomas Doney, President of the Liberty Christian School on Nichols Street, spoke in support of Item No. B-1, saying that Rainbow Disposal has been a good neighbor and that he believes the project will improve air quality by reducing odors.

Dr. Alan Rasmussen, Superintendent at Ocean View School District, spoke in favor of Item No. B-1, saying that he believes the project will have a positive impact on the neighborhood.

Edie Mermelstein, local business owner, spoke in support of Item No. B-1, saying that she believes the new buildings will help reduce odors.

Bernie Mermelstein, local business owner, spoke in favor of Item No. B-1, saying that he thinks the new buildings will help control odors.

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

Commissioner Speaker noted that staff's initial recommendation was a parapet height of 42', but Rainbow Disposal is asking for a height of 55'. Senior Planner Ricky Ramos noted that staff is supporting the variance request, which allows a parapet height of up to 50'.

Commissioner Scandura asked Dick Harlow (the applicant) if Rainbow Disposal would agree to Condition 1b on staff report attachment 1.5 and Mr. Harlow said yes.

Commissioner Speaker noted that Rainbow Disposal has been a good neighbor and that he is in favor of the project.

Commissioner Mantini concurred with Commissioner Speaker.

Commissioner Farley noted that there is a minimal height differential on the variance and said that he is in favor of the project.

Commissioner Scandura said that he believes the project is essential to the city and he is in favor of the project.

Commissioner Livengood noted that he is in support of the project and said that he would be ready to make a motion.

Commissioner Delgleize said that she believes the project is visionary and supports it.

Chair Shier Burnett stated that she believes Rainbow Disposal to be an exceptional organization with an impressive record of service to the community.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SCANDURA, TO APPROVE MITIGATED NEGATIVE DECLARATION NO. 06-006 WITH FINDINGS AND MITIGATION MEASURES, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY DELGLEIZE, TO APPROVE CONDITIONAL USE PERMIT NO. 06-030 AND VARIANCE NO. 08-011 WITH FINDINGS AND MODIFIED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS AND CONDITIONS OF APPROVAL

NEGATIVE DECLARATION NO. 06-006/ CONDITIONAL USE PERMIT NO. 06-030/ VARIANCE NO. 08-011

FINDINGS FOR APPROVAL - NEGATIVE DECLARATION NO. 06-006:

1. Negative Declaration No. 06-006 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of thirty (30) days. Comments received during the comment period were considered by the Planning Commission prior to action on the Negative Declaration, Conditional Use Permit No. 06-030, and Variance No. 08-011.

2. Mitigation measures, incorporated into the attached conditions of approval, avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. Mitigation measures relating to geology, air quality, and noise have been identified. In addition, though not required by the analysis, a precautionary mitigation measure relating to hazardous materials has been included.

3. There is no substantial evidence in light of the whole record before the Planning Commission that the project, as mitigated through the conditions of approval for Conditional Use Permit No. 06-030 and Variance No. 08-011 will have a significant effect on the environment.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 06-030:

1. Conditional Use Permit No. 06-030 for the establishment, maintenance and operation of the Rainbow Disposal phased addition consisting of 193,150 square feet of new building area (75,800 square foot addition to the existing 25,500 square foot transfer station 1; new 68,400 square foot transfer station 2; new 30,500 square foot secondary recycling building; 5,392 square foot addition to the existing 9,700 square foot office; enclosure of existing 13,058 square foot Material Recovery Facility (MRF) canopy) and proposed increase in capacity from the current 2,800 tons per day (TPD) to 4,000 TPD to accommodate anticipated demand 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, as proposed and modified by conditions, will allow Rainbow Disposal to construct buildings that will house several functions that are currently occurring outdoors thereby reducing noise and odor, and improving water quality. The proposed structures incorporate the same design, colors, and materials found on the existing buildings for a consistent appearance. The project provides significant setbacks from surrounding properties particularly from the sensitive uses to the east across Nichols Street where the front building setbacks range from a minimum of 88 feet to 300 feet and include a large planter with dense landscaping. The traffic study for the project indicates that the additional traffic resulting from the increase in capacity to 4,000 TPD can be adequately accommodate by the street system and will not cause any of the intersections analyzed to exceed the adopted city standard of Level of Service D.

2. The conditional use permit will be compatible with surrounding uses because several functions that are currently occurring outdoors will be enclosed within buildings thereby improving compatibility with the area. The new structures will be consistent with the appearance of the existing structures and will be buffered from surrounding properties by significant setbacks and dense landscaping along the street frontage. Although the increase in capacity will generate additional traffic, Rainbow Disposal has started to convert its truck fleet to compressed natural gas to improve air quality.

3. The proposed project will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance as well as any specific condition required for the proposed use in the district in which it would be located, except for any variances approved concurrently. The project meets or exceeds all minimum development standards including, but not limited to, floor area ratio, setbacks, and parking.

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 I-F2-d (Industrial – Max Floor Area Ratio 0.5 – Design Overlay) on the subject property including maximum floor area ratio and the design standards of subarea 9D. In addition, it is consistent with the following goals, objectives, and policies of the General Plan:

A. *Land Use Element*

Policies LU 2.1.1: Plan and construct public infrastructure and service improvements as demand necessitates to support the land uses specified in the Land Use Plan (as defined in the Circulation and Public Utilities and Services Elements of the General Plan).

Policies LU 7.1.1: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules (Table LU-2a and 2b).

Policy LU 12.1.4: Require that new and recycled industrial projects be designed and developed to achieve a high level of quality, distinctive character, and be compatible with existing uses. (I-LU 1, I-LU 4, I-LU 5, and I-LU 10)

Policy LU 12.1.5: Require that new and recycled industrial structures and sites be designed to convey visual interest and character and to be compatible with adjacent uses, considering the: a.) use of multiple building masses and volumes to provide visual interest and minimize the visual sense of bulk and mass; b.) architectural design treatment of all building elevations; c.) use of landscaping in open spaces and parking lots, including broad landscaped setbacks from principal peripheral streets; d.) enclosure of storage areas with decorative screening or walls; e.) location of site entries to minimize conflicts with adjacent residential neighborhoods; and f.) mitigation of noise, odor, lighting, and other impacts.

Policy LU 12.1.8: Require that heavy industrial uses incorporate landscape setbacks, screening walls, berms, and/or other appropriate elements that mitigate visual and operational impacts with adjacent land uses.

The proposed phased expansion will address the future needs of the City and surrounding communities. The project will enclose several functions that are currently conducted outdoors which together with new dust and odor control systems will reduce noise and odor, and improve water quality. The proposed structures have been reviewed and are recommended for approval by the Design Review Board. They incorporate design, colors, and materials consistent with the existing structures for a unified theme and compatibility with the area. The site includes large landscape planters with dense landscaping along the street frontage and includes significant setbacks for the proposed structures to provide a buffer for the adjacent uses.

B. *Urban Design Element*

Objective UD 2.2.1: Require landscape and architectural buffers and screens around oil production facilities and other utilities visible from public rights-of-way.

C. *Utilities Element*

Objective U 4.1: Ensure an adequate and orderly system for the collection services and the disposal of solid waste to meet the demands of new and existing development in the City.

Policies U 4.1.1: Maintain adequate solid waste collection for commercial, industrial, and residential developments in accordance with state law.

Objective U 4.2: Recycle solid waste to reduce the amount of bulk which must be disposed in area landfill, to conserve energy resources, and to be consistent with the provisions of the California Integrated Waste Management Act of 1989 (AB939).

The proposed modernization of the Rainbow Disposal facilities will provide long term recycling and waster transfer services for the City and surrounding communities. It will enable Rainbow and the City to meet the requirements of AB939.

D. *Noise Element*

Goal N 1: Ensure that all necessary and appropriate actions are taken to protect Huntington Beach residents, employees, visitors, and noise sensitive uses from the adverse impacts created by excessive noise levels from stationary and ambient sources.

Objective N 1.2: Prevent and mitigate the adverse impacts of excessive noise exposure on the residents, employees, visitors, and noise sensitive uses of Huntington Beach.

Objective N 1.4: Minimize noise spillover or encroachment from commercial and industrial land uses into adjoining residential neighborhoods or "noise-sensitive" uses.

Policies N 1.4.2: Require that the loading and shipping facilities of commercial and industrial land uses abutting residential parcels to be located and designed to minimize the potential noise impacts upon residential parcels.

The project will enclose several functions that are currently conducted outdoors which would reduce noise. The loading/unloading areas are oriented away and setback a significant distance from sensitive uses.

FINDINGS FOR APPROVAL - VARIANCE NO. 08-011:

1. The granting of Variance No. 08-011 to permit transfer station 1, transfer station 2, and the secondary recycling building at a building height of up to 50 feet measured from the top of the highest adjacent curb along Nichols Street (i.e. datum) to the roof peak/top of parapet in lieu of the maximum permitted height of 42 feet to the roof peak and 46 feet to the top of the parapet will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. Variances to height have been granted to other utility uses under an identical zone classification. A variance was previously granted to Rainbow Disposal which allowed a portion of the Material Recovery Facility at a height of 55 feet in consideration of their unique use and operational needs.
2. Because of special circumstances applicable to the subject property, including size, topography, and a unique use with special operational requirements, 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. Rainbow Disposal is proposing to enclose several functions that are currently occurring outdoors thereby improving conditions. The variance is necessary because Rainbow Disposal requires building interiors that are unobstructed (without any support columns) and with a minimum 31 foot vertical clearance to allow for trucks and equipment to operate. To meet these requirements a truss with a certain slope must be used to support the roof which results in a sloped roof and additional height. While the site will be graded to provide the minimum slope needed for proper drainage, the resulting building slab height is still anticipated to be up to three feet higher than the datum. The combination of the required interior vertical and horizontal clearances, sloped roof, and slab height results in the increased building height. The variance is necessary to allow Rainbow Disposal the same privileges enjoyed by other properties in the vicinity and under identical zone classification to construct buildings that are of a sufficient height to accommodate their operations.

3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights because it will allow Rainbow Disposal to construct buildings that are of a sufficient height to accommodate their unique operational requirements. The variance will also allow Rainbow Disposal to enclose certain outdoor operations thereby improving conditions for the neighborhood.

4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The proposed transfer station 1, transfer station 2, and secondary recycling building are all setback a significant distance from the property lines so as not to be detrimental to the area. The subject structures are setback from 170 ft. to 300 ft. from the front property line away from sensitive uses which well exceeds the required minimum setback of 30 feet. In addition, the site includes large landscape planters with dense landscaping along the street frontage to provide a buffer for the adjacent uses. Moreover, the rear setback ranges from 60 ft. to 100 ft. and side setback from 27.5 ft. to 270 ft. which exceed the required minimum setback of zero.

5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of I-F2-d (Industrial – Max Floor Area Ratio 0.5 – Design Overlay) on the subject property which permits the use. In addition, the variance will allow Rainbow Disposal to enclose several outdoor functions thereby improving noise, odor, and water quality conditions in conformance with General Plan goals, objectives, and policies pertaining to mitigating noise and other operational impacts on surrounding uses as well as providing adequate solid waste collection for existing and future development.

CONDITIONS OF APPROVAL – MITIGATED NEGATIVE DECLARATION NO. 06-006/CONDITIONAL USE PERMIT NO. 06-030/VARIANCE NO. 08-011:

1. The site plan, floor plans, and elevations received and dated December 11, 2008 shall be the conceptually approved design with the following modifications:

   a. The building elevations for transfer station 1, transfer station 2, and secondary recycling shall incorporate elements from the existing bin repair and storage building such as glass block or similar translucent material and concrete block columns.**(DRB)**

   b. The parapet wall for the secondary recycling building shall be reduced in height to match the peak of the roof.**(DRB)**

   c. The final design of the MRF canopy enclosure shall be approved by the Planning Department. **(DRB)**

2. Prior to issuance of grading permits, the applicant shall demonstrate compliance with the following:

   a. The construction foreman shall submit a signed affidavit to the Public Works Department that states that he/she will comply with the following restrictions: All equipment will have sound-control devices that are no less effective than those provided on the original equipment. No equipment will have an unmuffled exhaust. The contractor will implement appropriate additional noise mitigation measures, including, but not limited to, changing the location of stationary construction equipment, turning off idling equipment, rescheduling construction activity, notifying the adjacent school in advance of construction work, and installing acoustic barriers around stationary construction noise sources. **(Mitigation Measure NOI-1)**

b. All new structures and site preparation (i.e., grading, trenching, fill, etc.) shall be designed and constructed in accordance with the geotechnical recommendations presented in the January 16, 2006 Geotechnical Assessment Report and any addendum thereto prepared for the project. Rainbow shall submit building plans for review and approval to the City of Huntington Beach Building and Safety Department and shall submit and gain approval of utility plans with the Public Works Department prior to issuance of a grading permit. **(Mitigation Measure GEO-1)**

c. The applicant shall demonstrate and note on the plans that for each phase of the project, the project will not disturb more than 1-acre per day. **(Mitigation Measure AQ-1)**

d. The following types of measures are required on construction equipment (including on-road trucks): **(Mitigation Measure AQ-2)**

1) Use diesel oxidation catalysts and catalyzed diesel particulate traps.
2) Maintain equipment according to manufacturers' specifications.
3) Restrict idling of construction equipment to a maximum of 5 minutes when not in use.
4) Install high-pressure fuel injectors on construction equipment vehicles.
5) Equipment Tier Specifications:

All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

e. The calculation of fugitive dust (PM10) from unmitigated proposed project earth-moving activities assumes a 75% reduction from uncontrolled levels to simulate rigorous watering of the site and use of other measures (listed below) to ensure proposed project compliance with SCAQMD Rule 403. The following measures, at minimum, must be part of the contractor Rule 403 dust control plan: **(Mitigation Measure AQ-3)**

1) Active grading sites shall be watered one additional time per day beyond that required by Rule 403;
2) Contractors shall apply approved nontoxic chemical soil stabilizers to all inactive construction areas or replace groundcover in disturbed areas;
3) Construction contractors shall provide temporary wind fencing around sites being graded or cleared;
4) Trucks hauling dirt, sand, or gravel shall be covered or shall maintain at least 2 feet of freeboard in accordance with Section 23114 of the California Vehicle Code;
5) Construction contractors shall install wheel washers where vehicles enter and exit unpaved roads onto paved roads or wash off tires of vehicles and any equipment leaving the construction site;
6) The grading contractor shall suspend all soil disturbance activities when winds exceed 25 mph or when visible dust plumes emanate from a site; disturbed areas shall be stabilized if construction is delayed; and

7) Trucks hauling materials such as debris or fill shall be fully covered while operating off the proposed project property.

3. Prior to submittal for building permits, one set of project plans revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Department.

4. Prior to issuance of building permits, all new structures and site preparation (i.e., grading, trenching, fill, etc.) shall be designed and constructed in accordance with the geotechnical recommendations presented in the January 16, 2006 Geotechnical Assessment Report and any addendum thereto prepared for the project. Rainbow shall submit building plans for review and approval to the City of Huntington Beach Building and Safety Department and shall submit and gain approval of utility plans with the Public Works Department prior to issuance of a grading permit. **(Mitigation Measure GEO-1)**

5. The use shall comply with the following:

   a. Because the parking study received by the City of Huntington Beach on Aug. 7, 2008 relies on pooling all parking spaces to meet Rainbow Disposal's parking needs, all parking spaces (including truck spaces) shall be made available to employees at all times.

   b. A minimum of 256 parking spaces shall be maintained at all times as noted in the parking study received by the City of Huntington Beach on August 7, 2008 and attached to Mitigated Negative Declaration No. 06-006. Once the number of employees is reduced by at least 25 per shift as is anticipated in the master plan, 250 parking spaces shall be maintained and made available at all times as noted on the conceptually approved plans (166 regular space, 74 truck spaces, 10 transfer truck spaces).

   c. Permitted hours of operation are as follows: Material Acceptance (commercial and general public) – between 6 a.m. and 6 p.m., daily; Material Processing, Loading, and Maintenance – 24 hours a day, daily.

   d. Only the uses described in the narratives dated December 22 and 31, 2008, shall be permitted.

6. If any hazardous materials not previously addressed are identified and/or released to the environment at any point during the construction process, operations in the contaminated area shall cease immediately. The contractor shall notify the City of Huntington Beach Fire Department immediately of any such findings. Upon notification of the appropriate agencies, a course of action would be determined subject to the approval of the by the City of Huntington Beach Fire Department. **(Mitigation Measure HAZ-1)**

7. 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 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.

8. 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/index.cfm?fuseaction=guidelines).

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. **APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF CONDITIONAL USE PERMIT NO. 2008-013/VARIANCE NO. 2008-007 (BEACH PROMENADE COMMERCIAL CENTER)** **Applicant:** Bill Holman, Michael C. Adams Associates **Appellant:** Bill Holman, Michael C. Adams Associates **Request: CUP:** To permit the construction of two additions totaling approximately 5,870 sq. ft. and a comprehensive exterior façade remodel of an existing commercial/retail shopping center and on-site parking lot improvements including new landscaping. **VAR:** To allow 340 parking spaces in lieu of the minimum required 380 parking spaces (40 space reduction) in conjunction with the expansion of the shopping center. **Location:** 21022-21190 Beach Boulevard (southeast corner of Beach Boulevard and Atlanta Avenue) **Project Planner:** Tess Nguyen

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 08-013 and Variance No. 08-007 with findings and suggested conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Speaker has spoken to the applicant and the property owner.
- Commissioner Mantini has attended the Study Session, visited the site and spoken to the applicant and the property owner.
- Commissioner Farley has visited the site, spoken to the applicant and the property owner, and attended the Study Session.
- Chairperson Shier Burnett has visited the site and attended the Study Session.
- Commissioner Scandura has attended the Study Session, spoken to staff, visited the site and met with the applicant.
- Commissioner Livengood has spoken to staff, visited the site and attended the Study Session.
- Commissioner Delgleize has spoken to the applicant and the property owner, has visited the site and attended the Study Session.

Tess Nguyen, Associate Planner, gave the staff presentation and an overview of the project.

Herb Fauland reported on the Late Communications received for this item. One is a memorandum from Bill Holman of Michael C. Adams and Associates (the applicant) summarizing the appeal issues. Fauland also stated that Chairperson Shier Burnett and Commissioner Livengood have each provided a matrix addressing the appealed conditions of the project.

Commissioner Livengood asked staff about vehicular access to the site from Beach Blvd. Staff stated that there currently is no opening for vehicular access from Beach Blvd. Livengood inquired about the impact of installing a right turn lane along Beach Blvd. Transportation Manager Bob Stachelski explained that the ultimate configuration would add another lane to Beach Blvd.

Commissioner Scandura asked about the use of the frontage road, and Deputy Director of Economic Development Kellee Fritzal said that the frontage road belongs to the city and is used by residents and businesses.

Mr. Stachelski stated that the applicant's proposed vehicular entrance to the frontage road does not represent a safe and efficient way for traffic to enter the site, as the traffic on the frontage road would need to stop. He recommends that staff reject the applicant's alternative proposal for this entrance. Commissioner Farley asked about Caltrans approval, and Mr. Stachelski noted that the applicant would require an encroachment permit from both Caltrans and the city to add the proposed vehicular entrance.

Acting Principal Civil Engineer Steve Bogart said that the Public Works Department is recommending that an ADA (Americans with Disabilities Act) Compliant sidewalk be added.

Commissioner Speaker asked staff if it is within the Planning Commission's purview to request the removal of the existing southerly driveway along Beach Blvd frontage road (referenced in Code Requirement 2d). Ms. Fritzal commented that the asphalt driveway is publicly owned and is part of the proposed site, but is not part of the city-owned frontage road.

THE PUBLIC HEARING WAS OPENED.

Bill Holman, applicant, spoke in favor of Item No. B-2 and gave a PowerPoint presentation. He thanked Public Works and Planning staff for their work on the project. He spoke of staff's recommended conditions of approval, which the applicant and property owner would like to see revised.

Dick Harlow spoke in favor of Item No. B-2. He noted that property owner Bijian Sassounian has a successful record of cleaning up and revitalizing local properties.

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

Planning Manager Herb Fauland noted that staff's recommended conditions of approval would remain as worded for Variance No. 08-007.

Commissioner Scandura asked about the Design Review Board's conditions of approval and staff noted that the DRB approved the conceptual plans with the potential for a loss of parking spaces. Mr. Fauland noted that the applicant has indicated that they will try and meet the DRB requirements.

Commissioner Farley noted that the Design Review Board also would like to see more accessible parking and the addition of a plaza/public courtyard.

STRAW VOTE #1
A motion was made by Livengood, seconded by Scandura, to approve conditions No. 1 and No. 2 as proposed in the matrix provided by Chair Shier Burnett.

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

MOTION APPROVED

Mr. Fauland noted that the conditions approved in Straw Vote #1 are already in staff's conditions of approval.

Commissioner Farley stated that he is in favor of the public courtyard.

Commissioner Speaker said that he trusts Mr. Sassounian to do an excellent job with the project's design and would like to eliminate the courtyard.

Chair Shier Burnett asked Bill Holman if Mr. Sassounian has the authority from the site's other property owners to act on their behalf and Holman said yes.

Commissioner Mantini recommended eliminating the courtyard.

Commissioner Farley then recommended replacing the courtyard with outdoor seating and Commissioner Livengood concurred.

STRAW VOTE #2
A motion was made by Shier Burnett, seconded by Livengood, to add outdoor seating and a walkway to terminate at Building 3.

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

MOTION APPROVED

STRAW VOTE #3
A motion was made by Livengood, seconded by Farley, to adopt the Zoning Administrator's Conditions of Approval with no revision to Condition No. 3.

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

MOTION APPROVED

STRAW VOTE #4
A motion was made by Scandura, seconded by Speaker, to strike Zoning Administrator's Condition No. 4 and modify Zoning Administrator's Condition No. 3 to read "opening to the development between Beach Boulevard and the frontage road and the driveway at the southeast corner of the site."

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

MOTION APPROVED

STRAW VOTE #5
A motion was made by Scandura, seconded by Livengood, to amend the wording on Code Requirement 1(d) by adding the wording "unless approved by a separate variance process".

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

MOTION APPROVED

STRAW VOTE #6
A motion was made by Scandura, seconded by Farley, to leave the wording on Code Requirement 2(a) as is.

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

MOTION APPROVED

Mr. Bogart noted that the current curb access ramp is not ADA Compliant.

STRAW VOTE #7
A motion was made by Farley, seconded by Scandura, to eliminate Code Requirement 2(d).

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

MOTION APPROVED

A MOTION WAS MADE BY FARLEY, SECONDED BY SCANDURA, TO APPROVE CONDITIONAL USE PERMIT NO. 08-013 AND VARIANCE NO. 08-007 WITH FINDINGS AND MODIFIED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 2008-013 AND VARIANCE NO. 2008-007

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 15301 of the CEQA Guidelines, because the proposed project consists of an addition of less than 10,000 sq. ft. of floor area to existing structures on a site where public services and facilities area available and the surrounding area is not environmentally sensitive.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-013:

1. Conditional Use Permit No. 2008-013 to permit the construction of two additions totaling approximately 5,870 sq. ft. to an existing commercial/retail shopping center 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 subject property is designated for commercial general development under the General Plan. The proposed project is consistent with the permitted uses and development standards within this designation. Residential uses are located approximately 115 feet to the north across Atlanta Avenue, 105 feet to the east across the flood channel, and 75 feet to the south. Since the activity areas on the site, including parking areas and building entrances, are oriented toward Beach Boulevard, the residential properties are sufficiently buffered. The proposed project will not generate significant noise, odors, traffic above levels already established by existing uses on site.

2. The conditional use permit will be compatible with surrounding uses because the proposed project is a minor expansion and façade remodel of an existing neighborhood shopping center. The proposed building is designed with colors and materials that complement surrounding residential neighborhoods by incorporating enhanced architectural details and materials such as tile roofs, plaster exterior finishes, trellises, awnings, and Mediterranean colors.

3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, except for the parking variance approved concurrently. The project complies

with land use limitations, minimum landscaping and building setbacks and maximum floor area ratio, among others.

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 CG-F1 (Commercial General – 0.35 maximum floor area ratio) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

   LU 7.1.1: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

   LU 10.1.1: Accommodate the development of neighborhood, community, regional, office and visitor-serving commercial uses in areas designated on the Land Use Plan in accordance with Policy 7.1.1.

   LU 10.1.4: Require that commercial buildings and sites be designed and developed to achieve a high level of architectural and site layout quality.

   ED 2.4.1: Encourage and assist existing and potential commercial owners to modernize and expand their commercial properties.

The proposed project consists of additions to an existing neighborhood commercial/retail shopping center in an area designated for commercial uses on the Land Use Plan. The addition will facilitate the expansion and introduction of businesses such as a grocery store and drug store intended to serve the surrounding residential neighborhood. The project design features quality architecture and exterior finish materials (plaster and decorative metal elements), a variety of roof lines and façade treatments, and a functional site layout with efficient access from parking areas to building entrances. The project will improve the existing building façades and modernize the shopping center.

FINDINGS FOR APPROVAL - VARIANCE NO. 2008-007:

1. The granting of Variance No. 2008-007 to allow 340 parking spaces in lieu of the minimum required 380 parking spaces will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. This represents a 40-space (10.5%) reduction in the required number of parking spaces. In the past, the City has allowed comparable reduction in the parking requirement for other similarly sized shopping centers in the same zoning classification through conditional use permits.

2. Because of special circumstances applicable to the subject property, including size, shape, 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 variance will not constitute a grant of special privilege because the project site presents a special circumstance (an existing frontage road adjacent to the property) which is inconsistent with the limitations on other properties and which is remedied, in part, by the granting of the requested variance. The project site is encumbered by a frontage road adjacent to the site that rendered the site narrow and long as compared to other shopping centers with similar mix of tenants along Beach Boulevard and Edinger Avenue. This frontage road represents a constraint to development of the site, absent which additional parking spaces may be provided on site to meet the code required minimum.

3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The requested variance is necessary to offset a unique constraint to development represented by an existing frontage road adjacent to the property, absent which the property could accommodate the additional parking spaces needed for code compliance. In addition, the variance is needed to enjoy the substantial property right of improving and expanding the existing center to create a commercially viable shopping center with neighborhood uses such as a market, a drug store, restaurants, and personal services. In doing so, this center is able to compete with other shopping centers in the vicinity.

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 proposed addition and remodel allows the existing commercial buildings to be designed and developed to achieve a high level of architectural and site layout quality. The parking area is designed to maximize the use of site while providing for efficient and convenient site access and internal circulation. To substantiate the reduction in the parking requirement, the applicant submitted the Access and Parking Analysis, prepared by LSA Associates, Inc. (August 2008). The total parking demand for the site would be 263 parking spaces based on parking surveys of the site and the parking requirement in the Huntington Beach Zoning and Subdivision Ordinance. The total number of parking proposed to be provided is 340 spaces. Since the parking demand is less than the parking provided onsite, the reduction in parking is not anticipated to generate overflow parking within the adjacent residential neighborhoods. Accordingly, the requested reduction in parking will not have a detrimental impact on surrounding property owners. The variance will accommodate new development in accordance with the General Plan Land Use and Density Schedule.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2008-013/ VARIANCE 2008-007:

1. The site plan, floor plans, and elevations received and dated September 23, 2008 shall be the conceptually approved design with the following modifications:

   a. Plans shall be revised to be consistent with the approval by the Design Review Board on August 18, 2008 including the following modifications: **(DRB)**

      i. Provide an outdoor seating area to create a pedestrian friendly environment onsite.

      ii. Provide the following walkways onsite to accommodate pedestrian traffic: 1) a walkway to terminate at Shops 3 building and 2) a walkway along the main vehicular entrance to the site from the frontage road to the buildings.

      iii. Provide textured pedestrian walkways across vehicular driveways to define the pedestrian paths from parking areas to primary building entrances.

      iv. Incorporate public art into the project. A public art element, approved by the Design Review Board, Director of Planning, and Director of Huntington Beach Art Center, shall be designated on the plans. Public Art shall be innovative, original, and of artistic excellence; appropriate to the design of the project; and reflective of the community's cultural identity (ecology, history, or society. The art work shall be installed within two years of project approval.

v. Provide additional color variation and architectural elements such as wainscoting to enhance the market and Big Lots building elevations.

b. A private fire hydrant shall be located adjacent to the southeast corner of building number 3. The applicant shall contact the Fire Department for additional information on hydrant location and specifications. **(FD)**

c. Landscaping shall be provided in areas between the 10-foot wide enhanced paving walkway and the parking areas in front of shop building number 3.

d. The site plan shall identify the intended use of the space between the existing drugstore and shop building number 3 and the space behind shop building number 3. **(PW)**

e. The proposed market expansion area behind the existing shops shall be redesigned as to not create a dead end walkway that is vulnerable to undesirable activities and crime. **(PD)**

f. The proposed stand-alone ATM shall be relocated to a different area on the site that allows more visibility and safety when the stores are closed. **(PD)**

g. The loading door facing Beach Boulevard shall have a decorative design compatible with the building elevation to the approval of Planning staff.

2. Prior to issuance of grading permits, the following shall be completed:

a. The site plan shall also identify all emergency doors, transformers, bollards, and miscellaneous built out spaces behind Big Lots, shop building numbers 2 and 3, and the existing drugstore. **(PW)**

b. The site plan shall also identify the truck dock for Big Lots. **(PW)**

c. A Precise Grading Plan shall include the following improvements on the plan:

1. Damaged curb, gutter and sidewalk along the Atlanta Avenue and Beach Boulevard (frontage road) frontages shall be removed and replaced per Public Works Standard Plan Nos. 202 and 207. (ZSO 230.84 and ADA) **(PW)**

2. "Master metering" of individual meters of multiple businesses in the same building shall be allowed. **(PW)**

d. Developer shall secure or provide evidence of applicable public utility easement documentation for all new and existing public water facilities crossing private property. **(PW)**

3. The proposed curb cut and access opening to the development between Beach Boulevard and the frontage road and the driveway at the southeast corner of the site shall only be allowed if the applicant submits an acceptable design for the review and approval by the Public Works Department and any access easement agreement has been reviewed and approved by the City Attorney and recorded as deemed necessary. All costs associated with the curb cut and access opening shall be the responsibility of the applicant.**(PW)**

4. 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/index.cfm?fuseaction=guidelines).

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-3. **NEGATIVE DECLARATION NO. 08-018/CONDITIONAL USE PERMIT NO. 08-052 (BRETHREN CHRISTIAN SCHOOL GYMNASIUM)** **Applicant:** Kevin A. Coleman, Net Development **Request:** **ND:** To analyze the potential environmental impacts associated with the implementation of the proposed project. **CUP:** To permit the construction of an approximately 27,000 sq. ft. gymnasium, enhancements to existing landscape areas, construction of three new parking areas, resurfacing existing parking lot areas, and expansion of the existing sports program to include evening football and basketball matches. Proposed uses within the gymnasium will consist of school related events, in addition to ancillary events catering to the surrounding community, churches, and youth programs. **Location:** 21141 Strathmoor Lane (east side of Strathmoor Lane, south of Atlanta Avenue). **Project Planner:** Rami Talleh

STAFF RECOMMENDATION: Motion to:

A. "Approve Negative Declaration No. 08-018 with findings (Attachment No.1);"

B. "Approve Conditional Use Permit No. 08-052 with findings and suggested conditions of approval (Attachment Nos. 1 and 2)."

The Commission made the following disclosures:

- Commissioner Speaker listened to the Study Session audiotape and visited the site.
- Commissioner Mantini attended the Study Session and visited the site.
- Commissioner Farley reviewed this project when it came before the Design Review Board. He also attended the Study Session, visited the site, attended the neighborhood community meeting on Sunday, March 8, 2009, and spoke with local residents.
- Chair Shier Burnett has attended the Study Session, spoken to the local residents, attended the neighborhood meeting on March 8, 2009, visited the site and spoken with staff.
- Commissioner Scandura has attended the Study Session, visited the site and spoken with Commissioner Livengood.
- Commissioner Livengood has attended the Study Session, attended the neighborhood meeting on March 8, 2009, and spoken with Commissioner Scandura.
- Commissioner Delgleize has attended the Study Session and visited the site.

Rami Talleh, Senior Planner, gave the staff presentation and an overview of the project. He noted that 56 public comment letters had been received: 2 in favor and 54 against the project. He also noted that there is a Late Communication from Brethren Christian School regarding staff's suggested conditions of approval.

Commissioner Speaker asked staff about the current Brethren Christian School game/sports schedule and staff noted that the details are listed in Attachment Nos. 12.1 through 12.6 of the staff report.

Commissioner Scandura asked whom the Conditional Use Permit would bind and staff said that the approved Conditional Use Permit would be binding on Brethren Christian School.

Commissioner Livengood asked about school zone signage and Traffic Manager Bob Stachelski noted that he signed a work order earlier in the day regarding such signs.

Planning Manager Herb Fauland noted that the suggested Conditions of Approval, Attachment No. 1.4, Item 4a, call for a six-month review of the parking and traffic at the site.

THE PUBLIC HEARING WAS OPENED.

Kim Healy, resident, spoke in favor of Item No. B-3, saying that she felt the new gymnasium would be good for the students.

Karen Rudd, resident, spoke in favor of Item No. B-3, saying that she felt it would be a benefit to the students and parents at Brethren Christian School.

John Gray, Brethren Christian School/AYSO Region #56, spoke in favor of Item No. B-3 and said that he would take the local residents' concerns into consideration.

Bob Ransom, Brethren Christian School, spoke in favor of Item No. B-3 and said that he would strive to be a good neighbor.

Dale Strouch, resident, spoke in favor of Item No. B-3, saying that the project would be beneficial to the community.

Bob Rudd, Brethren Christian School, spoke in favor of Item No. B-3, and briefly addressed the minor corrections and changes that Brethren is suggesting to staff's recommended Conditions of Approval.

Terry Crowther, resident, spoke in opposition to Item No. B-3, citing issues with increased noise and traffic.

Alan Rasmussen, resident, spoke against Item No. B-3, stating that he is concerned about noise and traffic and recommends a continuation of this item.

Eric Profitt, resident and alumni of Brethren Christian School, spoke in favor of Item No. B-3, saying that an on-site gymnasium would be good for the students.

Kent Sparks, resident, spoke in favor of Item No. B-3, saying that he supports the children's activities at Brethren Christian School.

Rick Niswonger, Brethren Christian School, spoke in favor of Item No. B-3, and said that the school will continue to strive to be a good neighbor and an asset to the community.

Kelsey Colman, student at Brethren Christian School, spoke in favor of Item No. B-3, citing the school's need for an on-site gymnasium.

Alison Goldenberg, resident, spoke against Item No. B-3, citing concerns with increased noise and traffic.

Bill Burhans, Brethren Christian School, spoke in favor of Item No. B-3, saying that he supports the students' sports activities.

Brian Clegh, resident, spoke against Item No. B-3, citing concerns with density, parking, blocked views and the potential of decreased property values.

Edith Dworak, resident, spoke in opposition to Item No. B-3, citing concerns with traffic.

Dale Casella, neighbor on Strathmoor Lane, spoke against Item No. B-3, citing concerns with traffic.

Robert Crombie, resident, spoke in opposition to Item No. B-3, citing concerns with traffic.

Jason Miller, resident, spoke in opposition to Item No. B-3, citing concerns with traffic.

Adalyn Robers, Beach Cities Community Church, spoke in favor of Item No. B-3 and the benefit an on-site gymnasium would bring to the students of Brethren Christian School.

Raymond Lee, resident and parent of students at Brethren Christian School, spoke in favor of Item No. B-3, and said that he supports the school's athletic programs.

Paul Slavik, resident, spoke in favor of Item No. B-3, saying that he supports the school and the students' sports activities.

Roger Hodges, resident, spoke against Item No. B-3, citing concerns with traffic.

Mike Beuerlein, resident, spoke against Item No. B-3, citing concerns with traffic.

Kevin Coleman, applicant, spoke in favor of Item No. B-3 and said that the project is in compliance with city code.

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

Commissioner Scandura asked Kevin Coleman what the primary use of the gymnasium would be. Mr. Coleman stated that while the gymnasium might be rented out to other organizations, its primary use would be for Brethren Christian School students.

Commissioner Livengood noted that the current Brethren Christian School sports calendar is already extremely busy. He also stated that he is in support of the gymnasium, but doesn't support non-Brethren Christian School use.

Commissioner Scandura noted that he concurs with Commissioner Livengood and would like the Planning Commission to restrict the gymnasium use to Brethren Christian School. He also stated that he has concerns with the gymnasium's design.

Commissioner Mantini said that she is concerned with neighborhood traffic, with or without the addition of the gymnasium, and suggests that a traffic study be done on existing traffic conditions in the neighborhood.

Commissioner Farley said that he sees value in the project, but understands the residents' concerns. He suggested that the school implement an enforceable traffic

management plan with restricted hours. He also noted that he has concerns with late night sporting events and suggested a restriction on gymnasium uses.

Commissioner Delgleize said that she concurs with Commissioners Mantini and Farley. She agrees with Commissioner Farley's suggestion that an enforceable traffic management plan be implemented. She also asked the applicant if the field lights were on each night of the week and the Mr. Coleman said yes, the lights were on each night until 9:00 PM.

Chairperson Shier Burnett asked if speed bumps could be added to the neighborhood streets. Fire Division Chief/Fire Marshal Bill Reardon said that would not be allowed, as the current fire code disallows use of speed bumps, as it would increase response time for emergency vehicles.

Chair Shier Burnett said that if this project is approved, she would like to see it come before the Planning Commission for review after six months. She also concurred with Commissioner Scandura and noted that she has issues with the current gymnasium design. She further stated that she would be in favor of the project, but would like to add a condition that the gymnasium would not be used on Sundays.

Planning Manager Herb Fauland noted that there are overlapping activities and existing agreement s between Brethren Christian School and AYSO and Sea View Little League. He noted that it is the Planning Commission's purview to limit Brethren Christian School to activities that do not conflict with AYSO.

STRAW VOTE #1

A motion was made by Livengood, seconded by Mantini, to amend suggested Condition of Approvals No. 1a-1f by changing the wording on Item 1e from "Final design and location of the gates shall be reviewed and approved by the Planning, Public Works and Fire Departments" to "Final design, location and operating hours of the gates shall be reviewed and approved by the Planning, Public Works and Fire Departments."

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

MOTION APPROVED

STRAW VOTE #2

A motion was made by Livengood, seconded by Shier Burnett, to amend suggested Condition of Approval Nos. 3a and 3b by changing the wording on Item 3b from "Security cameras shall be installed to help monitor the site" to "Security cameras shall be installed to help monitor the site as approved by the Police Dept."

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

MOTION APPROVED

STRAW VOTE #3

A motion was made by Scandura, seconded by Speaker, to amend Condition of Approval No. 4a by changing the wording to read "A neighborhood traffic committee shall be established to allow neighbors to express concerns and suggest methods of improving traffic and pedestrian safety. Brethren Christian School shall meet with their regular neighborhood committee within one month after approval of the Conditional Use Permit, and on a quarterly basis thereafter, in order to assess the parking and traffic at the site. If there are substantial neighborhood concerns with traffic and/or parking, after six months from the issuance of a certificate of occupancy for the gym, then the issues shall be analyzed by Planning and Public Works staff and if necessary, shall be subject to further review by the Planning Commission. At that time, in order to resolve any outstanding concerns, the Planning Commission may modify and/or add conditions of approval. The school shall maintain a log of all complaints and make the log available upon request to the City."

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

MOTION APPROVED

STRAW VOTE #4
A motion was made by Livengood, seconded by Delgleize, to amend Condition of Approval No. 4b by changing the phrase "There shall be a minimum of two parking lot attendants stationed at each of the two parking lot entrances" to "There shall be a minimum of two parking lot attendants stationed at each of the two parking lot entrances for football games."

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

MOTION APPROVED

STRAW VOTE #5
A motion was made by Scandura, seconded by Delgleize, to amend Condition of Approval No. 4c by changing the wording to "Use of the gymnasium for events with more than 100 spectators and participants and/or use of the football field for games shall not occur at the same time and shall not overlap with community organized sports activities or any classroom instruction."

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

MOTION APPROVED

STRAW VOTE #6
A motion was made by Livengood, seconded by Farley, to accept Conditions of Approval 4d, 4e, 4f and 4g with no changes.

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

MOTION APPROVED

STRAW VOTE #7
A motion was made by Livengood, seconded by Mantini, to accept Condition of Approval 4h with no changes.

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

MOTION APPROVED

STRAW VOTE #8
A motion was made by Speaker, seconded by Livengood, to add new Condition No. 4j to read "Football games shall start no later than 6:30 PM. In addition, the band shall cease all performances at 9:00 PM".

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

MOTION APPROVED

STRAW VOTE #9
A motion was made by Livengood, seconded by Scandura, to add new Condition No. 4k to read "All field area lighting shall be oriented so as not to produce glare on adjacent residential properties."

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

MOTION APPROVED

STRAW VOTE #10
A motion was made by Shier Burnett, seconded by Scandura, to add new Condition No. 4l to read "No school activities shall occur within the gymnasium and/or football field on Sundays."

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

MOTION APPROVED

A tentative motion was raised by Commissioner Livengood to add new Condition of Approval No. 4m to limit or restrict the gymnasium rentals. Director of Planning Scott Hess noted that the Planning Commission's recommended amendments to existing Condition No. 4c should encompass the changes requested by Commissioner Livengood, so the tentative Straw Vote was not motioned, seconded or voted on.

Planning Manager Herb Fauland noted that the Planning Commission had not addressed in their Straw Votes the stop signs or speed bumps discussed earlier in the meeting. Chair Shier Burnett noted that speed bumps are disallowed by current fire code. Transportation Manager Bob Stachelski noted that the addition of stop signs would be the purview of the Public Works Department.

A MOTION WAS MADE BY SPEAKER, SECONDED BY DELGLEIZE, TO APPROVE NEGATIVE DECLARATION NO. 08-018 WITH FINDINGS AND APPROVE CONDITIONAL USE PERMIT NO. 08-052 WITH FINDINGS AND MODIFIED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS AND CONDITIONS OF APPROVAL

NEGATIVE DECLARATION NO. 08-018/ CONDITIONAL USE PERMIT NO. 08-052

FINDINGS FOR APPROVAL - NEGATIVE DECLARATION NO. 08-018:

1. The Negative Declaration No. 08-018 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of twenty (20) days. Comments received during the comment period were considered by the Planning Commission prior to action on the Negative Declaration and Conditional Use Permit No. 08-052.

2. Conditions of approval avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. Several conditions of approval including neighborhood outreach program and traffic monitoring will reduce potential traffic impacts associated with the school. In addition, staggered start and end time will reduce the impacts to the neighborhood to a less than significant level.

3. There is no substantial evidence in light of the whole record before the Planning Commission that the project, as mitigated through the conditions of approval for Conditional Use Permit No. 08-052, will have a significant effect on the environment.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 08-052:

1. Conditional Use Permit No. 08-052 for the (a) construction of an approximately 27,000 sq. ft., maximum 34 ft. tall gymnasium including (b) associated site improvements consisting of enhancing existing landscape constructing three parking areas totaling 92 parking spaces, and resurfacing existing parking areas, (c) use of the gymnasium for school related events and indoor boys and girls junior varsity and varsity sport games and practice including 10 basketball games during school hours and in the evenings after school hours, (d) use of the gymnasium for the surrounding community, churches, and youth programs and (e) use of an existing multi-purpose soccer field as a football field, install bleachers, and four portable light standards for boys junior varsity and varsity football games and practice during school hours and in the evenings after school hours 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. Potential traffic impacts will be minimized through the use of staggered start and end times, a neighborhood outreach program including the formation of a neighborhood traffic committee and designating of neighborhood liaisons to the school. An additional measure consisting of monitors to regulate traffic entering and

exiting the subject site during events will reduce impacts to the surrounding residential neighborhood.

2. The conditional use permit will be compatible with surrounding uses because the site is currently provided with lighted fields and is used regularly by youth sports organization in the evenings. The proposed sports facilities will be similar in nature to the activities presently occurring on the site. The placement of the gymnasium and football field and bleachers provides as much buffer area as possible for the adjacent residential uses. The proposed portable light fixtures are much shorter in height when compared to the existing light standards (30 ft. vs. 70 ft.). In addition, the gymnasium will be a tilt-up concrete structure with two visible components. The first component will house the ancillary rooms (restrooms, team rooms, concession area, ticket booth, etc...) and will be approximately 22 ft. high – similar in height to the existing classroom structures. The second component houses the courts and is approximately 34 ft. in height – similar in height to surrounding multi-family structures.

3. The proposed construction of a gymnasium at the subject property will comply with the provisions of the base district and other applicable provisions in Title 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The existing and proposed school facilities comply with all code requirements including building height, landscaping, parking, and any specific condition required for the proposed use in the district in which it would be located. One permanent surplus parking spaces and additional overflow parking will be available on the subject site.

4. The granting of the conditional use permit will not adversely affect the General Plan. The proposed residential use is consistent with the Land Use Element designation of Public on the subject property. The project will serve the educational needs of community and surrounding region and is consistent with the following goals and policies of the General Plan:

   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.

   Policy LU 9.4.3: Encourage the development and public use of City/School District joint use facilities where City parks and school facilities adjoin one another in order to maximize the use of the property, minimize the cost of development, and enhance the recreational and educational opportunities for the community.

   Objective PF 4.3: Provide public services at sites with existing public or institutional users.

The site is currently developed as a school site with lighted open fields and currently occupied by Brethren Christian High School (BCHS), a private school. Furthermore, the existing fields are used by A.Y.S.O and Sea View Little League during the evenings on weekdays and during the day on weekends. The existing uses on the site and proposed gymnasium and football fields

are consistent with the General Plan objectives and policies by advocating the inclusion of educational and recreational uses that support resident needs within residential neighborhoods. In addition the proposed uses provide additional employment opportunities for residents of the City and surrounding region and enhance the educational opportunities available for the youth of the community.

The proposed gymnasium and football filed serve as sport/community facilities consistent in nature with the current use of the existing fields. The facilities will be compatible with the surrounding neighborhood. The facilities will be sited in a way that provides the greatest amount of buffer for the adjacent residential uses. A total of 202 parking spaces will be provided on site to accommodate events within the facilities. Furthermore, site improvement such as landscaping enhancements and an improved vehicular circulation system will be provided to enhance the appearance of the site and provide for a more efficient use of the parking lots. The design of the gymnasium will incorporates vertical and horizontal offsets to be compatible with and convey the visual and physical scale and character of surrounding residential neighborhood. In addition, landscaping will be installed on the southern elevation to soften the appearance of the gymnasium.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 08-052:

1. The site plan, floor plans, and elevations received and dated October 9, 2008 shall be the conceptually approved design with the following modifications:
   a. The landscape plans shall be modified to include landscaping along the entire length of the south elevation. The landscaping shall incorporate a horizontal element, such as three foot high shrubs, for the length of the building and vertical elements at every panel. **(DRB)**
   b. The site plan shall be modified to include a pedestrian connection across the drive aisle perpendicular to Strathmore Lane between the main campus and the proposed gymnasium by shifting the parking spaces on the north side of the drive aisle to the east. The pedestrian connection shall incorporate decorative materials to differential the walkway from the drive aisle. **(DRB)**
   c. The building elevation shall be modified to include an awning or canopy above the gymnasium entrance. Final design of the entrance shall be reviewed and approved by the Planning Department. **(DRB)**
   d. The industrial roll up doors on the east elevations shall be removed and replaced with man doors
   e. Gates will be installed at the entrance to all parking areas to restrict vehicular access to the site after hours. Final design, location and operating hours of the gates shall be reviewed and approved by the Planning, Public Works, and Fire Departments.
   f. The site plan shall provide and identify seven additional parking spaces.

2. 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/index.cfm?fuseaction=guidelines).

3. The structure cannot be occupied, the final building permit cannot be approved, and utilities cannot be released until the following has been completed:

   a. Applicant provides written confirmation of formation of a neighborhood traffic committee, with signatures of members.

   b. Security cameras shall be installed to help monitor the site as approved by the Police Dept.

4. The use shall comply with the following:

   a. A neighborhood traffic committee shall be established to allow neighbors to express concerns and suggest methods of improving traffic and pedestrian safety. Brethren Christian School shall meet with their regular neighborhood committee within one month after approval of the Conditional Use Permit, and on a quarterly basis thereafter, in order to assess the parking and traffic at the site. If there are substantial neighborhood concerns with traffic and/or parking, after six months from the issuance of a certificate of occupancy for the gym, then the issues shall be analyzed by Planning and Public Works staff and if necessary, shall be subject to further review by the Planning Commission. At that time, in order to resolve any outstanding concerns, the Planning Commission may modify and/or add conditions of approval. The school shall maintain a log of all complaints and make the log available upon request to the City.

   b. There shall be a minimum of two parking lot attendants stationed at each of the two parking lot entrances for football games. Attendants shall be identifiable to persons in vehicles and shall direct traffic entering into and existing from the site.

   c. Use of the gymnasium for events with more than 100 spectators and participants and/or use of the football field for games shall not occur at the same time and shall not overlap with community organized sports activities or any classroom instruction.

   d. Prior to the start of each school year, an informational packet shall be distributed throughout the entire neighborhood and to the City of Huntington Beach Planning Department with the following information:

      1. School contact information,

      2. School policies regarding traffic and parking control

      3. A calendar of events for the upcoming school year. The calendar of events shall include the next meeting date for the neighborhood traffic committee.

   e. All groups to hold an event on the campus, will be required to have security personnel on site 30 minutes prior to, during, and 30 minutes after the event. They will be responsible for cleaning any trash debris, ensure that people do not loiter after events.

   f. The use shall comply with all the conditions of approval of Conditional Use Permit No. 98-27 and Entitlement Plan Amendment No. 99-16.

   g. Football games shall start no later than 6:30 PM. In addition, the band shall cease all performances at 9:00 PM.

   h. All field area lighting shall be oriented so as not to produce glare on adjacent residential properties.

   i. No school activities shall occur within the gymnasium and/or football field on Sundays.

5. Signage shall be subject to separate permits.

6. 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 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.

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.

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED SEPTEMBER 23, 2008

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

C-2. PLANNING COMMISSION MINUTES DATED SEPTEMBER 30, 2008

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

A MOTION WAS MADE BY SHIER BURNETT, SECONDED BY SPEAKER, TO CONTINUE THE SEPTEMBER 23, 2008 PLANNING COMMISSION MINUTES AND THE SEPTEMBER 30, 2008 PLANNING COMMISSION MINUTES TO THE MARCH 24, 2009 MEETING, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS - NONE

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING - NONE
E-2. CITY COUNCIL ITEMS FOR NEXT MEETING- NONE
E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING - NONE

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS – NONE

F-2. PLANNING COMMISSION COMMENTS - NONE

ADJOURNMENT: Adjourned at 1:40 AM to the next regularly scheduled meeting of Tuesday, March 24, 2009.

APPROVED BY:

Scott Hess, Secretary

Elizabeth Shier Burnett, Chairperson