

# MINUTES

## HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, MARCH 25, 2025  
HUNTINGTON BEACH CIVIC CENTER  
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

6:00 P.M. – COUNCIL CHAMBERS

### CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner McGee

P A P P P P P

ROLL CALL: Wood, Pellman, Bush, Thienes, Babineau, Goldberg, McGee

Commissioner Pellman was absent.

### PUBLIC COMMENTS

Antoinette DelPeral, resident, spoke against the lack of celebration for Veteran's Day and expressed frustration that she received a parking ticket on Veteran's Day in 2024.

Perry Clitheroe, resident, spoke in opposition to the need for this Planning Commission meeting and the need for a public hearing for the proposed fence. He expressed concern that this process impacts freedom.

Kelly Frankiewicz, chaplain, spoke regarding the need for a mirror to help with vehicular left turns at the corner of Lake Street and Palm Avenue.

### PUBLIC HEARING ITEMS

**COMMISSIONER WOOD RECUSED HIMSELF AND LEFT THE DAIS.**

**25-035 APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF CONDITIONAL USE PERMIT NO. 24-026 (TIEMPO SECURITY FENCE) - CONTINUED FROM THE FEBRUARY 11, 2025 MEETING**

**REQUEST:**

To permit the construction of a 6 ft. tall open slat wrought iron security fence within the 10 ft. front setback in lieu of the maximum height of 42 inches. This request also includes a reduced vehicle stacking distance of 7 feet, 2 ½ inches in lieu of a minimum of 20 feet, and to allow the proposed fence within portions of the required 10 ft. visibility triangles located at the front entry and the rear alley exit.

**LOCATION:**

625 and 627 Main Street, 92648 (near the intersection of Main St., 7<sup>th</sup> St., and Palm Ave.)

**RECOMMENDED ACTION:**

That the Planning Commission take the following actions:

- A) Find the proposed project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3; and
- B) Approve Conditional Use Permit No. 24-026 with suggested findings and conditions of approval (Attachment No. 1)

The Commission made the following disclosures:

- Commissioner McGee spoke to Councilmember Kennedy.
- Vice-Chair Bush had no disclosures.
- Chair Thienes spoke to Councilmember Kennedy.
- Commissioner Goldberg spoke with Councilmember Kennedy and the applicant.
- Commissioner Babineau had no disclosures.

Marco Cuevas, Jr., Associate Planner, gave the staff presentation for the proposed project.

There was discussion on the age of the building onsite and staff confirmed it is not designated as a historical structure. There was discussion on the property ownership of the United States Post Office location, the parking requirements at the subject site, alterations to the lot, nexus to require parking lot improvements, and the potential need for a variance.

**THE PUBLIC HEARING WAS OPENED.**

Rick Wood, property owner representative, spoke in support of Item No. 25-035. He stated that the property line is not at the sidewalk and that has impacted the setbacks and is the reason the requested fence would not meet the normally required setbacks, but that the fence would not impact any view corridors or sightlines. Mr. Wood noted that the project currently meets the parking requirements and that any changes to the location of the fence may impact parking. Mr. Wood spoke at length about the security issues on site.

David Bailey, architect, spoke in support of Item No. 25-035. Mr. Bailey reviewed the onsite parking and the fence design, noting that landscaping will soften any aesthetic impacts.

Vanessa Martinez, resident, spoke in opposition to Item No. 25-035 citing concerns with zoning, aesthetic and safety impacts. Ms. Martinez indicated that the proposed fence does not match others along Main Street, and she feels it would negatively impact the aesthetics of the newly renovated subject site.

Diana Zimmer, spoke in opposition to Item No. 25-035, noting the lack of fencing on nearby businesses, the potential negative aesthetic impacts, and the lack of safety impacts with current conditions.

Maria Martinez, resident, spoke in opposition to Item No. 25-035, citing concerns

with negative property value impacts and indicated that any security or safety issues should be handled by the Police Department.

Michael D. Martinez, resident, spoke in opposition to Item No. 25-035, suggesting that Tiempo Escrow could provide onsite security rather than a fence.

Blythe Curran, resident and employee of Tiempo Escrow, spoke in support of Item No. 25-035 citing the need for safety. She noted that the fence would discourage after hours access to the subject site, particularly during events in the downtown area. Ms. Curran noted that the renderings show that the fence will not negatively impact the aesthetics onsite.

Aimee Whitaker, property and business owner, spoke in support of Item No. 25-035. Ms. Whitaker detailed her business's history in the city and the various improvements made to the subject site. She stated that the security fence is a necessity for the business and would not impact adjacent property values.

Thomas Pence, resident, spoke in support of Item No. 25-035, citing the improvements already made to property by the applicant, the neighborhood compatibility, and the renderings of the proposed fence.

Debra Struthers, adjacent resident, spoke in support of Item No. 25-035, citing the architectural variety in the city, the rise in homelessness and the need for increased protection for businesses in the area.

Liz Kirksey, resident, spoke in support of Item No. 25-035, citing the architectural variety in the city, the improvements already made to the subject site, neighborhood compatibility, and the need for security on the commercial property.

Perry Clitheroe, resident, spoke in support of Item No. 25-035, asking the commission to approve the project.

Kim Kramer, resident, spoke in support of Item No. 25-035, noting that according to the city's most recent survey, the 600 block of Main Street is not designated historic. Mr. Kramer stated that the neighborhood contains a mix of uses and that a majority of the neighbors support the request.

Jason Moberly Caruso, applicant's representative, spoke in support of Item No. 25-035, citing the need to secure the property, the potential liability of leaving the property unsecured, the reduced proposed height, and additional proposed landscaping.

Ted Szuba, resident, spoke in support of Item No. 25-035, citing the positive aesthetic impacts the property owner has already made to the subject site and the similar fencing on nearby sites such as the post office and Huntington Beach High School.

Howard Kettler, resident, spoke in support of Item No. 25-035, noting that his family had previously owned the subject site, and that the completed renovations have improved the site.

Dave Garafalo, neighboring resident, spoke in support of Item No. 25-035, citing

the need for security onsite, the practicality of the request, and the neighborhood outreach conducted by the applicant.

Bob Bolen, resident, spoke in support of Item No. 25-035, noting the residences throughout the city have fencing, making the request compatible with the existing neighborhood, and citing the ongoing safety concerns in the neighborhood.

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

There was discussion on the following items: the need for security onsite, the potential for long-term or overnight parking onsite, the proposed building material of the fence, the setbacks, the proposed landscaping, and the aesthetic improvements the property owners have already made onsite.

**STRAW VOTE #1**

**A motion was made by Goldberg, seconded by Bush, to prohibit commercial parking use and outside storage onsite.**

**AYES: Bush, Babineau, Goldberg, Thienes, McGee**  
**NOES: None**  
**ABSENT: Pellman**  
**ABSTAIN: Wood**

**MOTION APPROVED**

**A MOTION WAS MADE BY BUSH, SECONDED BY MCGEE, TO FIND THE PROPOSED PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15303, CLASS 3; AND APPROVE CONDITIONAL USE PERMIT NO. 24-026 WITH SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL INCLUDING THE STRAW VOTE, BY THE FOLLOWING VOTE:**

**AYES: Bush, Goldberg, McGee**  
**NOES: Thienes, Babineau**  
**ABSENT: Pellman**  
**ABSTAIN: Wood**

**MOTION PASSED**

**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 project consists of the construction of a fence, ancillary to a commercial property.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2024-026:**

1. Conditional Use Permit No. 2024-026 to permit the construction of a 6 ft. tall open slat wrought iron security fence within the front setback in lieu of the maximum height of 42 inches, a reduced vehicle stacking distance of 7 feet, 2.5 inches in lieu of a minimum of 20 feet, and to allow the proposed fence within portions of the required 10 ft. visibility triangles located at the

front entry and rear alley exit 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. Although the fence exceeds the maximum height allowed within the front yard setback and visibility triangles, the proposed height will not pose a safety or traffic hazard, as the fence/gate is of an open slat design which allows visibility through the lot and mitigates line of site obstructions. The visual character of the neighborhood will not be negatively impacted because enhanced landscaping will be provided to soften the appearance of the fence along the street frontage. An existing 10 ft. wide planter will be maintained in front of the fence and enhanced landscaping, as conditioned, will create an attractive streetscape. The fence is also consistent with other legally established walls or fences located along street frontages in the surrounding residential districts and similarly zoned districts. It will also be compatible with the neighborhood that consists of a variety of architectural styles and different design treatments. As conditioned, the vehicular gates will remain open during regular business hours and enable vehicles to enter further into the parking lot eliminating potential backup into the street. Additionally, one-way vehicular circulation minimizes traffic and safety concerns with entry along Main Street and exit along the rear alley.

2. The granting of Conditional Use Permit No. 2024-026 to permit the construction of a 6 ft. tall open slat wrought iron security fence within the front setback in lieu of the maximum height of 42 inches, a reduced vehicle stacking distance of 7 feet, 2.5 inches in lieu of a minimum of 20 feet, and to allow the proposed fence within portions of the required 10 ft. visibility triangles located at the front entry and rear alley exit will not adversely affect the General Plan because it is consistent with the Land Use Element designation of CG (Commercial General). In addition, it is consistent with the following goals and policies of the General Plan and the City Council's adopted Strategic Plan and Economic Development Strategy:

Land Use Element

Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

Policy LU-1(D): Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

Strategic Plan for Economic Development

Goal: Retain and Grow Local Business

The overall height of the fence will match the surrounding properties because the neighborhood is developed with single-family residences with similar wall/fence heights of varying materials and the proposed fence consists of an open slat wrought iron fence, which creates an attractive appearance in combination with enhanced landscaping and the completed building upgrades. The visual character of the neighborhood will not be negatively impacted because the fence facing Main Street will be located 10 feet from the back of sidewalk and existing landscaping will be improved to soften the appearance of the 6 ft. high fence. Since the wrought iron fence/gate will be an open slat design, visibility through the lot will be maintained and will minimize line of sight obstructions. Additionally, the proposed project is consistent with the City Council's Strategic Plan and Economic Development Strategy to support the local business. Approval of the fence would allow them to secure their property, where they have significantly invested and upgraded the existing property.

3. Conditional Use Permit No. 2024-026 to permit the construction of a 6 ft tall open slat wrought iron security fence within the front yard setback in lieu of the maximum height of 42 inches

within the front yard setback area will comply with the provisions of the applicable base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) because it allows walls/fences to exceed the maximum height within the front yard setback upon approval of a Conditional Use Permit.

**CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 2024-026**

1. The site plan and elevations received and dated February 25, 2025, shall be the conceptually approved layout with the following modifications:
  - a. The existing planter areas along Main Street and along a portion of 7<sup>th</sup> Street shall incorporate lush landscape plantings to provide a visibly enhanced landscaped area.
  - b. The fence/gate entrance and exit shall remain open during regular business hours.
2. The subject parking lot shall not be used or leased for commercial parking purposes or outside storage.
3. Overnight parking in association with the business onsite shall be limited to a term no longer than 5 consecutive days.
4. The final building permit(s) cannot be approved until the following have been completed:
  - a. All improvements must be completed in accordance with approved plans.
  - b. Compliance with all conditions of approval specified herein shall be verified by the Community Development Department.
  - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
5. The applicant shall submit a landscaping plan to the Community Development Department for review and approval pursuant to Condition No. 1a. prior to building permit issuance. Landscaping shall incorporate plantings of sufficient height (i.e. shrubs, etc.) to visually soften the appearance of the proposed fence.
6. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
7. The building permit shall be obtained within 30 days of the CUP approval and shall adhere to all building permit expiration dates.
8. Conditional Use Permit No. 24-026 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 day prior to the expiration date.
9. The Development Services Departments and divisions (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 Community Development 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.

**COMMISSIONER WOOD RETURNED TO THE DAIS.**

**CONSENT CALENDAR**

**25-220 APPROVE PLANNING COMMISSION MINUTES DATED FEBRUARY 11, 2025**

**Recommended Action:**

That the Planning Commission take the following action:

"Approve the February 11, 2025, Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY GOLDBERG, SECONDED BY WOOD, TO APPROVE THE FEBRUARY 11, 2025, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:**

**AYES: Wood, Bush, Babineau, Goldberg, Thienes, McGee**  
**NOES: None**  
**ABSENT: Pellman**  
**ABSTAIN: None**

**MOTION APPROVED**

**NON-PUBLIC HEARING ITEMS - NONE**

**PLANNING ITEMS**

Mr. Ramos reported on upcoming planning items for Planning Commission and City Council.

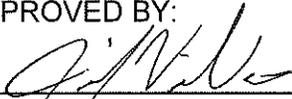
**PLANNING COMMISSION ITEMS**

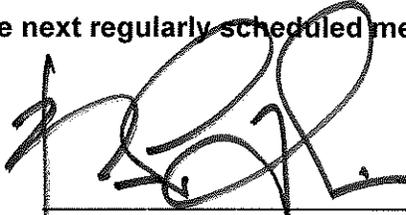
Vice-Chair Bush confirmed with staff that the February 11, 2025 Planning Commission minutes were approved.

Commissioner Goldberg confirmed with staff that the April 8, 2025, Planning Commission meeting may be cancelled.

**ADJOURNMENT:** Adjourned at 7:34 PM to the next regularly scheduled meeting of Tuesday, April 8, 2025.

APPROVED BY:

  
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Jennifer Villaseñor, Secretary

  
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Brian Thienes, Chairperson