



Legislation Details (With Text)

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On agenda:	1/21/2020	Final action:	1/21/2020
Title:	Appeal of Planning Commission Approval of Coastal Development Permit No. 19-001 and Conditional Use Permit No. 19-001 (3rd Street Commercial Building)		
Attachments:	1. Att #1: Findings and Conditions.pdf, 2. Att #2: Vicinity Map.pdf, 3. Att #3: Narrative.pdf, 4. Att #4: Plans.pdf, 5. Att #5: Parking Management Plan.pdf, 6. Att #6: PC Staff Report.pdf, 7. Att #7: PC Notice of Action.pdf, 8. Att #8: Appeal letter.pdf, 9. SC 31 (19-1205) Slaven 1-17-20.pdf, 10. SC 31 (19-1205) 3rd St CC Appeal.pdf		

Date	Ver.	Action By	Action	Result
1/21/2020	1	City Council/Public Financing Authority	denied	Pass

REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Oliver Chi, City Manager

PREPARED BY: Ursula Luna-Reynosa, Director of Community Development

Subject:

Appeal of Planning Commission Approval of Coastal Development Permit No. 19-001 and Conditional Use Permit No. 19-001 (3rd Street Commercial Building)

Statement of Issue:

Transmitted for your consideration is an appeal by Councilmember Peterson of the Planning Commission's approval of Coastal Development Permit No. 19-001 and Conditional Use Permit No. 19-001. This application is a request to construct a four-story building with approximately 1,660 sq. ft. of retail on the ground floor and 18,000 sq. ft. of office above with an accessible roof top deck on an 8,475 sq. ft. vacant lot. The project includes one level of parking at the ground floor with 34 percent of the required parking in a vertical tandem configuration (car lifts) and one level of subterranean parking accessed by a car elevator and a valet parking service. The appeal is based on concerns regarding the proposed parking design and the potential impacts it may have to the surrounding area.

Financial Impact:

Not applicable.

City Council Action:

The Planning Commission recommends the City Council take the following action(s):

A) Find the Proposed Project Exempt From the California Environmental Quality Act Pursuant to

Section 15182 of the CEQA Guidelines and Government Code 65457; and,

B) Approve Coastal Development Permit No. 19-001 and Conditional Use Permit No. 19-001 with findings and conditions of approval (Attachment No.1).

Alternative Action:

A) Continue Coastal Development Permit No. 19-001 and Conditional Use Permit No. 19-001 and direct staff to return with findings for denial;

B) Continue Coastal Development Permit No. 19-001 and Conditional Use Permit No. 19-001 and direct staff accordingly.

Analysis:

A. PROJECT PROPOSAL:

Applicant: Jeff Bergsma, 221 Main Street, Suite S, Huntington Beach, CA 92648

Property Owner: Justin Helwig, WBJH Properties, 1112 Park Street, Huntington Beach, CA 92648

Location: 321 3rd Street, 92648 (north side of 3rd Street between Orange Ave. and Olive Ave.)

The project site is a vacant 0.19-acre site located in District 1 of the Downtown Specific Plan (SP 5). The proposed building will be the headquarters for a local office business with a small-scale retail use at the ground floor.

A comprehensive description of the proposed project as well as the General Plan and Zoning analysis can be found in the November 12, 2019 Planning Commission staff report (Attachment No. 6).

B. PLANNING COMMISSION MEETING AND RECOMMENDATION

On November 12, 2019, the Planning Commission held a public hearing to consider the proposed project. Testimony in support of the request was received from the applicant and the applicant's representatives. Testimony in opposition of the request was received from four adjacent businesses. The neighboring businesses were concerned with potential queueing of vehicles into the alley and potential impacts to the loading and unloading of delivery trucks within the alley. Other comments in opposition also included concerns for impacts to the Downtown public parking.

Commissioners had questions regarding the use being a drug rehabilitation center and the timing and mechanics of the proposed parking design. Commissioners questioned the efficiency of the proposed parking design and valet service but overall supported the request and cited that the project met development standards, and a letter in support was received by a resident across 3rd Street. Ultimately, the Planning Commission stated that the parking design was an innovative idea to provide parking onsite and there were sufficient conditions of approval in place to ensure the operations and management of the valet service, mechanical lifts, and car elevator are maintained at all times and a

drug rehabilitation center is not permitted within the building.

Planning Commission Action on November 12, 2019

A motion was made by Kalmick, seconded by Grant to approve Coastal Development Permit No. 19-001 and Conditional Use Permit No. 19-001 with findings carried by the following vote:

AYES: Garcia, Grant, Scandura, Ray, Kalmick, Perkins

NOES: None

ABSTAIN: Mandic

ABSENT: None

MOTION PASSED

C. APPEAL:

On November 20, 2019, Councilmember Peterson appealed the Planning Commission's approval of the project (Attachment No. 8). The appeal was based on concerns regarding the proposed parking and the potential impacts to the surrounding area.

Access and Parking

Access to the parking area is taken from the public alley from either Orange Avenue or Olive Avenue. The proposed project requires 41 parking spaces and provides for 41 spaces within two levels of parking. The retail component requires one parking space per 1,000 sq. ft. and the office use requires two spaces per 1,000 sq. ft. as shown in the breakdown below:

Retail = $1,660 \text{ sq. ft.} / 1,000 * 3 = 4.98$

Office = $18,000 \text{ sq. ft.} / 1000 * 2 = 361$

TOTAL SPACES REQUIRED = 41 SPACES

TOTAL SPACES PROVIDED = 41 SPACES (With vertical lifts and vehicle elevator)

The Downtown Specific Plan (SP 5) allows for a maximum of 40 percent of required parking for commercial uses to be provided as tandem parking with the approval of a conditional use permit. Additionally, in developments where 100 percent of the required parking is provided onsite, the Planning Commission may still impose parking strategies, such as valet service, to avoid impacts to public access and parking. In this case, the applicant submitted a parking management plan (Attachment No. 5) to demonstrate how valet attendants will provide retail customers and office tenants with access to parking through the vehicle lifts and car elevator.

The parking design includes parking at the ground floor with seven standard stalls and 14 spaces in a vertical tandem configuration (34 percent of required parking). The vertical tandem spaces are operated with a mechanical lift where the lift is lowered to the ground and a vehicle is driven onto the lift and raised to allow another vehicle to park below. The parking layout also includes a subterranean level that is accessed by a car elevator located within the ground floor parking lot. The car elevator allows for one car to be lowered into the subterranean level at a time. The subterranean level has 20 standard stalls and bicycle storage.

The applicant proposes a valet service that will be available during all office and retail operating hours. The valet service includes two attendants on the ground floor and two attendants on the

subterranean level. Each attendant will be equipped with radios to communicate to each other to operate the service. Upon entering the parking lot, an attendant will park a vehicle on one of the mechanical lifts and then raise the lift to expose the lower space for another vehicle to park. Once all ground floor parking spaces are filled, vehicles will be placed on the car elevator and lowered to the subterranean floor where the two attendants will park them in available spaces. During a peak arrival time, one attendant from the subterranean level will come up to the ground floor and bring any queuing vehicles into the car elevator to send them to the subterranean level to provide relief for the upper level operation and to minimize queuing into the alley. The parking management plan states it takes approximately three minutes and 20 seconds to utilize the car elevator method and approximately one minute and 45 seconds for the mechanical lifts from the time a driver enters the garage, hands the key off, and the valet attendant gets the vehicle parked. If a vehicle is within the subterranean parking level, an attendant on the ground floor will radio an attendant below to retrieve the vehicle and send it up the car elevator. When a vehicle is on a lift, one attendant will move the vehicle parked below while another attendant will lower the claimed vehicle. In addition, as spaces open up at the end of the day, vehicles will be moved into easily accessible spaces to ensure vehicle retrieval is expedited.

A survey of other cities that allow for alternative parking designs similar to the proposed project also require a covenant and agreement regarding maintenance of the mechanical parking system to ensure the parking system is maintained in operable condition at all times. Furthermore, the covenant requires the automated parking systems be equipped with an onsite generator with sufficient capacity to store and retrieve cars when the power is down. Mechanical lifts must provide manual override capability to access or remove cars from the parking lift in the event of a power outage; and if the facility is inoperable for more than three days, what the operator's plan would be to accommodate the parking of vehicles until the system is fully operational.

To ensure availability of code required parking at all times, a condition of approval is in place for the recordation of a covenant to permanently implement and maintain the parking management plan and mechanical parking system as described. The covenant as well as the conditions of approval include specific instructions such as requiring the operator to notify the Community Development Department within 24-hours of any failure of the mechanical system in order for the Department to monitor the situation and enforce an alternative parking plan as necessary. The covenant and the conditions of approval state the parking system shall not be inoperable for more than five days. However, in the event the issues cannot be resolved within five days, the operator must submit evidence that the parking issues are being actively addressed for resolution and the operator shall continue to work with the Department to employ alternative parking strategies until the parking system is operable.

Queueing and Loading

Queueing of vehicles cannot occur within the adjacent public alley right-of-way. The Huntington Beach Zoning and Subdivision Ordinance (HBZSO) addresses queueing for uses such as drive through services and specifies a number of spaces for the stacking of vehicles in a manner that would not impede traffic in the adjacent area. For instance, a drive through restaurant requires queue space for five cars per service window to ensure that vehicles do not spill over onto an adjacent property or within the public right-of-way. In addition, when barriers or gates are proposed at property entrances, the HBZSO requires a minimum 20 ft. setback so that vehicles waiting to enter a site do not block or impede traffic flow on the adjacent street system.

In other cities that allow for this type of alternative, space-efficient parking design, a queueing area is also required. For example, the City of Santa Monica requires that off-street queueing space at the

entrance of the parking garage be provided at a minimum rate of five percent of the total parking spaces. A challenge is that the HBZSO does not explicitly address this alternative parking system and therefore does not specify a specific queueing area requirement for this design. The applicant has not proposed any queueing areas onsite; and instead, is proposing to stagger the start time of the office employees. Because the office use is a headquarters for one business, staggering of the start times is feasible. Based on the applicant's narrative (Attachment No. 3), the hours of operation of the retail and office use is 7:00am to 7:00pm and there is a condition of approval to require the valet service during all hours of operation and until the last vehicle is retrieved from the parking garage. However, in the event the building is sold to a new property owner and/or leased out to multiple tenants, another condition of approval requires the property owner to submit an updated parking management plan for review and approval by the Community Development Director prior to the issuance of a Certificate of Occupancy to another occupant. In addition, to ensure the proposed parking design is easy to use for a mix of uses, i.e., long-term users such as office employees and short-term retail customers with a higher turnover rate, the retail customers will be kept off the lifts and parked in the standard ground floor stalls to expedite their departure. In addition, the Planning Commission added a condition of approval that requires the applicant to submit a plan that specifies the staggered start times for employees to be reviewed and approved by the Community Development Department and that plan will be included in the parking management plan.

Lastly, to address potential impacts from truck deliveries or loading and unloading, a condition of approval requires that truck deliveries or loading and unloading shall occur offsite in the designated loading areas on public streets, and will occur outside of peak arrival and departure times to ensure traffic impacts within the alley are minimized.

Environmental Status:

The proposed project is covered by the Downtown Specific Plan Final Environmental Impact Report No. 08-1, which was adopted by the City of Huntington Beach on January 19, 2010. The request to construct approximately 19,660 sq. ft. building with 1,660 sq. ft. of retail on the ground floor, 18,000 sq. ft. of office above, and a roof top deck on a 8,475 sq. ft. vacant lot is subject to compliance with the adopted mitigation measures contained in the Final Environmental Impact Report No. 08-1. The project is exempt under the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15182 of the CEQA Guidelines, which states that when an Environmental Impact Report (EIR) has been prepared for a specific plan, there is no need to prepare an EIR or Mitigated Negative Declaration (MND) for projects in conformity with that specific plan. The project is consistent with the Downtown Specific Plan. Furthermore, implementation of the project would not result in any new or more severe potentially adverse environmental impacts that were not considered in the previously certified Program EIR for the Downtown Specific Plan project (EIR No. 08-1) and the project is conditioned to comply with all applicable EIR No. 08-1 mitigation measures. In light of the whole record, none of the circumstances described under Section 15162 of CEQA Guidelines are present; and therefore, no EIR or MND is required.

Strategic Plan Goal:

Enhance and maintain high quality City services

Attachment(s):

1. Suggested Findings and Conditions of Approval for CDP 19-001/CUP 19-001
2. Vicinity Map
3. Project Narrative Dated April 3, 2019

4. Site Plans, Floor Plans, and Elevations Received October 14, 2019
5. Parking Management Plan Dated August 2, 2019
6. Planning Commission Staff Report dated November 12, 2019
7. PC Notice of Action Dated November 13, 2019
8. Appeal of Planning Commission Action Dated November 20, 2019