

MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JULY 13, 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 P P

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

PUBLIC COMMENTS

Tarik Shawa, resident, spoke in opposition of Item No. 21-481, citing concerns with the potential negative impacts to the surrounding neighborhood.

Larry Weisenthal, resident, spoke in opposition of Item No. 21-481, citing concerns with the potential negative impacts to the surrounding neighborhood.

Roni Ellis, resident, spoke in opposition of Item No. 21-481, citing concerns with the potential negative impacts to the surrounding neighborhood.

Dave Sullivan, resident, spoke in opposition to Item No. 21-481, citing concerns with the potential negative impacts to the surrounding neighborhood.

Chris Bures Picknell, resident, spoke in opposition to Item No. 21-481, citing concerns with the potential negative impacts to the surrounding neighborhood.

Lorin Klistoff, resident, spoke in opposition to No. 21-481, citing concerns with the potential negative impacts to the surrounding neighborhood.

Allen Korneff, resident, spoke in opposition to No. 21-481, citing concerns with the potential negative impacts to the surrounding neighborhood.

Bruce McDonald, resident, spoke in opposition to No. 21-481, citing concerns with the potential negative impacts to the surrounding neighborhood.

Lori McDonald, resident, spoke in opposition to Item No. 21-481, citing concerns with the potential negative impacts to the surrounding neighborhood.

PUBLIC HEARING ITEMS

21-481 APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF ENTITLEMENT PLAN AMENDMENT NO. 21-002 (CHEVRON CONVENIENCE MARKET)

REQUEST:

To amend Conditional Use Permit No. 15-055 to allow the sale of beer, wine, and distilled spirits for off-sale consumption (ABC License Type 21) in conjunction with a 1,630 sq. ft. convenience market.

LOCATION:

16921 Algonquin Street, 92649 (northwest corner of Algonquin Street and Davenport Drive)

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 15301, Class 1 - Existing Facilities, and
- B) Approve Entitlement Plan Amendment No. 21-002 with findings and conditions of approval (Attachment No. 1).

THIS ITEM WAS CONTINUED TO THE JULY 27, 2021, PLANNING COMMISSION MEETING AT THE APPLICANT'S REQUEST

21-500 CONDITIONAL USE PERMIT NO. 21-007/VARIANCE NO. 21-001 (G&M OIL CONVENIENCE STORE)

REQUEST:

To construct a 1,175 sq. ft. convenience store with a 13 ft. front yard setback in lieu of the required minimum 15 ft. setback and a zero ft. side yard setback along the north property line in lieu of the required minimum five ft. setback on a vacant 5,585 sq. ft. parcel.

LOCATION:

19442 Beach Blvd., 92648 (near the northeast corner of Beach Blvd. and Yorktown Ave.)

RECOMMENDED ACTION:

That the Planning Commission take the following actions:

- A) Find the proposed exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Attachment No. 1); and
- B) Approve Conditional Use Permit No. 21-007 and Variance No. 21-001 (Attachment No. 1).

The Commission made the following disclosures:

- Commissioner Rodriguez had no disclosures.

- Commissioner Acosta-Galvan visited the site.
- Commissioner Mandic had no disclosures.
- Vice-Chair Perkins visited the site.
- Chair Ray visited the site.
- Commissioner Scandura visited the site, spoke with staff, and voted on similar items in the past.

Joanna Cortez, Associate Planner, gave the staff presentation for the proposed project.

There was discussion on the following items: the Police Department recommended conditions of approval, the parking requirements, traffic queueing, and the proposed sidewalk.

THE PUBLIC HEARING WAS OPENED.

Karl Huy, applicant, spoke in support of item No. 21-500. He noted that the property owner is working towards eliminating the transient issues at the site and that the Police Department's recommendations have been incorporated into the design.

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

There was discussion regarding the lot size, the remnant parcel process, the history of the property, the proposed zero setback, the size of the adjacent parcels, and the prevalence of zero lot line setbacks throughout the city.

A MOTION WAS MADE BY SCANDURA, SECONDED BY PERKINS, TO FIND THE PROPOSED EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15303, AND APPROVE CONDITIONAL USE PERMIT NO. 21-007 AND VARIANCE NO. 21-001 WITH FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES:	Rodriguez, Perkins, Mandic, Scandura
NOES:	Ray, Acosta-Galvan
ABSENT:	None
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, Class 3 – *New Construction or Conversion of Small Structures* of the CEQA Guidelines as the project involves the construction of one commercial building that is less than 10,000 sq. ft. in an urbanized area where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 21-007:

1. Conditional Use Permit No. 21-007 to construct a 1,175 sq. ft. convenience store with a 13 ft. front yard setback in-lieu of the required minimum setback of 15 ft. on a vacant 5,585 sq. ft. parcel will not be detrimental to the general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood because the project will revitalize an existing deteriorating area with a development consistent with the General Plan land use and zoning designations. The proposed project will construct a one-story convenience store and is compatible in the proportion, scale, and character of the adjoining uses. The one-story commercial building is consistent with the height requirements and complements the adjacent commercial buildings. Additionally, the design of the building is attractive and will incorporate architectural elements such as cornices with articulating rooflines, metal awnings, and stone veneer base. The proposed building setbacks to the existing property line comply with the minimum front yard setback of 15 ft. After a required two ft. street dedication, the reduced building setback to the property line will measure approximately 13 ft., which will not create adverse impacts to the surrounding neighborhood as it is compatible with other surrounding single-story buildings that have been granted similar reduced setbacks. The site is much smaller than the surrounding parcels, making it difficult to meet required building setbacks after street dedications and still maintain a viable commercial use with adequate on-site circulation. The new use will serve the service station while also providing convenience goods to the neighborhood. No alcohol sales are proposed with this request. Development of this site will improve this segment of Beach Boulevard by reducing the number of driveways to allow reciprocal access between the properties to the south and east, widening the sidewalks, and adding new landscaping along the right of way. In addition, this development will provide circulation efficiency and improvements that may motivate surrounding commercial properties to redevelop.
2. The General Plan Land Use Map designation on the subject property is currently M-sp (Mixed Use – Specific Plan Overlay). Conditional Use Permit No. 21-007 to construct a 1,175 sq. ft. convenience store with a 13 ft. front yard setback in-lieu of the required minimum setback of 15 ft. on a vacant 5,585 sq. ft. parcel is consistent with this designation and 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 that the land use pattern is consistent with the overall goals and needs of the community.

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

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

Policy LU-11 (B): Encourage renovation and revitalization of deteriorating and struggling nonresidential areas and corridors, particularly commercial locations.

The proposed development includes a well-articulated building and wider walkways to enhance the pedestrian and public experience and is compatible in proportion, scale, and character of the adjoining uses. The one-story commercial building is consistent with the height requirements and complements the adjacent commercial buildings. After a required two ft. street dedication, the reduced building setback to the property line will

measure approximately 13 ft., which will not create adverse impacts to the surrounding neighborhood as it is compatible with other surrounding single-story buildings that have been granted similar reduced setbacks. The site is substantially smaller than most commercial properties, making it difficult to meet required building setbacks after street dedications and still maintain a viable convenience use with adequate on-site circulation. The proposed architectural elements such as the cornices with articulating rooflines, metal awnings, and stone veneer base is compatible with and enhances the character of the adjoining uses. Furthermore, the proposed retail building will serve the service station to the south and provide goods and services that meet the regional and local community needs and revitalizes an existing commercial property with an optimal location and accessibility along a major highway. The expansion of services captures and enhances resident, visitor, and tourist activity within the surrounding areas. This commercial development is proposed within close proximity of compatible existing commercial uses and residential uses in the vicinity. By permitting a mix of land uses closer together, greater interaction will occur between developments and further the vision and viability of the specific plan.

Circulation Element

Goal CIRC 7: Designated scenic corridors protect and enhance visual quality and scenic views.

Goal CIRC 7 (D): Provide landscaped medians and sidewalk treatments in accordance with City standards within major and primary arterial streets designated as landscape corridors, and continue to require the construction of landscaped medians and sidewalk treatments in new developments.

While narrower than the standard commercial sites in the area, the proposed streetscape will initiate the vision for the Neighborhood Parkway Segment of the specific plan. The project will provide a parkway landscape buffer for pedestrians using the public sidewalk. Additionally, the proposed retail building will improve a vacant commercial property with an optimal location and accessibility along a major highway.

3. Conditional Use Permit No. 21-007 to construct a 1,175 sq. ft. convenience store with a 13 ft. front yard setback in-lieu of the required minimum setback of 15 ft. on a vacant 5,585 sq. ft. parcel will comply with the Neighborhood Parkway Segment of the Beach and Edinger Corridors Specific Plan, and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) with the exception of the reduced building setback along Beach Blvd. and the north property line, in that the project complies with all other setback standards, building height, top and base architectural element requirements, and parking. The reduced building setback is appropriate as it will allow sidewalk dedication, a viable commercial use, and adequate on-site circulation while improving an existing commercial property with an optimal location and accessibility along a major highway. The use will comply with all building occupancy and exiting requirements.

FINDINGS FOR APPROVAL - VARIANCE NO. 21-001

1. The granting of Variance No. 21-001 for a zero ft. side yard setback along the north property line in-lieu of the required minimum side yard setback of five 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 addresses unique development constraints related to the subject property such as irregular lot size. The variance will not constitute a grant of special privilege because the subject site is substantially smaller than

surrounding properties. It was originally developed for a single-family dwelling which lends itself to smaller lot sizes. However, the narrow width of the property significantly restricts use of the property for viable commercial uses as it does not allow for minimum setbacks, ADA accessibility requirements, and proper on-site circulation, therefore limiting full use of the property. Similarly zoned lots have previously been granted variances for reduced setbacks due to irregularities in lot size.

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 BECSP (Beach and Edinger Corridors Specific Plan) zone. It was originally developed for a single-family dwelling which lends itself to smaller lot sizes. However, the narrow width of the property significantly restricts use of the property for viable commercial uses as it does not allow for minimum setbacks, ADA accessibility requirements, and proper on-site circulation, therefore limiting full use of the property. The subject property is 110 ft. in length and 50 ft. in width and is surrounded by commercial lots that vary between 200-400 ft. in length and 100-200 ft. in width. Therefore, because of special circumstances applicable to the subject property, including size, the strict application of the specific plan is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification when proposing new commercial development. The size and width of the lot deprive the property owner of the ability to construct a viable convenience use with adequate on-site circulation building that meets the required setbacks.
3. The granting of Variance No. 21-001 for a zero ft. side yard setback along the north property line in-lieu of the required minimum side yard setback of five ft. is necessary to preserve the enjoyment of one or more substantial property rights the requested variance will allow the subject to be improved in the same manner consistent with other properties within the area with identical zoning classification. The narrow width of the property significantly restricts use of the property as it does not allow for the setback, ADA accessibility requirements, and proper on-site circulation, therefore limiting full use of the property. The requested variance is being sought to construct a commercial development consistent with other properties in the area. Consequently the granting of this variance is necessary to preserve the development right afforded by the property's land use designation.
4. The granting of the variance for a zero ft. side yard setback along the north property line in-lieu of the required minimum side yard setback of five ft. will not be materially detrimental to the public welfare or injurious to property in the same zone classification because with exception of the variance request, the development will comply with the all code provisions, including maximum height, parking, massing, and landscaping. The requested variance will not result in detrimental impacts to surrounding properties.
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 specific plan. Granting the proposed variance for the development 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. The proposed development is consistent with the Beach and Edinger Corridors Specific Plan which encourages well-articulated building and wider walkways to enhance the pedestrian and public experience. The proposed development project is compatible in the proportion, scale, and character of the adjoining uses. The one-story commercial building is consistent with the height requirements and complements the adjacent commercial buildings. In addition, the site will be improved with street improvements, a viable commercial use, and adequate on-site circulation while improving a vacant commercial property with an optimal location and accessibility along a major highway.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 21-007 AND VARIANCE NO. 21-001:

1. The site plan, floor plan, and elevations received and dated April 8, 2021 shall be the conceptually approved layout with the following modifications:
 - a. The parking area shall be well-lit through all hours of darkness. Provide a lighting plan displaying all lit areas of the site. **(PD)**
 - b. The ground cover on the north side of the property shall be replaced with something less conducive to loitering/transient camping. Provide an updated plan specifying the new ground cover. **(PD)**
2. Hours of operation may be up to 24 hours, daily.
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 for building permits, the following shall be completed: Zoning entitlement conditions of approval, code requirements identified herein 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. Prior to issuance of a precise grading permit, the following shall be completed: Caltrans encroachment permits for work within the Caltrans right-of-way (for construction of sidewalks, driveways, utility connections, drainage etc.) shall be obtained by the applicant prior to City issuance of a grading permit. A copy of each submittal, encroachment permit, traffic control plans and/or other permission granted by Caltrans shall be transmitted to the Public Works Department.

6. Prior to issuance of building permits, a Parking Agreement shall be recorded with the Clerk Recorder against the titles of 19442 Beach Blvd. and 19472 Beach Blvd. The legal instrument shall be submitted to the Community Development Department for reviewed by the City Attorney's office prior to approval of the final map. A copy of the recorded agreement shall be filed with the Community Development Department. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach. The both sites shall function as one parcel for the purposes of parking, therefore the Agreement must include the following provisions:
 - a. Easements for reciprocal vehicular and pedestrian access, ingress and egress to the public street system, and parking in perpetuity, across both parcels.
 - b. City approval for any change to the Agreement.
7. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released, and issuance of Certificate of Occupancy until the following has been completed:
 - a. Compliance with all conditions of approval specified herein shall be accomplished and verified by the Community Development Department.
 - b. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - c. 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 and Safety Division.
8. New signage shall be reviewed under separate permits and applicable processing.
9. Conditional Use Permit No. 21-007 and Variance No. 21-001 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.
10. The Development Services Departments (Community Development, Fire, and Police Department) 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.

CONSENT CALENDAR

21-518 APPROVE PLANNING COMMISSION MINUTES DATED MAY 11, 2021

Recommended Action:

That the Planning Commission take the following action:

"Approve the May 11, 2021, Planning Commission Minutes as submitted"

A MOTION WAS MADE BY PERKINS, SECONDED BY SCANDURA, TO APPROVE THE MAY 11, 2021 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: Rodriguez, Acosta-Galvan, Perkins, Ray, Scandura

NOES: None

ABSENT: None

ABSTAIN: Mandic

MOTION APPROVED

NON-PUBLIC HEARING ITEMS - NONE

PLANNING ITEMS

Joanna Cortez, Associate Planner, reported on recent and upcoming City Council meetings, and on items scheduled for upcoming Planning Commission meetings.

PLANNING COMMISSION ITEMS

21-517 PLANNING COMMISSION ADVISORY BOARDS AND COMMITTEES

Recommended Action:

That the Planning Commission take the following action:

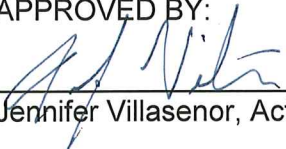
"Discuss updates to the 2021 Advisory Boards and Committee assignments"

Chair Ray announced committee assignment updates.

Commissioner Scandura reported on the recent Historic Resources Board meeting.

ADJOURNMENT: Adjourned at 7:04 PM to the next regularly scheduled meeting of Tuesday, July 27, 2021.

APPROVED BY:



Jennifer Villaseñor, Acting Secretary



Alan Ray, Chairperson