



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, MARCH 22, 2022
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 Scandura

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

Commissioner Rodriguez was absent.

PUBLIC COMMENTS - NONE

PUBLIC HEARING ITEMS

22-163 **CONDITIONAL USE PERMIT NO. 21-025 (ADULT DAYCARE)**

REQUEST:

To permit the operation of a 9,989 sq. ft. adult daycare center in an existing commercial building.

LOCATION:

8909 Adams Avenue, 92646 (northwest corner of Adams Avenue and Magnolia Street)

RECOMMENDED ACTION:

That the Planning Commission take the following actions:

- A) Find the proposed project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 - Existing Facilities.
- B) Approve Conditional Use Permit No. 21-025 with findings and conditions of approval (Attachment No. 1).

The Commission made the following disclosures:

- Commissioner Adam visited the site and spoke with staff.
- Vice-Chair Acosta-Galvan visited the site and spoke with staff.
- Chair Perkins visited the site, and spoke with Commissioner Mandic.
- Commissioner Mandic visited site, spoke with staff and spoke with Chair Perkins.

- Commissioner Scandura visited the site and spoke with staff.
- Commissioner Ray visited the site.

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

There was discussion regarding the following items: the parking requirements and impacts, drop-off restrictions and queueing, the proposed hours of operation and security, and the business operator's experience.

THE PUBLIC HEARING WAS OPENED.

Luis Gomez, GoUrban Development/applicant, spoke in support of Item No. 22-163, and reviewed the drop-off process for the commission. Commissioner Mandic expressed concern with the current state of the area behind the building. Mr. Gomez indicated that there are new property owners and the property will be properly maintained. Staff indicated that code enforcement staff would address any issues with property maintenance.

Susan Finseth, business owner in the center, expressed concern with the property maintenance at the site, and if the use will encourage homeless activity on the site. Mr. Gomez reviewed the proposed operations for the facility.

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

There was a brief discussion regarding conditioning the project to maintain site cleanliness. Staff indicated that Code Enforcement would handle any issues of that nature.

A MOTION WAS MADE BY MANDIC, SECONDED BY RAY, TO FIND THE PROPOSED PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15301; AND APPROVE CONDITIONAL USE PERMIT NO. 21-025 WITH FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

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

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 15301, Existing Facilities, because the project consists of a minor alteration to an existing commercial structure involving no expansion beyond that previously existing.

FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 21-025:

1. Conditional Use Permit No. 21-025 to permit the operation of a 9,989 sq. ft. adult daycare center at an existing commercial building 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 because the proposed use is an allowed use within the Commercial General zoning district. The project site is located within an existing commercial shopping center, similar to other daycare facilities such as the “La Petite Academy” at the Newland Center and “My First Montessori” at the Brookfield Promenade. In addition, the daycare facility proposes to operate entirely indoors and during daytime hours, which minimizes impacts to surrounding residential and commercial uses. Furthermore, the daycare facility exceeds the minimum parking requirements pre the HBZSO, where 45 spaces are required and 49 spaces are proposed. The proposed use will fulfill community serving needs of existing and future residents of Huntington Beach.
2. Conditional Use Permit No. 21-025 to permit the operation of a 9,989 sq. ft. adult daycare center at an existing commercial building will not adversely affect the General Plan because the request is consistent with the Land Use Element designation of CG (Commercial General) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

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-1A: Ensure that the development is consistent with the land use designations presented in the Land Use Map, including density, intensity, and use standards applicable to each land use designation.

Policy LU-1C: Support infill development, consolidation of parcels, and adaptive reuse of existing buildings.

Goal LU-11: Commercial land uses provide goods and services to meet regional and local needs.

Policy LU-11A: Encourage a variety of commercial uses that cater to local and regional demand to create an environment that meets resident needs and increases the capture of sales tax revenues.

The proposed 9,989 sq. ft. adult daycare center at an existing commercial building will offer a service that meets the regional and local community needs on a commercial property with an optimal location and accessibility along a major highway.

3. Conditional Use Permit No. 21-025 to permit the operation of a 9,989 sq. ft. adult daycare center at an existing commercial building will comply with the provisions of the CG (Commercial General) district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it would be located. Commercial General allows general daycare uses over 2,500 sq. ft. with the approval of a Conditional Use Permit from the Planning Commission.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 21-025:

1. The site plan, floor plan, and elevations received and dated November 1, 2021 shall be the conceptually approved design.
2. Prior to submittal of building permits, zoning entitlement conditions of approval and code requirements shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
3. The structure(s) cannot be occupied until the following have been completed:
 - a. Compliance with all conditions of approval specified herein shall be accomplished and verified by the Community Development Department.
 - b. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - c. A Certificate of Occupancy must be approved by the Planning Division and issued by the Building Division.
4. 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.
5. Conditional Use Permit No. 21-025 shall become null and void unless exercised within two (2) 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 days prior to the expiration date.
6. Conditional Use Permit No. 21-025 shall not become effective until the appeal period following the approval of the entitlement has elapsed.
7. The Planning Commission reserves the right to revoke Conditional Use Permit No. 21-025 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning Subdivision Ordinance, or Municipal Code occurs.
8. The Development Services Departments (Fire, Community Development, 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 Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
9. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green

Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/green-building-guidelines-rating>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

CONSENT CALENDAR - NONE

NON-PUBLIC HEARING ITEMS

22-195 GENERAL PLAN CONFORMANCE NO. 21-002 (STREET AND PUBLIC UTILITY EASEMENT VACATION AT 102 AND 104 HUNTINGTON STREET)

REQUEST:

To determine if the vacation of a 134 sq. ft. undeveloped portion of an existing street and public utility easement along the east side of Huntington Street is in conformance with the goals and policies of the General Plan.

LOCATION:

East side of Huntington Street at 102 and 104 Huntington Street, 92648 (northeast corner of Huntington Street and Atlanta Avenue)

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 City Council Resolution No. 4501, Class 5, which supplements CEQA because the project is a minor easement vacation; and
- B) Adopt Resolution No. 1720, approving General Plan Conformance No. 21-002 (Attachment No. 1).

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

There was a brief discussion regarding the exact location of the easement and the process for determining when to vacate an existing easement.

A MOTION WAS MADE BY SCANDURA, SECONDED BY ACOSTA-GALVAN,

FIND THE PROPOSED PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CITY COUNCIL RESOLUTION NO. 4501, CLASS 5, WHICH SUPPLEMENTS CEQA BECAUSE THE PROJECT IS A MINOR EASEMENT VACATION; AND ADOPT RESOLUTION NO. 1720, APPROVING GENERAL PLAN CONFORMANCE NO. 21-002, BY THE FOLLOWING VOTE:

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

MOTION PASSED

WHEREAS, the Government Code of the State of California, Section 65402, provides that a local agency shall not acquire real property, nor dispose of any real property, nor construct a public building or structure in any county or city until the location, purpose, and extent of such activity has been reported upon as to conformity with the adopted General Plan; and

WHEREAS, staff has reviewed the subject request and submitted it to the Planning Commission for review on March 22, 2022; and

WHEREAS, staff has indicated the applicable CEQA exemption pursuant to City Council Resolution No. 4501, Class 5 and applicable General Plan goals and policies to establish conformance with the General Plan.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Commission of the City of Huntington Beach finds the proposed vacation of an undeveloped portion of an existing street and public utility easement upon subject properties is exempt from CEQA and in conformance with the goals and policies of the General Plan as follows:

A. Land Use Element

Policy LU-1 (A): Ensure that development is consistent with the land use designations presented in the Land Use Map, including density, intensity, and use standards applicable to each land use designation.

The vacation of a 134 sq. ft. portion of an existing street and public utility easement will not negatively impact surrounding property owners or public users of the street because an easement for the necessary public improvements consistent with current requirements upon the subject property will remain intact. Upon vacation, the fee title for the area will revert to the subject residential property owners.

B. Circulation Element

Goal CIRC-1 (A): The circulation system supports existing, approved, and planned land uses while maintaining a desired level of service and capacity on streets and at critical intersections.

Policy CIRC-1 (J): Investigate current jurisdictional control of roadways and determine where adjustments may be made in the future.

Goal CIRC-6: Connected, well-maintained, and well-designed sidewalks, bike lanes, equestrian paths, and waterways allow for both leisurely use and day-to-day required activities in a safe and efficient manner for all ages and abilities.

C. Coastal Element

Objective CE 2.1: Balance the circulation system with the circulation demands generated by the implementation of the Coastal Land Use Plan.

The existing pedestrian sidewalk improvements adjacent to the subject properties currently do not provide public right-of-way access to the subject sites, nor surrounding residential uses consistent with current requirements. The subject area to be vacated is an unnecessary portion of a public right-of-way easement and is no longer essential to construct the right-of-way infrastructure required to provide the public sidewalk and curb needs of the subject and abutting properties. Vacating an undeveloped 134 square foot portion of an existing public street and utility easement will not have a detrimental impact on the circulation system. A 20 foot corner radius dedication is adequate to provide public access improvements on the subject properties.

PLANNING ITEMS

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

PLANNING COMMISSION ITEMS

Vice-Chair Acosta-Galvan and Commissioner Adams reported on the Planning Commissioners Academy.

ADJOURNMENT: Adjourned at 6:41 PM to the next regularly scheduled meeting of Tuesday, April 12, 2022.

APPROVED BY:

Jennifer Villasenor, Acting Secretary

Brendon Perkins, Chairperson