



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, AUGUST 23, 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 Vice-Chair Acosta-Galvan

P P P P A P P

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

Commissioner Mandic was absent.

PUBLIC COMMENTS

Robert McMahon, resident, spoke regarding jet noise concerns. Staff informed him of the jet noise commission and gave him the relevant information.

PUBLIC HEARING ITEMS

22-584 **CONDITIONAL USE PERMIT NO. 22-006/VARIANCE NO. 22-002 (Diesel Auto Repair Facility-Continued from June 28, 2022)**

REQUEST:

CUP: To establish a 2,000-square foot industrial building for automobile repair services on a vacant substandard lot that is 7,692 sq. ft. in size rather than the minimum required lot area of 15,000 sq. ft. **VAR:** 1) to permit a 10-ft. front yard setback in lieu of an average 20-ft. front yard setback, 2) to permit a 2-ft.-wide interior landscape planter along the southern perimeter of the site in lieu of 3 ft., 3) to permit two parking spaces that are 9-ft. wide and 9.5-ft. wide in lieu of 12 ft., and 4) to eliminate the requirement to provide a 12-in.-wide by 3 ½-in.-thick step off area near planter areas adjacent to parking spaces.

LOCATION:

7422 Warner Avenue, 92647 (southeast corner of Warner Avenue and Palmdale Lane)

RECOMMENDED ACTION:

The Planning Commission shall take the following actions:

- A) Find the proposed project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 - New Construction or Conversion of Small Structures.

- B) Approve Conditional Use Permit No. 22-006 and Variance No. 22-002 with suggested findings and conditions of approval (Attachment No. 1).

The Commission made the following disclosures:

- Commissioner Adam had no disclosures.
- Vice-Chair Acosta-Galvan had no disclosures.
- Chair Perkins had no disclosures.
- Commissioner Scandura viewed video of the previous public hearing, and spoke with staff and the city attorney's office.
- Commissioner Rodriguez had no disclosures.
- Commissioner Ray had no disclosures.

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

The commission discussed the site history, the definition for oversize vehicles, and enforcement of the proposed parking. Ms. Matheus noted that the applicant submitted proposed modifications last Thursday that staff has not reviewed but that staff is comfortable with the suggested conditions of approval requiring modifications of the original proposed plans.

THE PUBLIC HEARING WAS OPENED.

Kelly Moses, Best Towing Service, spoke in opposition to Item No. 22-584, citing concerns with the the lot size, the proposed parking, potential drive aisle encroachment, and onsite vehicle storage. She provided pictures of the business owner's current shared parking lot to the Planning Commission.

David See, applicant representative, spoke in support of Item No. 22-584, reviewing the updated proposed design addressing the Commission's concerns with the proposed metal building. He gave an overview of the business, the number of cars that would be onsite at any given time, the vehicle access points, and the proposed parking.

Elizabeth Wiktor, business owner, spoke in support of Item No. 22-584, citing the small size of the business, the limited number of cars being serviced, the design of the building, and would like to remain in Huntington Beach for many years.

Danny Kahale, property owner, spoke in support of Item, No. 22-584, noting that the original entitlement approved for the site was for a much larger development. He noted that ms. Moses's company was offered the site but was unwilling to pay market rate. He reviewed the small size of the proposed development and business and indicated that it was a good fit for the site.

Tina Marie Banks, resident/relator, spoke in support of Item no. 22-584, stating that the the Logic Diesel owners care about the community and get all of their clientele through word of mouth, not advertisement.

Mario Archaga, resident, spoke in support of Item No. 22-584, stating that the local, family owned business is a benefit to the community.

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

There was discussion on the following; the definition of oversized vehicles in the zoning code, the proposed parking onsite, code enforcement of parking restrictions, building design and maintenance, and the potential to continue the item to allow staff to review the revised proposal. Mr. See asked that the project be conditioned to meet any concerns in lieu of another continuance.

Isra Shah, Senior Deputy City Attorney, recommended that Commissioner Adam recuse himself from voting on Item 22-584, due to not having attended or reviewed the previous hearing.

COMMISSIONER ADAM RECUSED HIMSELF FROM ITEM 22-584.

A MOTION WAS MADE BY RODRIGUEZ, SECONDED BY ACOSTA-GALVAN, TO FIND THE PROPOSED PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15303, CLASS 3 - NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES; AND APPROVE CONDITIONAL USE PERMIT NO. 22-006 AND VARIANCE NO. 22-002 WITH SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL WITH MODIFIED CONDITION NO. 1, BY THE FOLLOWING VOTE:

AYES: Rodriguez, Acosta-Galvan, Ray
NOES: Perkins
ABSENT: Mandic
ABSTAIN: Adam, Scandura

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, which exempts new structures in already urbanized zones that are less than 10,000 sq. ft. in floor area because the project will develop a 2,000 sq. ft. commercial building in an urbanized area that is not environmentally sensitive.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 22-006:

1. Conditional Use Permit No. 22-006 to establish a 2,000-square foot industrial building for automobile repair services on a substandard parcel with a net lot area of 7,692 sq. ft. in lieu of the minimum required lot area of 15,000 sq. ft. 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 project will revitalize an existing undeveloped property with a development that is consistent with the General Plan land use and zoning designation of Research and Technology (RT). The project will construct a one-story diesel automotive repair facility that has been designed to minimize impacts to surrounding properties, which also primarily consist of other one-story industrial

and commercial uses across Warner Avenue and Palmdale Lane. The project has also been designed to minimize visual impacts to pedestrians and motorists traveling along Warner Avenue by orienting the bay lifts towards the rear of the property, away from public streets and right-of-way areas. The bay lifts will be separated from industrial uses to the south of the site by over 45 ft. to further minimize potential noise impacts to surrounding uses. In addition, development of the subject property will improve this segment of Warner Avenue by developing a vacant, underutilized property with a new industrial use that includes landscaping improvements along the perimeter of the site. The project will comply with development standards pertaining to height, street side setbacks, floor area ratio, minimum landscaping requirements, and parking. Although the project will comply with these requirements, the project is requesting variances to permit a 10-ft. front yard setback in lieu of an average of 20 ft., to permit a 2-ft interior landscape planter width along the southern perimeter of the site in lieu of 3 ft., to permit two parking spaces that are 9-ft wide and 9.5-ft wide in lieu of 12 ft., and to permit a 0-ft step off area in lieu of 1-ft. These requests are necessary to develop a viable industrial use on the property with adequate circulation that is consistent with the General Plan land use designation and zoning classification on the site. The project has also been conditioned to require that all vehicles to be serviced on the site be stored within the boundaries of the project site, which will further minimize potential impacts to persons working or residing in the vicinity of the site. For these reasons, the project 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.

2. The granting of the Conditional Use Permit No. 22-006 to establish a 2,000-square foot industrial building for automobile repair services on a substandard parcel that is 7,692 sq. ft. in lieu of the minimum required lot area of 15,000 sq. ft. will not adversely affect the General Plan because it is consistent with the Land Use Element designation RT (Research and Technology) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. 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(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.

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

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

Policy LU-2(B): Ensure that new and renovated structures and building architecture and site design are context-sensitive, creative, complementary of the city's beach culture, and compatible with surrounding development and public spaces.

Goal LU-5. Industrial businesses provide employment opportunities for residents, supporting the local economy.

Policy LU-5(A): Support and attract new businesses in the city's industrial areas.

Policy LU-5(D): Explore opportunities to optimize use of underutilized or underperforming industrial land that is sensitive to surrounding uses, and to introduce new industrial uses that create jobs.

Goal LU-12. Commercial and industrial corridors throughout the planning area are renovated and revitalized.

Policy LU-13(C): Support development of new commercial and industrial projects and retrofits of existing buildings.

The proposed project will develop a currently vacant site with a new automotive repair business that is consistent with permitted uses in the RT designation and is consistent with other industrial uses and commercial uses north, south, east, and west of the site. The proposed project will enhance the economic vitality of the site and surrounding area by providing new job opportunities and generating sales tax revenue and by promoting infill development on a vacant site that is surrounded by development on all sides. The proposed project will also improve the aesthetic appearance of the site by converting a vacant property to an automotive repair facility that will exhibit a modern industrial architectural style that is in keeping with the industrial character of the surrounding area. As conditioned, the design of the project will enhance the appearance of building and improve the character of the site along Warner Avenue and Palmdale Lane. For example, the project includes façade breaks provided by proposed windows, the use of varied colors and materials, and perimeter landscaping to soften and improve the appearance of the building from adjacent arterials. The proposed repair bays will be oriented to face the interior of the subject property, away from Warner Avenue, which will reduce visual impacts along this major arterial. The one-story height of the building will also be consistent with other one-story properties situated along Warner Avenue and Palmdale Lane. Although the project includes variance requests to reduce the front yard setback to 10 ft., to permit a 2-ft interior landscape planter along the southern perimeter of the site, to permit two parking spaces that are 9-ft wide and 9.5-ft wide, and to permit a 0-ft step off area, these requests are necessary to improve the site with a viable industrial business that is consistent with the General Plan and zoning designation due to the substandard size of the lot.

3. Conditional Use Permit No. 22-006 to establish a 2,000-square foot industrial building for automobile repair services on a substandard parcel that is 7,692 sq. ft. in lieu of the minimum required lot area of 15,000 sq. ft. 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 (HBZSO) because the project complies with development standards pertaining to height, street side setbacks, floor area ratio, minimum landscaping requirements, and parking. The variance requests for a reduced front yard setback, interior landscape planter width, parking space width, and step off area are necessary to develop the site with a viable industrial use with adequate parking and circulation given the substandard size of the site. Therefore, the project will be consistent with the base district and applicable provisions in the HBZSO.

FINDINGS FOR APPROVAL - VARIANCE NO. 22-002:

1. The granting of Variance No. 22-002 to permit a 10-ft. front yard setback in lieu of an average of 20 ft., to permit a 2-ft interior landscape planter width along the southern perimeter of the site in lieu of 3 ft., to permit two parking spaces that are 9-ft wide and 9.5-ft wide in lieu of 12 ft., and to permit a 0-ft step off area in lieu of 1-ft. will not constitute a

grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification because the variance requests address unique development constraints related to the subject property given the irregular lot size. The subject property is substandard in size measuring approximately 7,692 sq. ft. in lieu of the minimum required lot area of 15,000 sq. ft. The size of the lot does not provide adequate space to develop the property with a viable industrial use that complies with development standards pertaining to the front yard setback, parking space dimensions, step off area dimensions, and landscaping planter dimensions. In addition, variance requests included as part of the project are consistent with a similarly proposed project that was approved by the City's Planning Commission in 2002, which permitted the construction of a new automotive repair facility on the site with a reduced front yard setback and reduced landscape planter width and vehicle overhang area. Furthermore, because the project is one of the first industrial properties in the area to be developed under the new RT zoning classification that was adopted for this area in 2019, it is anticipated that there will be future scenarios in which new uses request similar variances to those included as part of this project as areas around the property transition to newer uses. Therefore, the granting of the variance request will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zoning classification.

2. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The size of the property is approximately one-half the size of a traditionally zoned RT property, which restricts the use of the property as a viable industrial use that complies with development standards related to setbacks, parking space dimensions, step off area dimensions, and landscaping dimensions. The property's location along a major arterial presents additional constraints to development related to perimeter landscaping and design requirements. For example, the request for a 10-ft. front yard setback in lieu of an average 20-ft front yard setback will enable the project to orient the repair bays away from Warner Avenue, thereby minimizing visual impacts along a major arterial. To construct the building at another location on the site will result in the visual exposure of the repair bays to motorists and pedestrians along Warner Avenue, which will be inconsistent with the City's Design Guidelines. Furthermore, the requests for a reduced interior landscape planter width, a reduced parking space width for two of the parking spaces, and the elimination of the 12-inch step off area are necessary to provide the number of required parking spaces on the site. Without approval of these variance requests, the project will be unable to provide the number of required parking spaces and could result in off-site impacts with customers parking in the surrounding neighborhood rather than on the site due to a lack of parking. Therefore, because of special circumstances applicable to the subject property, including the lot size, the strict application of applicable development standards for the RT zoning classification is found to deprive the property owner of the ability to construct a viable industrial use with adequate onsite circulation and landscaping.
3. The granting of Variance No. 22-002 to permit a 10-ft. front yard setback in lieu of an average of 20 ft., to permit a 2-ft interior landscape planter width along the southern perimeter of the site in lieu of 3 ft., to permit two parking spaces that are 9-ft wide and 9.5-ft wide in lieu of 12 ft., and to permit a 0-ft step off area in lieu of 1-ft. is necessary to preserve the enjoyment of one or more substantial property rights because it will enable the property owner to develop the site with an automotive repair shop that will promote the economic vitality of the site and surrounding area while also maintaining adequate parking on the site. The granting of this variance is necessary to preserve the development right afforded to the property owner in accordance with the property's RT land use and zoning classification.

4. The granting of Variance No. 22-002 to permit a 10-ft. front yard setback in lieu of an average of 20 ft., to permit a 2-ft interior landscape planter width along the southern perimeter of the site in lieu of 3 ft., to permit two parking spaces that are 9-ft wide and 9.5-ft wide in lieu of 12 ft., and to permit a 0-ft step off area in lieu of 1-ft. 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 because the development will comply with other code provisions, including development standards pertaining to height, street side setbacks, floor area ratio, minimum landscaping requirements, and parking. The requested variance will not result in detrimental impacts to surrounding properties and furthers the goals of the General Plan to encourage development with a consistent land use pattern, promote infill development, and encourage new industrial businesses in the City.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 22-006 AND VARIANCE NO. 22-002:

1. The site plan, floor plans, and elevations received and dated June 24, 2022 shall be the approved design, with modifications to the proposed elevations to reflect the colors and building materials proposed by the project Applicant at the August 23, 2022 Planning Commission meeting. Specifically, the proposed elevations shall reflect a stucco finish on the proposed building with stone veneer paneling.
2. The use shall comply with the following:
 - a. There shall be no outside storage of vehicle parts, equipment or trailers.
 - b. All repair work shall be conducted wholly within the building.
 - c. All vehicles to be serviced onsite shall be stored within the boundaries of the project site.
3. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Community Development Department.
4. Prior to submittal of building permits, zoning entitlement conditions of approval and code requirements identified in separately transmitted memorandum from the Departments of Fire, Community Development, and Public Works 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.
5. The structure cannot be occupied and 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, except as provided for by the conditions of approval.

- 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.
 - d. A Certificate of Occupancy must be approved by the Planning Division and issued by the Building Division.
6. New signage shall be reviewed under separate permits and applicable processing.
7. Conditional Use Permit No. 22-006 and Variance No. 22-002 shall not become effective until the ten calendar day appeal period has elapsed.
8. Conditional Use Permit No. 22-006 and Variance No. 22-002 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.
9. 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.
10. The Development Services Departments and divisions (Building, 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.

CHAIR PERKINS RECUSED HIMSELF DUE TO NOT HAVING REVIEWED THE VIDEO OF THE PREVIOUS PUBLIC HEARING FOR THIS ITEM.

22-656 COASTAL DEVELOPMENT PERMIT NO. 2021-019/VARIANCE NO. 2021-002 (SKYLAR RESIDENCE)-CONTINUED FROM APRIL 26, 2022

REQUEST:

CDP: To construct an 830 sq. ft. 1st floor addition, a 1,191 sq. ft. 2nd floor addition, and a new 372-sq. ft. attached garage at an overall height of 29-ft 11-in. and to permit a lot line adjustment to consolidate two existing parcels into one 2,282.85-sq. ft. parcel in the Coastal Zone. VAR: To permit an 11-ft. front-entry garage setback in lieu of a 20-ft. setback, an 11-ft. habitable setback in lieu of a 15-ft. setback, 52.7% lot coverage in lieu of 50%, and a 22-ft. backup distance in lieu of 25-ft.

LOCATION:

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

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 - New Construction or Conversion of Small Structures.
- B) Approve Coastal Development Permit No. 2021-019 and Variance No. 2021-002 with suggested findings and conditions of approval (Attachment No. 1).

The Commission made the following disclosures:

- Commissioner Adam had no disclosures.
- Vice-Chair Acosta-Galvan had no disclosures.
- Commissioner Scandura had the same disclosures as the previous meeting for this project, visited the site and spoke with staff.
- Commissioner Rodriguez had no disclosures.
- Commissioner Ray had no disclosures.

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

THE PUBLIC HEARING WAS OPENED.

Gary Maxwell, architect, spoke in support of Item No. 22-656, stating that he had worked with staff to reduce the impact, reduced lot coverage, and eliminated parking variance.

Ashley Skylar, property owner, spoke in support of Item No. 22-656, gave an overview of the modifications to the previous proposal and thanked staff and Mr. Maxwell for their work.

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

The commission concurred that the applicant took the commission's previous comments seriously and made the requested changes, resolving the commissions previous concerns.

A MOTION WAS MADE BY SCANDURA, SECONDED BY ADAM, TO FIND THE PROPOSED PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15303, CLASS 3 - NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES; AND APPROVE COASTAL DEVELOPMENT PERMIT NO. 2021-019 AND VARIANCE NO. 2021-002 WITH SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

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

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 an addition to an existing single-family residential structure located in an urbanized, previously developed area.

FINDINGS FOR APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 21-019

1. The request of Coastal Development Permit (CDP) No. 21-019 for the construction of an 830 sq. ft. 1st floor addition, a 1,191 sq. ft. 2nd floor addition, and a new 372-sq. ft. attached garage at an overall height of 29-ft 11-in. and a lot line adjustment to consolidate two existing parcels into one 2,282.85-sq. ft. parcel in the Coastal Zone conforms with the General Plan, including the Local Coastal Program, because it is consistent with Coastal Element C 1.1.1, which encourages development within, or contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed single-family residence is located on a site that is contiguous to existing single-family residences.
2. The request of Coastal Development Permit No. 21-019 for the construction of an 830 sq. ft. 1st floor addition, a 1,191 sq. ft. 2nd floor addition, and a new 372-sq. ft. attached garage at an overall height of 29-ft 11-in. and a lot line adjustment to consolidate two existing parcels into one 2,282.85-sq. ft. parcel in the Coastal Zone (CZ) is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code because the project will comply with the minimum onsite parking, side and rear setbacks, privacy standards, building height and other applicable provisions of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). Variance requests related to the front yard setback, garage setback, lot coverage and vehicular backup distance are needed to accommodate a two-story residential structure on the substandard lot and would not result in HBZSO conflicts that are contrary to the requirements of the Coastal Zone Overlay District.
3. At the time of occupancy, the request of Coastal Development Permit No. 21-019 for the construction of an 830 sq. ft. 1st floor addition, a 1,191 sq. ft. 2nd floor addition, and a new

372-sq. ft. attached garage at an overall height of 29-ft 11-in. and a lot line adjustment to consolidate two existing parcels into one 2,282.85-sq. ft. parcel in the Coastal Zone can be provided with infrastructure in a manner that is consistent with Local Coastal Program in that the lot will allow for an addition to an existing single-family residence in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.

4. The request of Coastal Development Permit No. 21-019 for the construction of an 830 sq. ft. 1st floor addition, a 1,191 sq. ft. 2nd floor addition, and a new 372-sq. ft. attached garage at an overall height of 29-ft 11-in. and a lot line adjustment to consolidate two existing parcels into one 2,282.85-sq. ft. parcel in the Coastal Zone complies with the public access and public recreation policies of Chapter 3 of the Coastal Act because the proposed development will not impede public access to the coast, coastal recreational uses, or views to coastal resources.

FINDINGS FOR APPROVAL - VARIANCE NO. 21-002

1. The granting of Variance No. 21-002 to permit an 11-ft. front-entry garage setback in lieu of a 20-ft. setback, an 11-ft. habitable setback in lieu of a 15-ft. setback, 52.7% lot coverage in lieu of 50%, and a 22-ft. backup distance in lieu of 25-ft would not constitute a grant of a special privilege inconsistent with limitations upon other properties in the vicinity of the project site and under an identical zone classification. The subject property shares a similar lot size and width as four other adjacent RL-zoned properties located along the east side of Bayview Drive. The granting of Variance No. 21-002 will not constitute a special privilege because the 2,282-sq.-ft. property is a substandard lot that is less than one-half the size of a traditionally zoned RL property. As such, deviations in development standards related to reduced garage and habitable setbacks, increased lot coverage, and a reduced backup distance are necessary to develop the property with a two-story home with an attached two-car garage that is consistent with other recently approved projects in the area. The requests for a reduced front yard setback, reduced garage setback, and increased lot coverage will allow the property owner to expand habitable area on the site while maintaining a sufficiently sized backyard. The request for a reduced backup distance will allow the property owner to provide two unenclosed parking spaces in front of the garage that comply with parking space dimension requirements outlined in the City's Code. A reduced backup distance is also necessary given the narrow street width along Bayview Drive (14 ft.), which is 26 ft. narrower than the standard 40-ft. street width. Variance requests included as part of the project are also consistent with the most recently approved project located at 16856 Bayview Drive, which allowed for the remodel of an existing home to add a second story and included variance requests to allow for a 10 ft. front entry garage setback in lieu of minimum 20 ft. setback, a 7.58 ft. front residential setback in lieu of a minimum 15 ft. setback, an existing nonconforming parking width of 8.16 ft. in lieu of minimum 9 ft. width, 52.7% lot coverage in lieu of maximum 50%, and 33.1% landscaping in the front setback in lieu of minimum 40%. Therefore, the granting of Variance No. 21-002 will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification.
2. Because of special circumstances applicable to the subject property, including size and location, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other similarly sized properties and under identical zone classifications in the project vicinity. The subject site is located within the RL zone and is 2,282.85 sq. ft. in size as opposed to standard RL lots, such as those north across the Sunset Beach Channel, which are 6,000-sq. ft. in size. Therefore, because of special

circumstances applicable to the subject property, including size and location, 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 when proposing to remodel a single-family residence.

3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights because it will allow the property owner to remodel an existing single-family residence on the subject property. Due to the sub-standard lot size associated with the subject property, the requested variances are necessary to allow the proposed project to be remodeled in a manner that is consistent with other recently approved projects on properties with similar lot dimensions and identical zoning classifications in the project vicinity. As proposed, the variance requests will afford the property owner with an opportunity to remodel the existing residence with an expanded first floor, a new second story, and an attached two-story garage while maintaining a sufficiently sized backyard on the property. The granting of the requested variance will not affect the overall visual character and scale of the proposed development in the context of the surrounding area, as the project proposes to develop the property with a two-story residence that is compatible in scale and nature with adjacent two- and three-story residences along Bayview Drive. Variance requests included as part of the project are also consistent with variance requests approved for a recently approved project located at 16856 Bayview Drive, which allowed for the remodel of an existing home to add a second story and included variance requests to allow for a 10 ft. front entry garage setback in lieu of minimum 20 ft. setback, a 7.58 ft. front residential setback in lieu of a minimum 15 ft. setback, an existing nonconforming parking width of 8.16 ft. in lieu of minimum 9 ft. width, 52.7% lot coverage in lieu of maximum 50%, and 33.1% landscaping in the front setback in lieu of minimum 40%. Therefore, approval of the variance is necessary to preserve the enjoyment of one or more substantial property rights.

The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification because the proposed structure is consistent with the scale and character of similarly sized properties with identical zoning classifications in the surrounding area. By providing a new two-car garage, more parking will be accommodated on-site than under existing conditions. Due to the unique lot sizes along the northern end of Bayview Drive and the original construction without garages, there is a striped parking limit line measuring 8 ft. from the front property lines along both sides of Bayview Drive. These striped areas afford more parking opportunities for the residents of this urban beach community albeit in a non-traditional design. The Fire and Public Works Departments support the additional open parking spaces within the parking limit area as they provide additional parking opportunities for this small substandard lot without compromising public safety. Overall, the project includes four new onsite parking spaces where only one nonconforming space exists today. In addition, the proposed second floor window and balconies meet the privacy standards outlined in Section 210.06(W) of the HBZSO. No detrimental impacts to surrounding properties are anticipated.

Furthermore, the granting of the variance will not adversely affect the General Plan because the project meets the following goals, policies, and objectives of the City's General Plan:

Land Use Element

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

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

The variance requests account for the unique lot size in comparison to standard lot sizes in the RL zoning district. Granting the proposed variance request and the proposed project would not be materially detrimental to the public welfare or injurious to property in the same zone classification and is consistent with the General Plan.

CONDITIONS OF APPROVAL -COASTAL DEVELOPMENT PERMIT NO. 21-019 AND VARIANCE NO. 21-002

11. The site plan, floor plans, and elevations received and dated July 25, 2022 shall be the conceptually approved design.
12. All fences and walls shall be reviewed under a separate permit.
13. Prior to submittal of building permits, zoning entitlement conditions of approval and code requirements in separately transmitted memoranda from the Departments of Fire, Community Development, and Public Works 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.
14. 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.
 - d. A lot line adjustment must be approved to consolidate the two existing parcels on the site into one parcel.
15. CDP No. 21-019 and VAR No. 21-002 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 Planning Division a minimum 30 days prior to the expiration date.
16. 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.
17. 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.

18. 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. **Owner or applicant specifically acknowledges that the City has advised against employing the particular consultant to provide analysis concerning the historic aspects of the project in part because of potential conflicts.** 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 - None

PLANNING ITEMS

Matthew Schneider, 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, the upcoming speaker event at the Central Library, and spoke briefly regarding the loss of Ralph Bauer.

The commission discussed attendance for the upcoming APA conference.

ADJOURNMENT: Adjourned at 7:55 PM to the next regularly scheduled meeting of Tuesday, September 13, 2022.

APPROVED BY:

Jennifer Villasenor, Acting Secretary

Brendon Perkins, Chairperson