



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JANUARY 26, 2021

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 *Acosta-Galvan*

P P P P A P P

ROLL CALL: *Rodriguez, Acosta-Galvan, Perkins, Ray, Mandic, Scandura, Van Der Mark*

Commissioner Mandic was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY PERKINS, SECONDED BY SCANDURA, TO APPROVE THE JANUARY 26, 2021, PLANNING COMMISSION MEETING AGENDA, BY THE FOLLOWING VOTE:

AYES: Rodriguez, Acosta-Galvan, Perkins, Ray, Scandura, Van Der Mark

NOES: None

ABSENT: Mandic

ABSTAIN: None

MOTION APPROVED

PUBLIC COMMENTS - NONE

PUBLIC HEARING ITEMS

21-006 TENTATIVE TRACT MAP NO. 18079 / CONDITIONAL USE PERMIT NO. 18-032 (GEORGIA TOWNHOMES)

REQUEST:

TTM: To permit a one-lot subdivision of an approximately 0.80 acre lot for condominium purposes **CUP:** To permit the development of 18 for-sale townhome units and the construction of 43-inch high walls (in lieu of a maximum of 42-inch high walls) within the front yard setback for private yards.

LOCATION:

910 Georgia Street, 92648 (east side of Georgia Street, between Joliet Avenue and Indianapolis 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 Section 15332, Class 32 - In-Fill Development Projects.
- B) Approve Tentative Tract Map No. 18079 and Conditional Use Permit No. 18-032 with findings and conditions of approval (Attachment No. 1).

The Commission made the following disclosures:

- Commissioner Rodriguez visited the site and spoke with two former planning commissioners, and Commissioner Acosta-Galvan.
- Commissioner Acosta-Galvan spoke with Commissioner Rodriguez.
- Vice-Chair Perkins visited the site.
- Chair Ray visited the site and spoke with staff.
- Commissioner Scandura visited the site and spoke with staff.
- Commissioner Van Der Mark visited the site and spoke with staff.

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

There was discussion on the following items: undergrounding utilities, parking impacts, potential for restricting garage uses, privacy impacts, and potential contribution to the Regional Housing Needs Assessments (RHNA) targets.

THE PUBLIC HEARING WAS OPENED.

Justin Jarjour, applicant, spoke in support of Item No. 21-006, and asked that in-lieu payments be due upon the building permit being finalized instead of before the building permit is issued.

Mike Adams, applicant, spoke in support of Item 21-006. He noted that the proposed balconies do have a gap between them and a privacy wall.

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

There was discussion on the applicant's request to delay payment. Staff indicated that it is a code requirement that in-lieu fees be paid prior to permit issuance.

A MOTION WAS MADE BY SCANDURA, SECONDED BY PERKINS, TO FIND THE PROPOSED PROJECT CATEGORICALLY EXEMPT FROM CEQA, AND APPROVE TENTATIVE TRACT MAP NO. 18079 AND CONDITIONAL USE PERMIT NO. 18-032 WITH FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES: Rodriguez, Acosta-Galvan, Perkins, Ray, Scandura, Van Der Mark
NOES: None
ABSENT: Mandic
ABSTAIN: None

MOTION APPROVED

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 15332, Class 32 In-Fill Development Projects, because the project is characterized as in-fill development that meets the following criteria:

- a. The project is consistent with the applicable General Plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c. The project site has no value as habitat for endangered, rare or threatened species.
- d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e. The site can be adequately served by all required utilities and public services.

A comprehensive Notice of Exemption was prepared that demonstrates the project satisfies the requirements set forth above and is, therefore, exempt from CEQA.

FINDINGS FOR APPROVAL - TENTATIVE TRACT MAP NO. 18079:

1. Tentative Tract Map No. 18079 for a one lot subdivision on approximately 0.80 acre lot for condominium purposes to construct 18 attached multi-family residences is consistent with the General Plan Land Use Element designation of Residential Medium High Density (RMH) on the subject property and other applicable provisions of the Subdivision Map Act and the Huntington Beach Zoning and Subdivision Ordinance (HBZSO).
2. The site is physically suitable for the type and density of development. The project site is able to accommodate the type of development proposed from a public service, circulation, and drainage perspective. The size, depth, frontage, street width and other design features of the proposed subdivision are in compliance with the HBZSO code. The project site is able to accommodate the type of development proposed. The proposed subdivision will result in a density of 22.70 units per acre, which is the allowable density of the Residential Medium High Density land use designation. The proposed density would be compatible with surrounding multi-family developments.
3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The site does not contain any significant habitat for wildlife or fish. The project site is located in an urban setting and design features of the project as well as compliance with the provisions of the HBZSO will ensure that the subdivision will not significantly impact the function and value of any resources adjacent to the project site.
4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the

proposed subdivision unless alternative easements, for access or for use, will be provided. The subdivision will provide all necessary easements and will not affect any existing easements. The project will provide improved sidewalks and pavements along Georgia Street, Joliet Avenue, and Indianapolis Avenue as a part of this proposed tentative tract map.

FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 18-032:

1. Conditional Use Permit No. 18-032 for the development of 18 attached for-sale townhome units and the construction of 43-inch high walls within the front yard setback will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The project will improve an existing underutilized and vacant parcel of land with a development consistent with the underlying General Plan land use and zoning designations. The project will not result in any adverse or significant environmental impacts including traffic, noise, lighting, aesthetics, and hazardous materials. The project is located behind existing commercial uses and will provide for a good transition to the existing residential neighborhood with adequate setback to buffer from adjacent commercial uses. The proposed development is compatible with surrounding uses in that other structures of similar height, mass, and siting exist in the adjacent area. The proposed project is designed to convey a high level of quality and a character that incorporates quality materials and design, consistent with the City of Huntington Beach Urban Design Guidelines. Building volumes are articulated with variation in wall planes to reduce building massing. The building facades incorporate a variety of building materials and colors to provide visual interest, including stucco, siding, and metal railings.
2. The granting of the conditional use permit for the development of 18 attached for-sale townhome units and the construction of 43-inch high wall within the front yard setback will not adversely affect the General Plan because the request is consistent with the Land Use Element designation of RMH (Residential Medium High Density) 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-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.

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

Goal LU-4: A range of housing types is available to meet the diverse economic, physical, and social needs of future and existing residents, while neighborhood character and residences are well maintained and protected.

Policy LU-4A: Encourage a mix of residential types to accommodate people with diverse housing needs.

The proposed 18-unit development is consistent with the land use designation and will continue the land use pattern of multi-family residential uses in the surrounding area. The project site supports infill development, as the project is located on an underutilized lot with dated and distressed residential buildings that will be demolished with the construction of the proposed 18-unit townhome project. In addition, the proposed project is compatible in proportion, scale, and character with the surrounding neighborhood because there are similar attached multi-family units to the north, south, and west of the site. The attached townhomes will provide a mix of housing types to meet the diverse economic, social, and housing needs of the community. By providing new housing opportunities to the area, the proposed project assists in meeting the overall housing needs of the community.

B. Housing Element

Goal 1: Maintain and enhance the quality and affordability of existing housing in Huntington Beach.

Policy 1.1 Neighborhood Character: Preserve the character, scale, and quality of established residential neighborhoods.

Goal 2: Provide adequate housing sites through appropriate land use, zoning and specific plan designations to accommodate Huntington Beach's share of regional housing needs.

Policy 2.1 Variety of Housing Choices: Provide site opportunities for development of housing that responds to diverse community needs in terms of housing types, cost and location, emphasizing locations near services and transit that promote walkability.

Goal 3.1 Housing Diversity: Encourage the production of housing that meets all economic segments of the community, including lower, moderate, and upper income households, to maintain a balanced community.

The project is consistent with the Housing Element because it will enhance the quality of the existing multi-family residential neighborhood and the project is subject to the HBZSO inclusionary ordinance that requires ten percent of the units to be affordable, which can be satisfied through the provision of units onsite, off-site or through in-lieu fees. The applicant is proposing to pay in-lieu fees, which will be used toward affordable housing needs in the community. The project will also preserve the character, scale, and quality of the existing neighborhood because it involves the construction of 18 attached townhome units that are similar to the surrounding multi-family residential units, meets the zoning code requirements for the proposed product type, and complies with the density limits for the zoning district and General Plan land use.

3. The proposed project will comply with the provisions of the RMH (Residential Medium High Density) district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The project is designed to comply with all applicable development standards including building setbacks, onsite parking, lot coverage, building height, and open space with the exception of the 43-inch high walls within the front yard setback for private patios. The HBZSO permits walls exceeding 42 inches in height within the required front setback subject to approval of a Conditional Use Permit. The proposed

43-inch tall patio walls within the front yard setback are designed to provide open space areas to the units. The increase in height of one inch is minimal. Each proposed patio area is setback from the property line by either 3 feet or 5 feet and separated from the public right-of-way by a landscaped area. The landscaping proposed between the wall and sidewalk softens the aesthetic appearance of the wall and enhances the streetscape. The configuration provides for a varied setback along the street frontage, in accordance with the City's Urban Design Guidelines, and a green-space buffer adjacent to the sidewalk. In addition, the front patio areas serve to activate the street, contributing to the sense of community, and provide more "eyes" on the street consistent with principles of Crime Prevention through Environmental Design.

CONDITIONS OF APPROVAL - TENTATIVE TRACT MAP NO. 18079:

1. The Tentative Tract Map No. 18079 for a one lot subdivision on approximately 0.80 acre lot for condominium purposes received and dated October 15, 2020 shall be the approved layout.
2. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/green-building-guidelines-rating>).
3. Prior to issuance of a grading permit and 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 issuance of Building Permits, the applicant shall satisfy the minimum ten percent Inclusionary Affordable Housing requirement by paying the applicable in-lieu fee.
5. At least 90 days before City Council action on the final map, Conditions Covenants & Restrictions (CC&Rs) shall be submitted to the Community Development Department, Public Works, Fire, and City Attorney's office for review and approval. The CC&Rs shall include the following:
 - a. Provide for maintenance, repair and replacement by a Homeowner's Association (HOA) for all common area landscaping, maintenance of walls, irrigation, drainage facilities, water quality BMP's, water system lines, fire system lines, sewer system lines, and private service utilities.
 - b. Best Management Practices (BMP's as per the approved Water Quality Management Plan (WQMP).
 - c. The CC&Rs shall restrict any revision or amendment of the WQMP except as may be dictated by either local, state, or federal law and the LIP.

- d. Appropriate language shall be included to restrict garages to be converted to living quarters, workshops, or storage that will preclude the parking of two vehicles, all open parking spaces within the project shall be unassigned and available for visitors and guests.
 - e. Appropriate language shall be included to restrict boat, trailer, camper, off-road vehicle, golf cart, commercial vehicle, mobile home, motor home, bus, or other recreational vehicle or any non-operating vehicle shall be parked or stored in any open parking spaces. Towing of vehicles violating the parking restrictions shall be included.
6. Comply with all applicable Conditional Use Permit No. 18-032 conditions of approval.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 18-032:

1. The site plan, floor plans, and elevations received and dated October 15, 2020 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. Prior to issuance of building permits, the following shall be completed:
 - a. Blockwall/fencing plans (including a site plan, section drawings, and elevations depicting the height and material of all retaining walls, walls, and fences) consistent with the grading plan shall be submitted to and approved by the Community Development Department. Double walls shall be avoided to the greatest extent feasible. Prior to the construction of any new walls, a plan must be submitted identifying the removal of any existing walls located on the subject property. Any removal of walls on private residential property and construction of new common walls shall include approval by property owners of adjacent properties. The plans shall identify materials, seep holes and drainage.
 - b. Contact the United States Postal Service for approval of mailbox location(s).
 - c. An interim parking and building materials storage plan shall be submitted to the Community Development Department to assure adequate parking and restroom facilities are available for employees, customers and contractors during the project's construction phase and that adjacent properties will not be impacted by their location. The plan shall also be reviewed and approved by the Fire Department and Public Works Department. The applicant shall obtain any necessary encroachment permits from the Department of Public Works.
4. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment.

- c. Truck idling shall be prohibited for periods longer than 10 minutes.
 - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.
 - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.
 - g. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays.
5. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released for the first residential unit until the following has been completed:
- a. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to Community Development Department.
 - b. Compliance with all conditions of approval specified herein shall be accomplished and 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. Parkland dedication in-lieu fees (Quimby Fees) shall be paid to the Community Development Department.
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. Tentative Parcel Map No. 18079 and Conditional Use Permit No. 18-032 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 days prior to the expiration date.
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.

**21-077 COASTAL DEVELOPMENT PERMIT NO. 20-015, VARIANCE NO. 20-003
(FLORES RESIDENCE)**

REQUEST:

To construct a 300 sq. ft. 1st floor addition, a 1,172 sq. ft. 2nd floor addition, and a new 434 sq. ft. attached garage to an existing single-family residence in the Coastal Zone. The proposal includes a request to permit 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 non-conforming parking width of 8.16 ft. in lieu of minimum 9 ft. width; 52.7% lot coverage in lieu of maximum 50%, and 10.9% landscape in the front setback in lieu of minimum 40%.

LOCATION:

16856 Bayview Dr. (east side of Bayview Dr, south of Broadway)

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 15303 (Attachment No. 1); and
- B) Approve Coastal Development Permit No. 20-015 and Variance No. 20-003 with Suggested findings and conditions of approval (Attachment No. 1)

The Commission made the following disclosures:

- Commissioner Rodriguez spoke with Commissioner Acosta-Galvan.
- Commissioner Acosta-Galvan spoke with Commissioner Rodriguez.
- Vice-Chair Perkins had no disclosures.
- Chair Ray visited the site.

- Commissioner Scandura visited the site and spoke with staff.
- Commissioner Van Der Mark visited the site and spoke with staff.

Patty Malagon, Assistant Planner, gave the staff presentation on the proposed project.

There was discussion on the following items: variances approved in the surrounding neighborhood, the proposed setbacks, flood requirements, and emergency vehicle access.

THE PUBLIC HEARING WAS OPENED.

Ana Flores, property owner, spoke in support of Item No. 21-077

Jaime Flores, property owner, spoke in support of Item No. 21-077, and asked the commission to approve the request.

Gary Maxwell, architect, spoke in support of item no. 21-077, citing the lot size, the negative impacts the standard setbacks would have for any development of the site, and the setback requirements in the adjacent Sunset Beach specific Plan.

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

There was brief discussion regarding the parking and the lot size and shape impacts.

A MOTION WAS MADE BY SCANDURA, SECONDED BY PERKINS, TO FIND THE PROPOSED PROJECT CATEGORICALLY EXEMPT FROM CEQA APPROVE COASTAL DEVELOPMENT PERMIT NO. 20-015 AND VARIANCE NO. 20-003 WITH SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL AMENDED TO INCLUDE LANDSCAPING VARIANCE, BY THE FOLLOWING VOTE:

AYES:	Rodriguez, Acosta-Galvan, Perkins, Ray, Scandura, Van Der Mark
NOES:	None
ABSENT:	Mandic
ABSTAIN:	None

MOTION APPROVED

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 construction of up to three single family homes in an urban environment is exempt. The project consists of an addition to an existing single family residential structure and is located in an urban, previously developed area.

FINDINGS FOR APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 20-015

1. The request of Coastal Development Permit (CDP) No. 20-015 for the 1,472 sq. ft. habitable addition, 434 sq. ft. attached garage, and remodel to an existing single-family residence 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 remodel and addition of the single-family residence is located on a site that is contiguous to existing single-family residences.
2. The request of Coastal Development Permit (CDP) No. 20-015 for the 1,472 sq. ft. habitable addition, 434 sq. ft. attached garage, and remodel to an existing single-family residence 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 complies with the minimum onsite parking, side and rear setbacks, privacy standards, and building height.
3. At the time of occupancy, the request of Coastal Development Permit (CDP) No. 20-015 for the 1,472 sq. ft. habitable addition, 434 sq. ft. attached garage, and remodel to an existing single-family residence can be provided with infrastructure in a manner that is consistent with Local Coastal Program in that the lot will allow for the remodel and addition on a site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. The request of Coastal Development Permit (CDP) No. 20-015 for the 1,472 sq. ft. habitable addition, 434 sq. ft. attached garage, and remodel to an existing single-family residence conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act because the proposed development will not impede public access, recreation, or views to coastal resources.

FINDINGS FOR APPROVAL - VARIANCE NO. 20-003

1. The granting of Coastal Development Permit (CDP) No. 20-015 and Variance (VAR) No. 20-003 for a 10 ft. front entry garage setback in lieu of a 20 ft. setback; a 7.58 ft. front setback in lieu of a 15 ft. setback; an existing non-conforming parking width of 8.16 ft. in lieu of 9 ft.; 52.7% lot coverage in lieu of 50%; and 33.1% landscape in the front setback in lieu of 40% will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The subject property shares a similar lot size and width as properties located on Bayview Dr. There are three similarly shaped and zoned lots on the north side of Bayview Drive, which have previously been granted variances for reduced setbacks due to irregularities in lot size and location.
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 properties in the vicinity and under identical zone classification. The subject site is located within the RL (Residential Low Density) zone that abuts properties within the Sunset Beach Specific Plan. The subject property is 75 ft. in length and 30 ft. in width as opposed to standard RL lots such as those north across the Sunset Beach Channel that have lots approximately 100 ft. in length and 60 ft. in width. 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 a remodel or addition. The size and width of the lot deprive the property owner of the ability to construct an addition that meets the required

setbacks, lot coverage and landscape requirements in order to still preserve open yard space on the property.

3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights because it will allow the expansion of existing residence. Due to the small lot size and width of the lot resulting in a sub-standard RL zoned lot, the proposed addition will allow the subject property to be designed in the same manner as properties with similar lot dimensions. The property owner indicated they would like to add habitable sq. ft. to their home without having to include a third-story addition and still have outdoor backyard space on the property.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. By providing a new two-car garage, more parking may be accommodated on-site. Furthermore, the required open space parking is provided with an existing non-conforming space in the side yard at the front of the property, as well as an additional space in front of the proposed garage. Due to the unique lot sizes and shapes at the southern end of Bayview and the original construction without garages, there is a striped parking limit line measuring 8 ft. away from the front property lines along the street. This striped area affords 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 space within the parking limit area as it provides additional parking opportunities for this small substandard lot without compromising public safety. Overall, the project provides five parking stalls where only one exists today. In addition, the proposed second floor window and balconies meet the privacy standards outlined in Section 210.06 (W) of the Huntington Beach Zoning and Subdivision Ordinance. No detrimental impacts to surrounding properties are anticipated.
5. The granting of the variance will not adversely affect the General Plan. The proposed project is not consistent with this designation however, the project meets the goals, policies, and objectives of the City's General Plan as follows:

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 requested variance accounts for the unique lot size and width of the subject property in comparison to standard lot sizes in the RL zoning district. Granting the proposed variances for the addition would allow the subject property the opportunity to be designed in the same manner as nearby properties with similar lot configuration and under the identical zone classification.

CONDITIONS OF APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 20-015, VARIANCE NO. 20-003

1. The site plan, floor plans, and elevations received and dated January 11, 2021 shall be the conceptually approved design.
2. CDP No. 20-014 and VAR 20-003 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.

3. 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.
4. 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.
5. 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

20-2114 GENERAL PLAN CONFORMANCE NO. 20-004 (328 3RD STREET VACATION)

REQUEST:

To determine if the vacation of an approximately 145 square foot corner radius easement for public right-of-way purposes along 3rd Street and Orange Avenue is in conformance with the goals and policies of the General Plan.

LOCATION:

323 3rd Street, 92648 (Southeast corner of 3rd Street at Orange 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. 1717, approving General Plan Conformance No. 20-004 (Attachment No. 1)

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

There was a brief discussion on the easement and vacation process.

A MOTION WAS MADE BY PERKINS, SECONDED BY SCANDURA, TO FIND THE PROPOSED PROJECT CATEGORICALLY EXEMPT FROM 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. 1717, APPROVING GENERAL PLAN CONFORMANCE NO. 20-004, BY THE FOLLOWING VOTE:

AYES:	Rodriguez, Acosta-Galvan, Perkins, Ray, Scandura, Van Der Mark
NOES:	None
ABSENT:	Mandic
ABSTAIN:	None

MOTION APPROVED

RESOLUTION NO. 1717

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HUNTINGTON BEACH FINDING THE VACATION OF A 145 SQ. FT. UNDEVELOPED PORTION OF AN EASEMENT FOR PUBLIC STREET AND HIGHWAY PURPOSES ON 323 3rd STREET, IS IN CONFORMANCE WITH THE GOALS AND POLICIES OF THE GENERAL PLAN (GENERAL PLAN CONFORMANCE NO. 20-004)

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 January 26, 2021; 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 easement for public street and highway purposes upon subject property 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 145 sq. ft. portion of an existing public right-of-way 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 owner.

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 property currently do not provide public right-of-way access to the subject site, 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 145 square foot portion of an existing public street and utility easement will not have a detrimental impact on the circulation system. A 15 foot corner radius dedication is adequate to provide public access improvements on the subject property.

PLANNING ITEMS

Hayden Beckman, Senior Planner, reported on recent and upcoming City Council meetings and reported on items scheduled for upcoming Planning Commission meetings.

21-014 PLANNING COMMISSION ADVISORY BOARDS AND COMMITTEES

Recommended Action:

That the Planning Commission take the following action:

“Discuss the 2021 Advisory Boards and Committee Assignments”

Chair Ray announced committee assignments.

PLANNING COMMISSION ITEMS

Commissioner Rodriguez congratulated the Flores family on rebuilding their home.

ADJOURNMENT: Adjourned at 7:10 PM to the next regularly scheduled meeting of Tuesday, February 9, 2021.

APPROVED BY:

Jennifer Villasenor, Acting Secretary

Alan Ray, Chairperson