MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, APRIL 23, 2013
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CANCELLED – NO STUDY SESSION

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Chair Bixby

	A	P	P	P	P	P	P
ROLL CALL:	*Dingwall,*	*Mandic,*	*Peterson,*	*Bixby,*	*Kalmick,*	*Franklin,*	*Pinchiff*

Commissioner Dingwall was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY PETERSON, SECONDED BY MANDIC, TO APPROVE THE PLANNING COMMISSION AGENDA OF APRIL 23, 2013, BY THE FOLLOWING VOTE:

AYES: **Mandic, Peterson, Bixby, Kalmick, Franklin, Pinchiff**
NOES: **None**
ABSENT: **Dingwall**
ABSTAIN: **None**

MOTION APPROVED

A. PUBLIC COMMENTS – NONE

B. PUBLIC HEARING ITEMS

B-1a. ENVIRONMENTAL IMPACT REPORT NO. 07-001 (WARNER NICHOLS) **Applicant/ Property Owner:** Jerry Moffatt, Rainbow Environmental Services **Request:** To analyze the potential environmental impacts associated with a proposal to change the land use and zoning designations on the subject property and demolish or remove existing structures that meet state criteria for historic resources. **Location:** 7622-7642 Warner Avenue, 92647 (southeast corner of Warner Ave. and Nichols St.) **City Contact:** Ricky Ramos

STAFF RECOMMENDATION: Motion to: Certify Environmental Impact Report No. 07-001 as adequate and complete in accordance with CEQA requirements by approving Resolution No. 1669 (Attachment No. 1);

B-1b. GENERAL PLAN AMENDMENT NO. 05-001/ZONING MAP AMENDMENT NO. 05-001 (WARNER NICHOLS) **Applicant/ Property Owner:** Jerry Moffatt, Rainbow Environmental Services **Request: GPA:** To change the General Plan land use designation from RM-15 (Residential Medium Density - Max 15 dwelling units per acre) to CG-F1 (Commercial General – Maximum Floor Area Ratio of 0.35) on a ±1.1 gross acre portion fronting on Warner Ave. and to I-F2-d (Industrial – Maximum Floor Area Ratio of 0.5 – Design Overlay) on a ±3.3 gross acre portion fronting on Nichols St. **ZMA:** To change the zoning designation from RM (Residential Medium Density) to CG (Commercial General) on a ±1.1 gross acre portion fronting on Warner Ave. and to IG (General Industrial) on a ±3.3 gross acre portion fronting on Nichols St. **Location:** 7622-7642 Warner Avenue, 92647 (southeast corner of Warner Ave. and Nichols St.) **City Contact:** Ricky Ramos

STAFF RECOMMENDATION: Motion to:

A. "Approve CEQA Findings of Fact with a Statement of Overriding Considerations (Attachment No. 6)"

B. "Approve General Plan Amendment No. 05-001 and forward draft City Council Resolution (Attachment No. 2) to the City Council for adoption;"

C. "Approve Zoning Map Amendment No. 05-001 with findings (Attachment No. 1) and forward draft ordinance to the City Council for adoption."

The Commission made the following disclosures:

- Commissioner Mandic has visited the site, spoken with the applicant and has received various letters and emails from the public.
- Vice-Chair Peterson has visited the site with staff, the applicant, and Mary Urashima.
- Chair Bixby has visited the site with staff, the applicant, and Mary Urashima, attended the study session, spoke with staff, spoke with Mary Urashima, and has read parts of the Wintersburg blog by Mary Urashima.
- Commissioner Kalmick has visited the site, and spoken with staff, Mary Urashima, and the applicant.
- Commissioner Franklin has visited the site.
- Commissioner Pinchiff has visited the site with staff, the applicant, and Mary Urashima, and spoke with the applicant and members of the public.

Ricky Ramos, Senior Planner, gave the staff presentation and an overview of the project.

There was a brief discussion regarding the statement of overriding considerations.

THE PUBLIC HEARING WAS OPENED.

Jerry Moffatt, applicant, spoke in support of Item No. B-1 and stated that he was available for any questions. He stated that the buildings would remain on site until a conditional use permit is processed for development of the site.

Ron Shenkman, Rainbow Environmental Services, spoke in support of Item No. B-1. He briefly reviewed the most recent attempt to develop the site by the previous owner.

Jack Shaw, Oak View Renewal Partnership, spoke in support of Item No. B-1, citing the potential benefits to the community, including a possible community clinic at the site.

Barbara Haynes, Chair of the Historic Resources Board, spoke in opposition to Item No. B-1, citing the potential loss of historical significant buildings.

Wiley Drake, representative for the Congressional Prayer Conference of Washington D.C., spoke in opposition to Item No. B-1, citing potential loss of historic structures.

Dianne Thompson, Huntington Beach Chamber of Commerce, spoke in support of Item No. B-1, citing potential benefits to the community.

Cynthia Covarrubias, Employee Stock Ownership Plan Representative for Rainbow Environmental Services, spoke in support of Item No. B-1, citing potential benefits to the community.

Mary Urashima, resident (with 4 minutes donated by Karen Chu), spoke in opposition to Item No. B-1, citing potential loss of historically significant structures, insufficient analysis in the economic evaluation, and inconsistency with the General Plan. There was a brief discussion regarding funding sources for restoration and potential relocation of the structures.

Kanji Sahara, Japanese American Citizen League, spoke in opposition to Item No. B-1, citing potential loss of historically significant structures which he considers a civil rights issue and a potential loss of Japanese heritage.

Bruce Garner, CrossPoint Church/Liberty Christian School, spoke in support of Item No. B-1. He noted that he appreciates the historic nature of the site but that the site is in a state of disrepair.

Gloria Alvarez, resident, spoke in opposition to Item No. B-1, citing potential loss of historically significant structures.

Stacha Khatib, resident, spoke in opposition to Item No. B-1, citing potential loss of historically significant structures.

Richardson Gray, Huntington Beach Neighbors, spoke in opposition to Item No. B-1, citing potential loss of historically significant structures.

Chris Epting, resident, spoke in opposition to Item No. B-1, citing potential loss of historically significant structures.

Dick Harlow, resident, spoke in support of Item No. B-1, citing potential benefits to the city and lack of funding for preservation.

Eugene Moy, Vice President of the Chinese Historical Society, spoke in opposition to Item No. B-1 citing potential loss of historically significant structures.

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

There was a lengthy discussion regarding the draft historic element update.

There was a lengthy discussion regarding the historic status of the barn structure and the potential for this site to constitute a historic district.

STRAW VOTE #1
A motion was made by Bixby, seconded by Franklin, to find that the barn is a local historical landmark and to modify Mitigation No. CR-1 and CR-2 accordingly to treat the barn the same as the other historic structures in terms of mitigation being proposed.

AYES:	**Bixby, Kalmick, Franklin,**
NOES:	**Mandic, Peterson, Pinchiff**
ABSTAIN:	**None**
ABSENT:	**Dingwall**

MOTION FAILED

There was a brief discussion regarding the zoning of the site and the potential for adaptive reuse.

There was a brief discussion regarding vandalism on site in regards to the statement of overriding consideration.

There was a brief discussion regarding the potential development of the site.

There was a lengthy discussion regarding potential changes to the Environmental Impact Report and the possibility of recommending continuance.

STRAW VOTE #2
A motion was made by Franklin, seconded by Pinchiff, to include findings and modified mitigation measures for the barn as a historical resource.

AYES:	**Mandic, Peterson, Bixby, Kalmick, Franklin, Pinchiff**
NOES:	**None**
ABSTAIN:	**None**
ABSENT:	**Dingwall**

MOTION PASSED

STRAW VOTE #3
A motion was made by Kalmick, seconded by Bixby, to analyze the pros and cons of creating a local historical district of all five structures together on site in their current locations.

AYES: Mandic, Peterson, Bixby, Kalmick, Franklin, Pinchiff
NOES: None
ABSTAIN: None
ABSENT: Dingwall

MOTION PASSED

STRAW VOTE #4
A motion was made by Pinchiff, seconded by Peterson, to direct staff to bolster the Statement of Overriding Consideration with regards to impacts to public safety.

AYES: Mandic, Peterson, Bixby, Kalmick, Franklin, Pinchiff
NOES: None
ABSTAIN: None
ABSENT: Dingwall

MOTION PASSED

A MOTION WAS MADE BY FRANKLIN, SECONDED BY BIXBY, TO CONTINUE ENVIRONMENTAL IMPACT REPORT NO. 07-001, GENERAL PLAN AMENDMENT NO. 05-001, AND ZONING MAP AMENDMENT NO. 05-001 TO MAY 28, 2013 PLANNING COMMISSION MEETING, BY THE FOLLOWING VOTE:

AYES: Mandic, Peterson, Bixby, Kalmick, Franklin, Pinchiff
NOES: None
ABSTAIN: None
ABSENT: Dingwall

MOTION APPROVED

B-2. **COASTAL DEVELOPMENT PERMIT NO. 09-001/ CONDITIONAL USE PERMIT NO. 09-019 (ATLANTA AVENUE WIDENING)** **Applicant:** Public Works Department, City of Huntington Beach **Property Owner:** City of Huntington Beach and Pacific Mobile Home Park, LLC **Request:** Coastal Development Permit No. 09-001 and Conditional Use Permit No. 09-019 represent a City proposed request to widen Atlanta Avenue from Huntington Street to Delaware Street to comply with the primary arterial street classification in the General Plan Circulation Element. The proposed project would also bring the subject segment of Atlanta Avenue into compliance with the Orange County Master Plan of Arterial Highways (MPAH). As defined in the General Plan, the primary arterial street classification provides sidewalk, curb, gutter, a bike lane, and two through lanes in each direction of travel, separated by a striped median. The coastal development permit is required to allow construction of the project

and associated improvements within the non-appealable area of the coastal zone. The conditional use permit is required to allow an eight-foot tall block wall atop a variable height retaining wall (zero to seven feet) in lieu of the maximum allowable height of 42 inches within the 10-foot front yard setback along Atlanta Avenue. Construction of the proposed street improvements will require the acquisition of an additional 25 feet of public street right-of-way south of the centerline of Atlanta Avenue. The additional 25 feet of right-of-way will come from the Pacific Mobile Home Park located immediately south of Atlanta Avenue. The acquisition of the 25 feet would require resident relocation, pursuant to the Federal Uniform Act and all applicable laws, of eight units (Unit Nos. 101, 102, 201, 301, 302, 401, 501, and 502) within the park. **Location:** Atlanta Avenue Right-of-Way: between Huntington Street and Delaware Street; Pacific Mobile Home Park: 80 Huntington Street (south side of Atlanta Avenue, between Huntington Street and Delaware Street) **City Contact:** Jennifer Villasenor

STAFF RECOMMENDATION: Motion to: "Approve Coastal Development Permit No. 09-001 and Conditional Use Permit No. 09-019 subject to the suggested findings and conditions for approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Mandic has driven by the site.
- Vice-Chair Peterson has visited the site, was on the Planning Commission for previous hearings for the project, and attended the study session.
- Chair Bixby has attended the study session, was on the Planning Commission for previous hearings for the project, and has visited the site.
- Commissioner Kalmick has visited the site, and discussed this item while the chair of the Mobile Home Advisory Board.
- Commissioner Franklin has driven by the site and inspected the impacts to the properties.
- Commissioner Pinchiff has driven by the property and inspected the areas involved in the project.

Jennifer Villasenor, Senior Planner, gave the staff presentation and an overview of the project.

THE PUBLIC HEARING WAS OPENED.

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

A MOTION WAS MADE BY FRANKLIN, SECONDED BY BIXBY, TO APPROVE COASTAL DEVELOPMENT PERMIT NO. 09-001 AND CONDITIONAL USE PERMIT NO. 09-019 WITH SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES:	**Mandic, Peterson, Bixby, Kalmick, Franklin, Pinchiff**
NOES:	**None**
ABSTAIN:	**None**
ABSENT:	**Dingwall**

MOTION APPROVED

FINDINGS FOR CEQA:

The Planning Commission finds that the proposed project was analyzed under Recirculated MND No. 09-001 adopted by the City Council on February 19, 2013 with findings and mitigation measures.

FINDINGS FOR APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 2009-001:

1. Coastal Development Permit No. 09-001 for the widening of Atlanta Avenue from Huntington Street to Delaware Street and associated improvements in the coastal zone, conforms to the General Plan, including the Local Coastal Program. The project would bring the subject segment of Atlanta Avenue into compliance with the primary arterial designation specified in the General Plan Circulation Element, the City's certified Local Coastal Program, and the County of Orange Master Plan of Arterial Highways.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The proposed development complies with all development standards except for the height of the proposed block wall, which deviates from the maximum allowable 42-inch height limit. However, the deviation to allow a taller perimeter wall would replace an existing six-foot tall wood fence, which provides privacy for the adjacent mobile home park and safety for pedestrians walking along the top of the slope at the edge of the right-of-way. The wall would be designed to improve the overall aesthetic of the area and would not detrimentally impact surrounding properties.

3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project is an infrastructure project that would accommodate buildout of the City forecasted in the General Plan by widening Atlanta Avenue to its ultimate primary arterial configuration. In addition, the project involves replacement of all existing utilities within the public right-of-way and mobile home park to ensure continued service in the project area.

4. The development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impact existing public access or recreation opportunities in the coastal zone. The project will provide a new ADA compliant sidewalk as well as a new striped bike lane that do not currently exist. These improvements would enhance public coastal access opportunities within the project area.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2009-019:

1. Conditional Use Permit No. 09-019 to permit construction of a maximum eight-foot tall block wall along the Atlanta Avenue frontage of an existing mobile home park, in lieu of the 42-inch height limit within the required 10-foot minimum 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 proposed fencing will improve public safety by providing protection along the top of a sloped embankment separating the mobile home park from the public right-of-way. In addition, the wall will ensure continued privacy of the mobile home park residents thus ensuring no detrimental impacts to the public as well as surrounding residents and properties.

2. The conditional use permit will be compatible with the surrounding properties along Atlanta Avenue and is consistent with existing conditions as the proposed block wall will replace an

existing six-foot tall wood fence. The proposed block wall and landscaping design will provide for continuity in the existing streetscape for Atlanta Avenue within the vicinity of the project. In addition, the proposed wall will provide additional noise reduction and privacy for residents of the mobile home park which is situated at a lower elevation than Atlanta Avenue.

3. The proposed conditional use permit 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. The Huntington Beach Zoning & Subdivision Ordinance provides for exceptions to fence height limits with approval of a conditional use permit. The project's design and implementation of the adopted mitigation measures will ensure that the proposed fence, although deviating from the provisions of the HBZSO, will be compatible with properties surrounding the project site and will not detrimentally impact surrounding residents.

4. The granting of the conditional use permit will not adversely affect the General Plan. The project would bring the subject segment of Atlanta Avenue into compliance with the primary arterial street classification specified in the General Plan Circulation Element. In addition, it is consistent with the following goals and policies of the General Plan:

   A. *Circulation Element*

      Policy CE 1.1: Pursue completion of missing roadway links and other related facilities shown on the Arterial Highway Plan.

      Goal CE 2: Provide a circulation system that supports existing, approved and planned land uses throughout the City while maintaining a desired level of service and capacity on all streets and at all intersections.

      Goal CE 7: Provide a system of bicycle, pedestrian, and equestrian paths, and waterways for commuter, school, and recreational use.

      Policy CE 7.8: Implement and operate appropriate traffic control devices throughout the community to reduce conflicts between pedestrians, bicycles, and motor vehicles.

      Policy CE 7.10: Ensure that bicycle and pedestrian facilities within the City comply with accessibility provisions of the Americans with Disabilities Act (ADA).

   B. *Coastal Element*

      Goal C 2: Provide coastal resource access opportunities for the public where feasible and in accordance with the California Coastal Act requirements.

      Policy C 2.2.1: Encourage the utilization of easements and/or rights-of-way along flood control channels, public utilities, railroads and streets, wherever practical, for the use of bicycles and/or pedestrians.

      Objective C 2.6: Promote and provide, where feasible, additional public access, including handicap access, to the shoreline and other coastal resources.

   C. *Urban Design Element*

      Goal UD 1: Enhance the visual image of the City of Huntington Beach.

The proposed block wall is a component of a City project that would widen Atlanta Avenue to its ultimate primary arterial right-of-way classification consistent with the City's Circulation Plan as well as the County Master Plan of Arterial Highways. The project would provide additional capacity on Atlanta Avenue and accommodate growth forecasted by the General Plan. The proposed project also involves construction of a new ADA accessible sidewalk and Class II bike lane, which do not currently exist, and replacement of an OCTA bus stop, which is currently constrained by the existing roadway configuration. The current transit activity turning from Huntington Street and stopping on Atlanta Avenue is constrained due to the substandard width of the existing roadway, the tight turning radius at the southeast corner of Atlanta Avenue and Huntington Street, and the presence of cyclists who share the roadway on this segment of Atlanta Avenue. Widening the roadway to provide two eastbound travel lanes and a designated bike lane will help to minimize conflict and improve traffic safety in the project area. The improvements also include replacement of an existing wood fence at the back of the existing gravel sidewalk with a new decorative concrete block wall and a three-foot wide landscape strip between the new ADA sidewalk and the block wall incorporating trees, flowering plants and wall vines. These improvements would enhance the streetscape aesthetic consistent with the City's Urban Design Guidelines and provide for continued privacy for residents of the adjacent mobile home park to the south.

CONDITIONS OF APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 2009-001 AND CONDITIONAL USE PERMIT NO. 2009-019:

1. The site plan and elevation received and dated March 20, 2013, shall be the conceptually approved design with the following modification:

   A minimum 25-foot sight triangle shall be provided at the intersection of Atlanta Avenue and Huntington Street in compliance with Huntington Beach Zoning & Subdivision Ordinance Section 230.88(C) – *Fencing and Yards, Visibility*. The required visibility triangle shall be measured from the right-of-way lines, in accordance with Diagram A (HBZSO 230.88).

2. Comply with all mitigation measures adopted for the project in conjunction with Recirculated Mitigated Negative Declaration No. 09-001.

3. Prior to construction contract award, a Landscape and Irrigation Plan shall be prepared and submitted, of minimum 24" x 36" format, to the Public Works Department and Planning Division for review and approval. Concurrent with preparation of the landscape plan, the Public Works Department shall provide an Arborist report on all existing trees to be removed within the mobile home park. Said report shall quantify, identify, size and analyze the health of the existing trees. Existing mature trees that are to be removed must be replaced at a two to one ratio.

4. Prior to final Public Works inspection, existing emergency access driveways and gates along Atlanta Avenue shall be replaced in accordance with Fire Department requirements. Fire Hydrants within the public right-of-way shall be relocated in the same location on the new sidewalk. Fire flows shall be maintained at their current GPM flows with a 20 psi residual.

5. The development services departments (Fire, Planning and Building, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building 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.

6. 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.

C. CONSENT CALENDAR - NONE

D. NON-PUBLIC HEARING ITEMS – NONE

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING
Scott Hess, Director of Planning and Building - reported on the items from the previous City Council Meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING
Scott Hess, Director of Planning and Building – reported on the items for the next City Council Meeting.

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING
Jane James, Acting Planning Manager– reported on the items for the next Planning Commission Meeting.

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS - NONE

F-2. PLANNING COMMISSION COMMENTS

Commissioner Pinchiff noted that he had attended the 9/11 Memorial Fundraiser luncheon. He encouraged the public to attend The Taste of Huntington Beach this Sunday, and noted that there will be two events regarding the beach bonfire issue this coming Sunday, April 28, 2013.

Commissioner Mandic noted that there will be an anniversary event for the Farmer's Market at Peter's Landing.

ADJOURNMENT: Adjourned at 10:09 PM to the next regularly scheduled meeting of Tuesday, May 14, 2013.

APPROVED BY:

Scott Hess, Secretary

Mark Bixby, Chairperson