



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, APRIL 26, 2022

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:00 P.M. - COUNCIL CHAMBERS

CALL PLANNING COMMISSION STUDY SESSION TO ORDER

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

Chair Perkins was absent.

PUBLIC COMMENTS - None

STUDY SESSION ITEMS

STATE DENSITY BONUS LAW

REQUEST:

To introduce the key provisions of the State Density Bonus Law.

Ricky Ramos, Acting Planning Manager, gave the staff presentation for the study session item.

There was discussion on amending the zoning code, waivers and concessions, inclusionary requirements, and density bonus law.

5:15 P.M. – RECESS FOR DINNER

6:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Adam

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

Chair Perkins was absent.

PUBLIC COMMENTS - NONE

NON-PUBLIC HEARING ITEMS

22-303 GENERAL PLAN CONFORMANCE NO. 22-001 (CAPITAL IMPROVEMENTS PROGRAM FOR FISCAL YEAR 2022/2023)

REQUEST:

To determine if the Capital Improvements Program for fiscal year 2022/2023 is in conformance with the General Plan goals and policies.

LOCATION:

Citywide

RECOMMENDED ACTION:

That the Planning Commission take the following actions:

- A) Find the proposed project categorically exempt from the California Environmental Quality Act pursuant to Section 15306
- B) Adopt Resolution No. 1721 approving General Plan Conformance No. 22-001 (Attachment No. 1).

Hayden Beckman, Senior Planner, gave the staff presentation for the proposed project.

There was a brief discussion on the CIP approval process and the projects listed on the 2022/2023 CIP list.

A MOTION WAS MADE BY SCANDURA, SECONDED BY ADAM, TO FIND THAT FIND THE PROPOSED PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15306. B) ADOPT RESOLUTION NO. 1721 APPROVING GENERAL PLAN CONFORMANCE NO. 22-001, BY THE FOLLOWING VOTE:

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

MOTION PASSED

WHEREAS, the Government Code of the State of California, Section 65401, provides that a local planning agency review a list of the proposed public works projects recommended for planning, initiation, or construction during the ensuing fiscal year as to conformity with the local general plan; and

WHEREAS, the Department of Public Works has submitted a coordinated list of all capital projects recommended by City departments for the ensuing fiscal year in the form of a Capital Improvement Projects List for Fiscal Year 2022/2023; and

WHEREAS, staff has indicated applicable General Plan goals and policies for each project included in the Fiscal Year 2022/2023 Capital Improvements Program to establish conformance with the General Plan (Exhibit A).

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Commission of the City of Huntington Beach finds the Capital Improvement Program for Fiscal Year 2022/2023 in conformance with the goals and policies of the General Plan.

PUBLIC HEARING ITEMS

22-324 ENTITLEMENT PLAN AMENDMENT NO. 22-003 (7-11 GAS STATION AND CONVENIENCE STORE)

REQUEST:

To remove Condition of Approval No. 6(b) of Conditional Use Permit No. 19-014 requiring all existing overhead utilities along the property's westerly property line to be undergrounded.

LOCATION:

16171 Beach Boulevard, 92647 (southwest corner of Beach Boulevard and Stark Drive)

RECOMMENDED ACTION:

The Planning Commission shall deny Entitlement Plan Amendment No. 22-003 unless the required findings for approval can be made. To that end, the Planning Commission may take one of the following actions:

A) Deny Entitlement Plan Amendment No. 22-003

Motion to: "Deny Entitlement Plan Amendment No. 22-003 to remove Condition of Approval No. 6(b) of Conditional Use Permit No. 19-014 with findings." (Attachment No. 1)

B) Approve Entitlement Plan Amendment No. 22-003 (Applicant's Request)

Motion to: "Continue Entitlement Plan Amendment No. 22-003 and direct staff to return with findings approving Entitlement Plan Amendment No. 22-003 to remove Condition of Approval No. 6(b) of Conditional Use Permit No. 19-014."

C) Continue Entitlement Plan Amendment No. 22-003 and provide alternate direction to staff

The Commission made the following disclosures:

- Commissioner Adam spoke with the applicant and staff.
- Commissioner Rodriguez visited the site.
- Vice-Chair Acosta-Galvan spoke with the applicant and staff.
- Commissioner Mandic spoke with staff and was on the Planning Commission during previous entitlements.
- Commissioner Scandura visited the site, spoke with staff, and was on the Planning Commission during previous entitlements.
- Commissioner Ray was on the Planning Commission during previous entitlements.

Tess Nguyen, Associate Planner, gave the staff presentation of the proposed entitlement plan amendment.

Planning Commission discussed the process for determining in-lieu fees.

THE PUBLIC HEARING WAS OPENED.

Dr. Eric Lizardo, owner of pet hospital south of project site, spoke in support of Item No. 22-324. He stated that his property has been negatively impacted by the ongoing construction and is concerned about how those impacts may increase should the construction be delayed to undergrounding utilities. He also noted that the undergrounding costs for this site has lowered his interest in any improvements on his own site.

Julie Morris, applicant, spoke in support of Item No. 22-324 and spoke at length on the delays and costs the undergrounding process has had on the project.

Thom Olson, general contractor, spoke in support of Item No. 22-324, citing the construction delays and increased costs the undergrounding process has caused for the project.

Brett Landes, property owner, spoke in support of Item No. 22-324 and stated that the project has been negatively impacted by the pandemic and the undergrounding process.

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

There was discussion on the following items: the varying amount the applicant had spent on the undergrounding up to this point, the undergrounding process, the in-lieu fee process, the financial risks inherent in developing property, the in-lieu fees charged versus the actual cost of undergrounding, and the process for requesting in-lieu fees. The commissioners noted that the applicant had not requested to pay in-lieu fees prior to the Conditional Use Permit being approved and did agree to the undergrounding being a condition of approval.

A MOTION WAS MADE BY MANDIC, SECONDED BY RAY, TO DENY ENTITLEMENT PLAN AMENDMENT NO. 22-003 TO REMOVE CONDITION OF APPROVAL NO. 6(B) OF CONDITIONAL USE PERMIT NO. 19-014 WITH FINDINGS, BY THE FOLLOWING VOTE:

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

MOTION PASSED

FINDINGS FOR DENIAL – ENTITLEMENT PLAN AMENDMENT NO. 22-003:

1. Entitlement Plan Amendment No. 22-003 to remove Condition of Approval No. 6(b) of Conditional Use Permit No. 19-014 requiring all existing overhead utilities along the property's westerly property line to be undergrounded will 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 existing overhead utilities create a significant visual impact on Stark Drive due to an existing pole at the project's frontage and an existing pole within the site's westerly boundary. These poles and overhead lines are not screened from view from Stark Drive as well as the adjacent residential project west of the site. In addition, other similar projects within the City were required to underground existing overhead lines.

2. The granting of Entitlement Plan Amendment No. 22-003 to remove Condition of Approval No. 6(b) of Conditional Use Permit No. 19-014 requiring all existing overhead utilities along the property's westerly property line to be undergrounded will adversely affect the General Plan because it is inconsistent with the following policy of the General Plan:

Circulation Element

Policy CIRC-7(F): Continue to locate new and relocated utilities underground within scenic corridors to the greatest extent possible. All other utility features shall be placed and screened to minimize visibility.

The intent of the General Plan policy is to protect scenic corridors from visual clutter created by overhead utilities. Requiring the undergrounding of existing utilities would implement the General Plan policy. If the requirement to underground the existing utilities is eliminated, the visual clutter from overhead lines at the subject site would remain.

3. Entitlement Plan Amendment No. 22-003 to remove Condition of Approval No. 6(b) of Conditional Use Permit No. 19-014 requiring all existing overhead utilities along the property's westerly property line to be undergrounded will not comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance because overhead lines at other similar projects within the City were required to underground. Although the applicant mentioned the physical constraints related to undergrounding onsite, redesigns were made to accommodate both the large footings of the required 8 ft. block wall and the underground structure to house the conduits. Undergrounding the existing utilities at the project site would eliminate the visual clutter along Stark Drive and from the adjacent residential property west of the site.

22-351 COASTAL DEVELOPMENT PERMIT NO. 2021-019/CONDITIONAL USE PERMIT NO. 2021-020/ VARIANCE NO. 2021-002 (Skylar Residence)

REQUEST:

CDP: To demolish an existing 493-sq. ft. residence and develop a three-story 2,850-sq. ft. residence with an attached 397-sq. ft. garage at an overall height of 34-ft 10-in. and a lot line adjustment to consolidate two existing parcels into one 2,282.85-sq. ft. parcel. **CUP:** To permit the development of a three-story residence at an overall height of 34-ft. 10-in. with 2,850 sq. ft. of habitable area and a 336-sq. ft. deck above the second-story top plate. **VAR:** To permit the following: 1) a 5-ft. front-entry garage setback in lieu of 20-ft., 2) a 7.5-ft. habitable front setback in lieu of 15-ft., 3) an unenclosed parking space width of 7 ft. 2 in. in lieu of 9 ft., 4) 64.7% lot coverage in lieu of 50%, 5) 8.9% front yard landscaping in lieu of 40%, 6) eliminate a requirement to provide a 24-inch box tree in the front yard landscaped area, 7) third-story habitable area that is outside the confines of the roof volume, and 8) a 0-ft. setback from the building exterior in lieu of a 5-ft setback for the third-floor deck.

LOCATION:
16850 Bayview Drive (east side of Bayview Drive, south of Broadway)

RECOMMENDED ACTION:

That the Planning Commission deny Coastal Development Permit No. 2021-019, Conditional Use Permit No. 2021-020, and Variance No. 2021-002 pursuant to Section 241.10 (C) of the Huntington Beach Zoning and Subdivision Ordinance with findings for denial (Attachment No. 1).

The Commission made the following disclosures:

- Commissioner Adam spoke with staff.
- Commissioner Rodriguez had no disclosures.
- Vice-Chair Acosta-Galvan spoke with staff and voted on an entitlement on the same street.
- Commissioner Mandic voted on an entitlement on the same street.
- Commissioner Scandura visited the site and spoke with staff.
- Commissioner Ray visited the site.

Alyssa Helper, Associate Planner, gave the staff presentation for the proposed project.

At Commissioner Scandura's request, staff reviewed the appeal, resubmittal, and continuation processes.

THE PUBLIC HEARING WAS OPENED.

Ashley Skylar, property owner, spoke in support of Item No. 22-351, stating that the residential zoning is incorrect and that the street should have been included in Sunset Beach. She stated the RL zoning standards were too restrictive for the lot size of the subject site.

Thomas Nucum, neighboring resident, spoke in opposition to Item No. 22-351 and noted that he followed the residential zoning standard when redeveloping his own lot. Mr. Nucum also expressed concern regarding the proposed parking variance due to the current parking impacts along that street.

Gary Maxwell, architect, spoke in support of Item No. 22-351, stating that this lot is one of six substandard lots on Bayview Drive. Mr. Maxwell stated that the variances are needed to develop on a lot of this size.

John Turk, neighboring resident, spoke in support of Item No. 22-351, citing the small lot and house sizes of the original development. Mr. Turk stated that he believed the property owner deserved to develop the site as requested.

There was a brief discussion between Commissioner Mandic and Mr. Maxwell as to what could be designed on the site with the staff supported variances.

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

There was brief discussion regarding small lots throughout RL zones in the city, the number of variances being requested by Ms. Skylar, the zoning of the site, and the staff recommendations. The commissioners agreed that they concurred with staff's recommendations but would allow for a continuance to allow the applicant time to amend the proposed project.

A MOTION WAS MADE BY SCANDURA, SECONDED BY RODRIGUEZ, TO CONTINUE COASTAL DEVELOPMENT PERMIT NO. 2021-019, CONDITIONAL USE PERMIT NO. 2021-020, AND VARIANCE NO. 2021-002 AND BRING BACK TO PLANNING COMMISSION BY 8/30/22 , BY THE FOLLOWING VOTE:

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

MOTION PASSED

CONSENT CALENDAR - None

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

Commissioner Scandura reported on the recent Historic Resources Board meeting.

ADJOURNMENT: Adjourned at 7:49 PM to the next regularly scheduled meeting of Tuesday, May 10, 2022.

APPROVED BY:

Jennifer Villaseñor, Acting Secretary

Brendon Perkins, Chairperson