MINUTES
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JULY 23, 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: ***Dingwall, Mandic, Peterson, Bixby, Kalmick, Franklin, Pinchiff***

P	*A*	*P*	*P*	*P*	*P*	*P*

Commissioner Mandic was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY BIXBY, SECONDED BY PETERSON, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF JULY 23, 2013, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. GENERAL PLAN AMENDMENT NO. 12-001 (HOUSING ELEMENT UPDATE) – Jennifer Villasenor, Senior Planner

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

There was a brief discussion regarding the neighborhood preservation section of the element.

There was a brief discussion regarding incentives to provide affordable housing.

B. STUDY SESSION ITEMS – NONE

C. PUBLIC COMMENTS – NONE

D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Jane James, Planning Manager, briefly reviewed hearing Item Nos. B-1 and D-1.

E. PLANNING COMMISSION COMMITTEE REPORTS - NONE

F. PLANNING COMMISSION COMMENTS - NONE

5:55 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Kalmick

P A P P P P P

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

Commissioner Mandic was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY BIXBY, SECONDED BY PINCHIFF, TO APPROVE THE PLANNING COMMISSION AGENDA OF JULY 23, 2013, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PUBLIC COMMENTS – NONE

B. PUBLIC HEARING ITEMS

Vice-Chair Peterson recused himself on Item No. B-1 due to a possible conflict of interest as a subcontractor for the builder and left the room.

B-1. CONDITIONAL USE PERMIT NO. 13-007 (OASIS HEALTH CLUB) Applicant: The Oasis Club – Huntington Beach, LLC **Property Owner:** Barros Peninsula Marketplace, LLC **Request:** To permit a) the establishment of an approximately 28,103 sq. ft. commercial recreation and entertainment use (health club) including exercise and locker rooms, teaching kitchen, lounge areas, outdoor lap pool, spa and deck, within an existing multi-tenant commercial center; b) alcohol sales (beer & wine) within the café area (including outdoor seating); and, c) reduction in the number of required parking spaces based on a parking survey. **Location:** 19101 Goldenwest Street, 92648 (southwest corner at Garfield Avenue – Peninsula Marketplace Center) **City Contact:** Ethan Edwards, Associate Planner

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 13-007 with suggested findings and conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Dingwall has visited the site previously.
- Chair Bixby has visited the site, driven by the site, and spoken with staff.
- Commissioner Kalmick has visited the site.

- Commissioner Franklin has visited the site.
- Commissioner Pinchiff has driven by the site.

Ethan Edwards, Associate Planner, gave the staff presentation and an overview of the project.

There was a brief discussion regarding the site being located in the city's methane district.

THE PUBLIC HEARING WAS OPENED.

C. Thomas Ruppert, applicant, spoke in support of Item No. B-1 and gave a brief overview of the proposed project.

John Kara, resident, spoke regarding Item No. B-1, expressing concern with construction hours, potential alcohol service at the lap pool, and potential noise impacts.

Dennis Jordanides, resident, spoke regarding Item No. B-1, citing concerns with potential noise impacts, hours of operation, and the current eight foot wall being insufficient for privacy concerns. He asked for additional landscaping to help mitigate any privacy issues.

James Lu, resident, spoke regarding Item No. B-1, citing potential noise impacts for early pool access, potential alcohol service, and asked the commission to prohibit any alcohol service in the pool area.

Jang Hwang, resident, spoke in opposition to Item No. B-1, citing potential noise impacts, potential alcohol service in the pool area, and potential parking impacts.

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

There was a lengthy brief discussion regarding the potential noise impacts of the pool equipment and the landscaping around the pool area.

There was a brief discussion regarding alcohol service not being permitted in the pool area.

There was a brief discussion regarding restricting group activities in the pool area prior to 9 AM.

A MOTION WAS MADE BY KALMICK, SECONDED BY BIXBY, TO APPROVE CONDITIONAL USE PERMIT NO. 13-007 WITH SUGGESTED FINDINGS AND MODIFIED CONDITIONS TO PROHIBIT GROUP ACTIVITIES IN THE POOL PRIOR TO 9 AM MONDAY THROUGH FRIDAY, BY THE FOLLOWING VOTE:

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

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 15301, Class 1—*Existing Facilities*, of the CEQA Guidelines, which states that minor alterations to existing structures involving negligible or no expansion are exempt from further environmental review.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 13-007:

1. Conditional Use Permit (CUP) No. 13-007 for the establishment, maintenance, and operation of a 28,103 sq. ft. commercial recreation and entertainment use (health club) including exercise and locker rooms, teaching kitchen, café/juice bar, lounge areas, outdoor lap pool, spa and deck areas, and alcohol sales (beer and wine) within the café area (including outdoor seating), and reduction in the number of required parking spaces based on a parking survey within an existing multi-tenant commercial shopping center 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 occupy a vacant suite within an existing multi-tenant commercial shopping center. The project will be primarily contained within the interior of the tenant space and includes the construction of an outdoor pool/spa area and outdoor dining patio area. The subject property provides adequate parking to accommodate the proposed use, as demonstrated by a parking demand study, prepared by a licensed traffic engineer, indicating sufficient parking for existing and proposed uses. The anticipated actual peak parking demand for the center is 440 occupied parking spaces. This substantiates that there is sufficient parking onsite and shows surplus parking for the existing and proposed uses based upon the 511 parking spaces proposed. The proposed use is not anticipated to generate additional noise, traffic, or other detrimental impacts onto surrounding properties inconsistent with the subject property's Commercial zoning designation.

2. The conditional use permit will be compatible with surrounding uses because it is located primarily within the building in an existing commercial center and surrounded by similar and complementary commercial uses. The proposed use is not anticipated to generate additional traffic, noise, or other impacts to surrounding properties. Adequate parking will be provided based on a parking demand study. The proposed hours of operation are also consistent with existing commercial uses and therefore will not generate impacts to adjacent noise-sensitive uses above the existing conditions.

3. The proposed facility 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 use in the district in which it is located. The existing building conforms to applicable site development standards including required minimum setbacks, maximum building height, and minimum onsite parking based on a parking demand study. Commercial recreation and entertainment use in the CG (Commercial General) zoning district requires a conditional use permit subject to review and approval by the Planning Commission.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CN-F1 (Commercial Neighborhood – 0.35 Max Floor Area Ratio) on the subject property. In addition, it is consistent with the following goals, policies, and objectives of the General Plan:

   Land Use Element

Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Goal LU 10 Achieve the development of a range of commercial uses.

Objective LU 10.1 Provide for the continuation of existing and the development of diversity of retail and service commercial use that oriented to the needs of local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

Policy LU 10.1.17 Require the inclusion of uses and elements that contribute amenities for visitors, such as public activity areas and onsite recreational facilities (health clubs, spas, etc.).

Policy LU 13.1.1 Allow for the continuation of existing public and private institutional, cultural, educational, and health uses at their present locations and development of new uses in areas designated on the Land Use Plan Map in accordance with Policy LU 7.1.1.

The establishment of the health club promotes re-use of a prior commercial suite in a manner that will be consistent with the aforementioned policies, goals, and objectives of the City's General Plan. The project is consistent with General Plan Land Use goals, objectives and policies, which encourage additional recreational amenities such as health clubs and advocate development of new facilities where they are compatible with adjacent uses. The project is within an established commercial center that contains existing restaurants, retail, and service uses. The project serves to expand the range of goods and services provided in the area and facilitates continued viability of the commercial center.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 13-007:

1. The site plan and floor plan received and dated May 23, 2013 and elevation received and dated July 11, 2013 shall be the conceptually approved design.

2. Prior to issuance of building permits, a Parking Management Plan shall be submitted for review and approval by the Department of Planning and Building. At a minimum, the Parking Management Plan shall specify that all fitness center employees will park at the rear (south) side parking area.

3. The use shall comply with the following:
   a. Hours of operation shall be limited to 6:00 AM to 9:00 PM, Monday through Friday; and 9:00 AM to 7:00 PM, Saturday and Sunday.
   b. The location shall be limited to a Type-41 (Beer and Wine General Eating Place) or a Type-42 (Beer and Wine) California Department of Alcoholic Beverage Control license. **(PD)**
   c. Alcohol shall not be sold, served, or consumed within the outdoor pool/spa area. **(PD)**
   d. Alcohol shall only be sold, served, or consumed between the hours of 8:00 AM and 9:00 PM, Monday through Friday; and between 9:00 AM and 7:00 PM, Saturday and Sunday. **(PD)**

e. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning and Building Department for the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.

f. Loud-speakers, music, whistles, or other noise making devices shall not be utilized within the outdoor pool/spa area.

g. Speakers shall be prohibited to hang from or face shared tenant walls.

h. Entertainment shall not be permitted. **(PD)**

i. Only the uses described in the project narrative shall be permitted (see attached narrative).

j. Group activities in the outdoor pool/spa area shall be prohibited between the hours of 6:00 AM and 9:00 AM. **(PC)**

4. The development services departments and divisions (Building & Safety, Fire, Police, 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.

5. Conditional Use Permit No. 13-007 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 Planning and Building Department a minimum 30 days prior to the expiration date.

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.

Vice-Chair Peterson returned to the room.

C. CONSENT CALENDAR – NONE

D. NON-PUBLIC HEARING ITEMS

D-1. GENERAL PLAN CONFORMANCE NO. 13-004 (CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2013/14) Applicant: Public Works Department, City of Huntington Beach **Property Owner:** City of Huntington Beach **Request:** To determine if the 2013/14 Capital Improvement Program (CIP) is in conformance with the goals, objectives, and policies of the General Plan. **Location:** Citywide **City Contact:** Rosemary Medel, Associate Planner

STAFF RECOMMENDATION: Motion to: "Adopt Resolution No.1673, approving General Plan Conformance No. 13-004 with findings (Attachment Nos. 1 and 2)."

Rosemary Medel, Associate Planner, gave the staff presentation and an overview of the project.

There was a brief discussion regarding capital improvement project list selection process.

A MOTION WAS MADE BY KALMICK, SECONDED BY PETERSON, TO ADOPT RESOLUTION NO. 1673, APPROVING GENERAL PLAN CONFORMANCE NO. 13-004 WITH FINDINGS, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the proposed 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 15306 of the CEQA Guidelines because the project involves information collection which does not result in major disturbance to an environmental resource.

FINDINGS FOR APPROVAL – GENERAL PLAN CONFORMANCE NO. 13-004:

1. The 2013/14 Capital Improvement Program conforms to the following goals, objectives, and policies of the General Plan:

   U 1.2 Ensure that existing development, redevelopment, and new development does not degrade the City's surface waters and groundwater basins.

   U 3.3.2 Where feasible, utilize natural overland flows, open channels, and swale routings as preferred alignments for components of drainage systems.

CE 7.1.7 Continue to construct landscaped medians in existing major and primary arterial streets and continue to require the construction of landscaped medians in new developments.

LU 13.1.1 Allow for the continuation of existing public and private institutional, cultural, educational, and health uses at their present locations and development of new uses in areas designated on the Land Use Plan Map in accordance with Policy 7.1.1.

PF 6.1.3 Maintain or improve the governmental facilities and services in order to meet the adopted levels of service and standards established in the Growth Management Element.

CE 6.1.6 Maintain existing pedestrian facilities and require new development provide pedestrian walkways and bicycle routes between developments, schools, and public facilities.

RCS 4.1 Improve and modernize existing parks and facilities to overcome existing design deficiencies and deteriorated conditions.

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.

CE 2.1 Comply with adopted performance standards for acceptable levels of service.

Objective 2.1 Maintain the following citywide level of service (LOS) standards for traffic-signal controlled intersections during peak hours:

- Locations with specific characteristics identified as critical intersections: LOS E (ICU to not exceed 1.00)
- Principal Intersections: LOS D (0.81-0.90 ICU)
- Secondary Intersections: LOS C (0.71-0.80 ICU)

LOS is to be determined during weekday morning and evening peak hours. Expanded timeframes may be applied to individual uses that generate high volumes of traffic during off-peak hours or weekends.

CE 2.2 Monitor the capacity of principal intersections throughout the City. When principal intersections approach or have reached unacceptable levels of service, consider elevating the priority of Capital Improvement Program (CIP) projects that reduce traffic congestion at these intersections.

The Capital Improvement Program (CIP) ensures that City facilities continue to be adequately accessible and maintained in order to provide services to residents and visitors. The City's Capital Improvement Program is the main planning tool used by the City to coordinate financing and scheduling for major projects, including transportation improvements, to be undertaken by the City. The projects within the CIP correspond to the goals of the City's Strategic Plan in the areas of Public Safety, Infrastructure and Transportation, Community Livability, and Environmental and Natural Resources. The CIP ensures that an adequate amount of new circulation and access improvements are developed and maintained to support existing and future development. Capital improvements maintain an integral circulation infrastructure allowing the movement of people and goods throughout the City.

E. PLANNING ITEMS

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, 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 reported on upcoming events for the Surf Museum, Surfing Walk of Fame, and Surfing Hall of Fame.

ADJOURNMENT: Adjourned at 8:06 PM to the next regularly scheduled meeting of Tuesday, August 13, 2013.

APPROVED BY:

Scott Hess, Secretary

Mark Bixby, Chairperson