MINUTES
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, APRIL 9, 2013
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

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

CALL PLANNING COMMISSION MEETING TO ORDER

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

Commissioner Dingwall was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY BIXBY, SECONDED BY PETERSON, TO MOVE STUDY SESSION ITEM NO. C TO AFTER STUDY SESSION ITEM NO. A-1, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. CONDITIONAL USE PERMIT NO. 09-019/ COASTAL DEVELOPMENT PERMIT NO. 09-001 (ATLANTA AVENUE WIDENING) – Jennifer Villasenor, Senior Planner

Jennifer Villasenor, Senior Planner, gave a brief overview of the proposed project.

There was a brief discussion regarding the potential traffic impacts of the project.

There was a brief discussion regarding the relocation of impacted residents.

B. STUDY SESSION ITEMS

B-1. PARLIAMENTARY PROCEDURE – Jane James, Acting Planning Manager

Jane James, Acting Planning Manager, gave a brief overview of parliamentary procedures.

There was a brief discussion regarding the process for amending motions and ending debate.

C. PUBLIC COMMENTS – NONE

D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) – Jane James

Jane James, Acting Planning Manager, reported that there was one Late Communication item for Public Hearing Item No. B-1. She noted that staff would be recommending two additional conditions of approval as detailed in the Late Communication.

E. PLANNING COMMISSION COMMITTEE REPORTS - NONE

F. PLANNING COMMISSION COMMENTS - NONE

6:00 P.M. – RECESS FOR DINNER

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 BIXBY, SECONDED BY PETERSON, TO APPROVE THE PLANNING COMMISSION AGENDA OF APRIL 9, 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-1. CONDITIONAL USE PERMIT NO. 12-035 / VARIANCE NO. 13-004 (BEACH CITIES INTERFAITH SERVICES DISTRIBUTION CENTER) Applicant: Chris Christie, Beach Cities Interfaith Services, Inc. **Property Owner:** Eli Esber, County of Orange **Request: CUP:** To permit the establishment of a modular building as a temporary distribution center for food, clothing, and other necessities to homeless and at risk families on a portion of the vacant and closed Orange County Transfer Station site for a period not to exceed five (5) years. **VAR:** To permit a 13 ft. front setback for the modular building in lieu of the required 25 feet. **Location:** 18131 Gothard Street, Huntington Beach, CA 92648 (west side of Gothard Street, south of Talbert Avenue) **City Contact:** Tess Nguyen

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 12-035 and Variance No. 13-004 with findings and suggested conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Mandic has visited the site area.
- Vice-Chair Peterson has visited the site and attended the Design Review Board meeting on this item.
- Chair Bixby has visited the site and spoken to staff.
- Commissioner Kalmick has visited the site.
- Commissioner Franklin has visited the site.
- Commissioner Pinchiff has visited the site, and resides near the previous location for the project.

Tess Nguyen, Associate Planner, gave the staff presentation and an overview of the project. She noted that staff recommends two additional conditions of approval to require a lighting plan to ensure visibility at the site and to require that the access gates at the site be locked when the facility is not in use.

There was a brief discussion regarding the potential parking impacts of the project.

There was a brief discussion regarding the disparity between the General Plan and zoning designations.

THE PUBLIC HEARING WAS OPENED.

Chris Christie, applicant, spoke in support of the project and stated that he was available to answer questions.

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

There was a lengthy discussion regarding the land use category and the zoning for the project.

There was a brief discussion regarding the hours of operation and any special events. Derek Wimmer, Beach Cities Interfaith Services, indicated that the site would only be open during the approved operating hours.

There was a brief discussion regarding the average number of clients that visit the facility regularly.

A MOTION WAS MADE BY FRANKLIN, SECONDED BY PETERSON, TO APPROVE CONDITIONAL USE PERMIT NO. NO. 12-035 AND VARIANCE NO. 13-004 WITH FINDINGS AND AMENDED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 12-035:

1. Conditional Use Permit No. 12-035 to permit the establishment of a modular building as a temporary distribution center for food, clothing, and other necessities to homeless and at risk families on a portion of the vacant and closed Orange County Transfer Station site for a period not to exceed five (5) years 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 temporary use will not impact the surrounding vacant properties. In addition, there are no residential properties or other sensitive uses within 1,000 feet of the project site and therefore, no noise impacts to residences will result from the distribution center.

2. The proposed distribution center will be compatible with surrounding recreational and industrial uses. The temporary modular building and storage container will be placed behind existing mature eucalyptus trees screening the majority of the site from the street. There will not be any structures proposed on the remainder of the Orange County Transfer Station site on the north, south, and west of the project site. No impacts to the church and industrial uses on the east side of Gothard Street are anticipated.

3. The proposed distribution center 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 and any specific condition required for the proposed uses in the district in which they will be located with the exception of the front setback. The temporary modular building and storage container comply with the accessory use classification in the Open Space – Parks and Recreation subdistrict.

4. The granting of the conditional use permit to establish a temporary distribution center of food, clothing, and other necessities to the homeless and at risk families will not adversely affect the General Plan. It is consistent with the Land Use Map designation of I-F2-d (Industrial – 0.50 Max. FAR – Design Overlay) on the project property including the following policy in the General Plan:

   Housing Element Policy 5.3: Support continued efforts to implement the Orange County Continuum of Care program for the homeless.

   The project, through its offering of services, would assist homeless persons and at risk families transition towards self-sufficiency. The project would contribute to the City's strategy to continue to support a continuum of programs, including homeless support services and homeless prevention services.

FINDINGS FOR APPROVAL – VARIANCE NO. 13-004:

1. The granting of Variance No. 13-004 to allow a 13 ft. front setback for the modular building in lieu of the required 25 ft. will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. Due to the shallow depth of a portion of the project site (58 ft.), the project would not be able to comply with the required front setback. The available buildable area of the project site is determined by the upper level of the landfill cap and its potential for methane gas exposure and emission. Approval of the requested deviation will not constitute a grant of special privilege as the variance will allow the development of a distribution center to provide a functional use of the property and offer homeless support services and prevention service.

2. Because of special circumstances applicable to the project property, including size, shape, location or surroundings, the strict application of the zoning ordinance is found to deprive the project property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The project site has a shallow configuration in one portion of the site with a depth of 58 ft. Because of its size and shape, the property would not be able to provide the required setback as compared to a larger site with a standard shape. Granting the deviation in the front setback allows the project property to enjoy the same privileges as the other properties in the vicinity and under identical zone classification.

3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The requested variance is necessary to allow the proposed project to be developed with a distribution center to serve the homeless and at risk families in the community. Granting the requested variance will not affect the overall visual character and scale of the proposed development onsite in the context of the surrounding area. The project site is able to enjoy the right to develop the site in accordance with the Open Space – Parks and Recreation subdistrict of the Huntington Beach Zoning and Subdivision Ordinance.

4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification and is consistent with the General Plan. The development of a distribution center will not be materially detrimental to the public welfare because the proposed buildings are designed to be consistent with the scale and character of the surrounding area. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of I-F2-d (Industrial – 0.50 Max FAR – Design Overlay) on the project property.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 12-035/VARIANCE NO. 13-004:

1. The site plan, floor plans, and elevations received and dated February 14, 2013, shall be the conceptually approved design with the modifications that the colors of the modular building and the metal storage container shall be the same color. **(DRB)**

2. Prior to submittal for building permits, the following shall be completed:

   a. One set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Division.

   b. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire 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.

3. Prior to issuance of building permits, the following shall be completed:

   a. A License Agreement with the County and/or City shall be completed by the applicant.

   b. The existing trailer for the prior temporary day labor job center shall be removed.

c. A lighting plan for the site shall be submitted for review and approval by the Planning & Building and Police Departments to ensure visibility of the property from Gothard Street and the accessway along the north boundary of the site. **(PD)**

4. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released, and issuance of a Certificate of Occupancy until the following has been completed:

   a. Compliance with all conditions of approval specified herein are accomplished and verified by the Planning and Building Department.

   b. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.

   c. A Certificate of Occupancy must be approved by the Planning Division and issued by the Building and Safety Division.

5. The use shall comply with the following:

   a. The hours of operation for the temporary distribution center are limited to between 9:00 AM and 3:00 PM, Mondays through Fridays.

   b. The existing gates along Gothard Street and the accessway along the north boundary of the site shall be locked when the distribution center is not in operation. **(PD)**

   c. Conditional Use Permit No. 12-035 and Variance No. 13-004 shall be valid for a period of five years from the approval date of the Certificate of Occupancy. An extension of the use longer than a five year period would require approval from the City.

6. The distribution center shall comply with the terms of the Easement Deed for the use of the County property to the north of the proposed project site. The applicant shall be responsible for maintaining and repairing all damages that may occur to the driveway area north of the project site.

7. Signage shall be reviewed under separate permits and applicable processing.

8. The Development Services Departments (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 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.

9. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.

10. Conditional Use Permit No. 12-035 and Variance No. 13-004 shall become null and void unless exercised within two years of the date of final approval by the Planning Commission,

or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.

11. Incorporation of 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

C-1. PLANNING COMMISSION MINUTES DATED FEBRUARY 26, 2013

RECOMMENDED ACTION: Motion to: "Approve the February 26, 2013, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY KALMICK, SECONDED BY BIXBY, TO APPROVE THE FEBRUARY 26, 2013 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

C-2. PLANNING COMMISSION MINUTES DATED MARCH 12, 2013

RECOMMENDED ACTION: Motion to: "Approve the March 12, 2013, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY KALMICK, SECONDED BY BIXBY, TO APPROVE THE MARCH 12, 2013 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS – NONE

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING
Jane James, Acting Planning Manager - reported on the items from the previous City Council Meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING
Jane James, Acting Planning Manager – 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 Kalmick noted that he attended the Farmer's Market at Peter's Landing and recommended it.

Chair Bixby noted that he had attended a recent South Coast Air Quality Management District (AQMD) meeting regarding the beach fire pits and encouraged his fellow commissioners to attend the upcoming AQMD meeting on the issue on June 7, 2013.

ADJOURNMENT: Adjourned at 7:34 PM to the Planning Commission Workshop at the Central Library on Thursday, April 11, 2013 at 8:00 AM and then adjourn to the next regularly scheduled meeting of Tuesday, April 23, 2013.

APPROVED BY:

Scott Hess, Secretary

Mark Bixby, Chairperson