

AGENDA HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, MARCH 13, 2007
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:30 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL: *Shier-Burnett, Speaker, Livengood, Scandura, Horgan, Dwyer, Farley*

AGENDA APPROVAL

A. PROJECT REVIEW (FUTURE AGENDA ITEMS):

A-1. **ENTITLEMENT PLAN AMENDMENT NO. 07-01 (PIERSIDE PAVILION MODIFICATION TO MIX OF USES) - Rami Talleh**

A-2. **REQUEST FOR RECONSIDERATION OF CONDITIONAL USE PERMIT NO. 06-26 (GRACE LUTHERAN CHURCH/SCHOOL) – Ron Santos**

B. STUDY SESSION ITEMS - NONE

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) – None

D. PLANNING COMMISSION COMMITTEE REPORTS

E. PUBLIC COMMENTS – Regarding Project Review or Study Session portions of Meeting

Anyone wishing to speak on Project Review or Study Session items during PUBLIC COMMENTS may do so by filling out a Request To Speak form and giving it to the Secretary. (4 MINUTES PER PERSON, NO DONATING OF TIME TO OTHERS)

F. PLANNING COMMISSION COMMENTS

ADJOURNMENT:

Adjourn to the next regularly scheduled meeting of March 27, 2007.

7:00 P.M. – COUNCIL CHAMBERS

CANCELLED: NO PUBLIC HEARINGS

HUNTINGTON BEACH PLANNING COMMISSION Public Hearing Procedures

This statement has been prepared to provide a better understanding of the procedures for public hearings before the Planning Commission.

Regular meetings of the Planning Commission are held on the second and fourth Tuesdays of each month beginning at 5:15 p.m. in Room B-8 for a study session and then at 7:00 PM in the Council Chambers. Adjourned meetings, special meetings, and Study Sessions may be scheduled at other times.

Planning Commission proceedings are governed by the Planning Commission By-Laws, Robert's Rules of Order and the Brown Act. The following is the typical sequence of events on public hearing items:

- A. The Chairperson shall announce the item and if the public hearing is open or closed.
- B. The Planning Commission shall disclose any discussions, conversations, etc., with applicants, applicant's representatives or property owners.
- C. The staff report is presented.
- D. Questions by the Planning Commission concerning the staff report may be answered at this time.
- E. The public hearing is opened by the Chairperson.
- F. The applicant or appellant is given an opportunity to address the Commission. Time is not limited but left to the Chairperson's discretion.
- G. Public Comments: Staff will call all speakers by name. Please proceed to the podium. Individuals favoring and opposing the proposal are given an opportunity to address the Commission (up to four (4) minutes), or may choose to donate their time to another speaker if the "Request to Speak" form is filled out and given to the Secretary. A speaker who addresses the Commission on behalf of individuals who donate time are allowed a maximum of 12 minutes. Individuals who donate time must be present when the item is being discussed. Please state your name before addressing the Commission.
- H. The Commission may ask questions of speakers addressing the Commission.
- I. The public hearing is closed.
- J. The Commission will deliberate the matter at this time.
- K. The Commission then acts on the matter by continuing, approving, conditionally approving, or denying the petition.

The Planning Commission receives a staff report packet on the Tuesday preceding the meeting, allowing time to review each case and make further investigations in the field prior to the scheduled meeting.

Staff reports are available in the Planning Department, the Central Library and on the City's website (www.surfcity-hb.org) anytime on Wednesday preceding the Tuesday Planning Commission meeting.



City of Huntington Beach Planning Department
STUDY SESSION REPORT

TO: Planning Commission
FROM: Scott Hess, Acting Director of Planning
BY: Rami Talleh, Associate Planner *RT*
DATE: March 13, 2007

SUBJECT: ENTITLEMENT PLAN AMENDMENT NO. 07-01 (PIERSIDE PAVILION MODIFICATION TO MIX OF USES – AMENDMENT TO CONDITIONAL USE PERMIT NO. 90-37/COASTAL DEVELOPMENT PERMIT NO. 90-21 – 300 PACIFIC COAST HIGHWAY)

PROJECT REQUEST AND SPECIAL CONSIDERATIONS

Entitlement Plan Amendment No. 07-01 represents a request for the following:

To amend Conditional Use Permit No. 90-37 and Coastal Development Permit No. 90-21 by modifying the established mix of uses at Pierside Pavilion. The applicant requests to reduce or eliminate the theater use and increase retail, office, and restaurant square footage within the building to address the changing patterns of Downtown Huntington Beach and meet current market demands. The proposed modification only addresses the established mix of uses. The applicant does not propose to expand the square footage of the building or modify the exterior. A comparison of the existing and proposed mix of uses is provided in the applicant's narrative (Attachment No. 3).

CURRENT LAND USE, HISTORY OF SITE, GENERAL PLAN DESIGNATION

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	MV-F12-sp-pd (Mixed Use Vertical – 3.0 Max. Floor Area Ratio/ 35 Dwelling Units per Acre – Specific Plan Overlay – Pedestrian Overlay)	Downtown Specific Plan District 3/Coastal Zone	Retail/Office/Theater/ Restaurants
North of Subject Property (across Walnut):	MV-F6/25-sp-pd (Mixed Use Vertical – 2.0 Max. Floor Area Ratio/ 25 Dwelling Units per Acre – Specific Plan Overlay – Pedestrian Overlay)	Downtown Specific Plan District 5/Coastal Zone	Retail/Restaurant/ Parking Structure
East of Subject Property:	MV-F12-sp-pd	Downtown Specific Plan District 3/Coastal Zone	Residential Condominiums
South of Subject Property: (across PCH)	CV-d (Commercial Visitor-Design Overlay)	Downtown Specific Plan District 10/Coastal Zone	Pier/Restaurants/Beach
West of Subject Property: (across Main)	MV-F12-sp-pd	Downtown Specific Plan District 3/Coastal Zone	Retail/Office

The City approved Conditional Use Permit No. 88-07 with Special Permits and Coastal Development Permit No. 88-03 (Attachment No. 4) to develop a mixed-use project with a 90,000 square foot entertainment complex, including retail, office and a 6-plex movie theater (Pierside Pavilion) in addition to a 130 unit condominium project (Pier Colony). In 1990 the City approved Conditional Use Permit No. 90-37 and Coastal Development Permit No. 90-21 (Attachment No. 5) to change the square footage mix of uses at Pierside Pavilion. The modification reduced the square footage of retail uses and increased the square footage of restaurant uses.

APPLICATION PROCESS AND TIMELINES

DATE OF COMPLETE APPLICATION:

MANDATORY PROCESSING DATE(S):

Entitlement Plan Amendment: February 9, 2007 April 7, 2007

Entitlement Plan Amendment No. 07-01 was filed on January 11, 2007 and deemed complete February 9, 2007. The application is tentatively scheduled for the Planning Commission meeting of March 27, 2007.

CEQA ANALYSIS/REVIEW

The proposed project is Categorically Exempt pursuant to Section 15301, Class 1, of the California Environmental Quality Act, which states that minor alterations to existing structures are exempt from further environmental review.

COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES

The project is located in the Huntington Beach Redevelopment Project, Main-Pier Subarea. The Economic Development Department is reviewing the request and will provide comments on the proposal. In addition, the departments of Public Works, Fire and Building and Safety are currently reviewing the request.

PUBLIC MEETINGS, COMMENTS AND CONCERNS

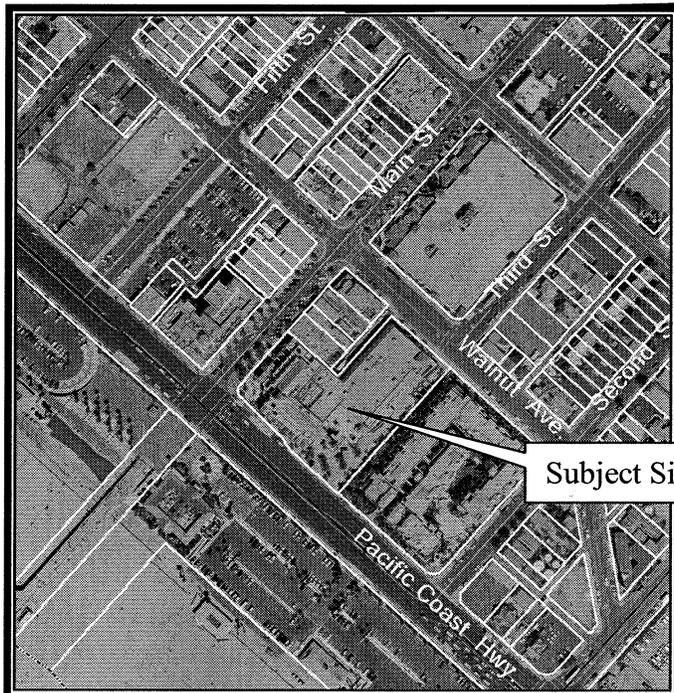
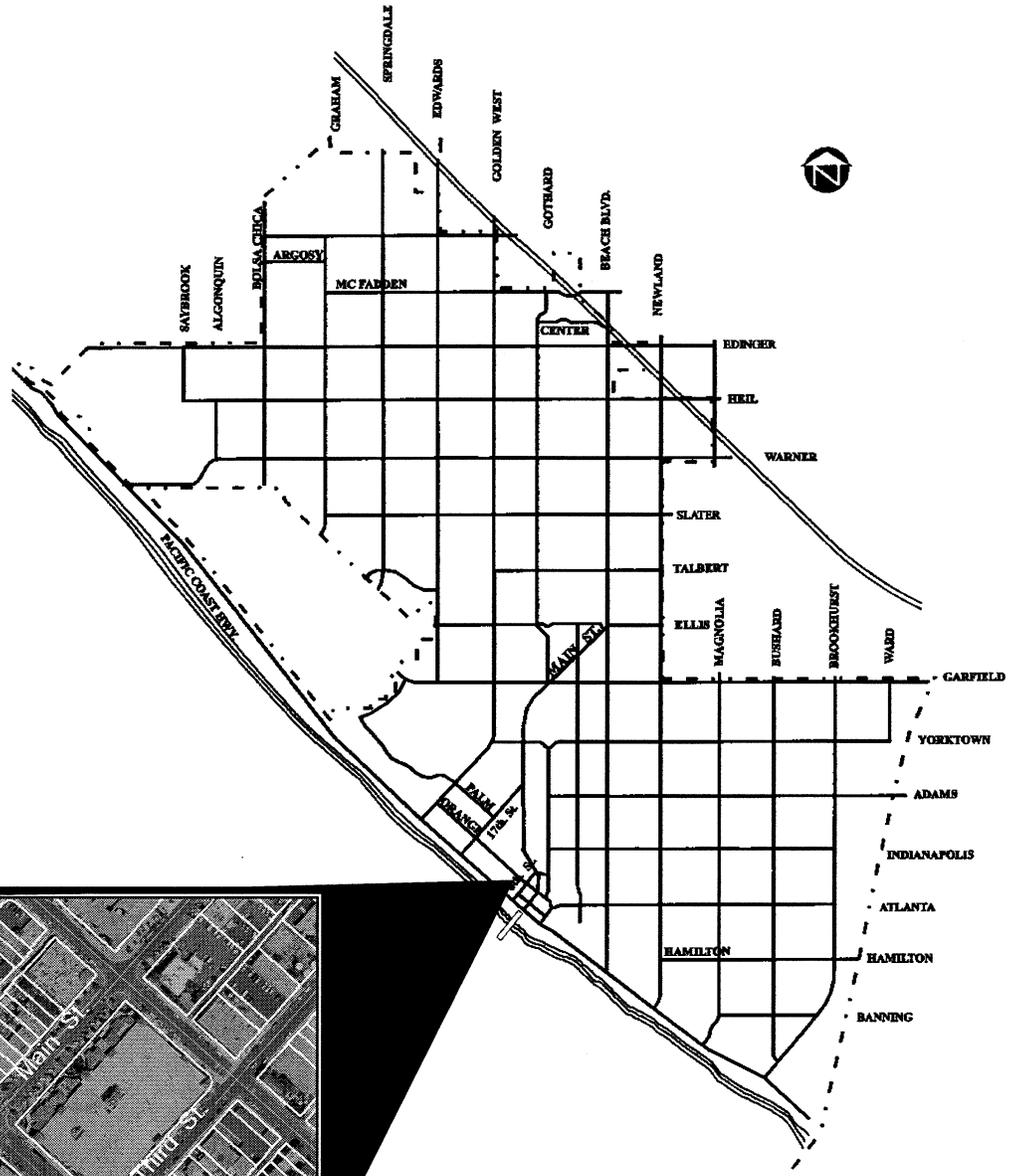
There have been no public meetings regarding this request. To date, there have been no comments from the public regarding this request.

PLANNING ISSUES

The primary issues with the proposed change to the mix of uses within Pierside Pavilion are land use compatibility and parking. Pierside Pavilion was developed as an approximately 90,000 square foot entertainment complex including retail, restaurants, office, and a movie theater. The mixed-use development also included a 130-unit residential condominium project known as Pier Colony. The existing Pierside Pavilion building is adjacent to the Pier Colony residential units and separated by a 65 feet wide corridor. The required parking for the proposed uses is proposed within the on-site parking structure and adjacent City owned parking structure.

ATTACHMENTS:

1. Vicinity Map
2. Site plan and floor plans received and dated January 11, 2007
3. Narrative dated January 11, 2007
4. Planning Commission Notice of Action Dated April 19, 1988 (TTM No. 13478, CDP No. 88-3, and CUP No. 88-7)
5. Planning Commission Notice of Action Dated July 25, 1990 (CDP 90-21 and CUP No. 90-37)

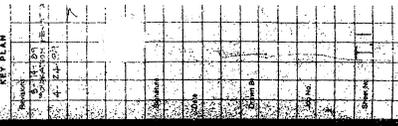
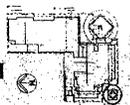


Subject Site

VICINITY MAP
ENTITLEMENT PLAN AMENDMENT NO. 07-01
(PIERSIDE PAVILION MODIFICATION TO MIX OF USES)
300 PACIFIC COAST HIGHWAY

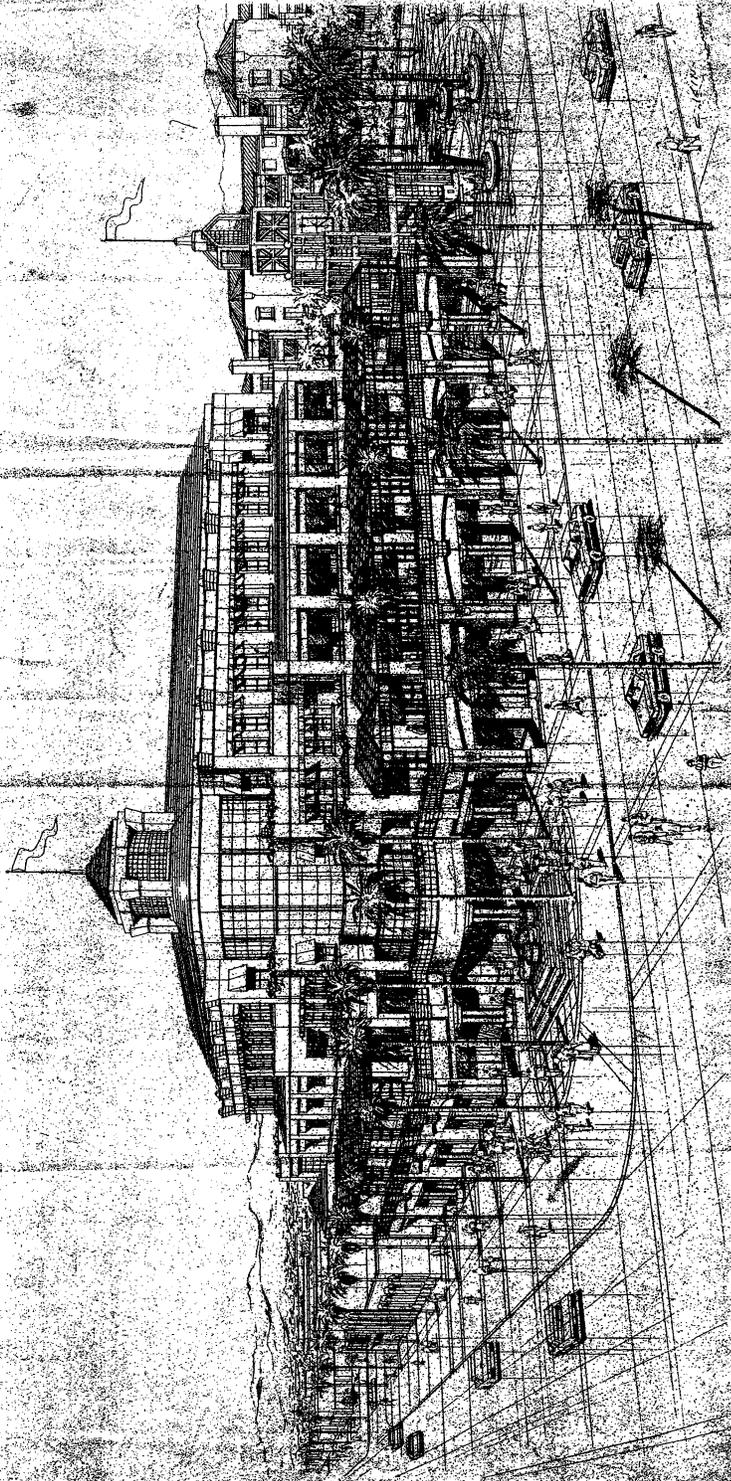
LAURENCE & LOW
ARCHITECTS, INC.
INCORPORATED
1000 MAIN STREET, SUITE 100
HUNTINGTON BEACH, CALIFORNIA 92648
(714) 962-9371

PIERSIDE PAVILION
300 PACIFIC COAST HIGHWAY
HUNTINGTON BEACH, CALIFORNIA



City of Huntington
JAN 11 2001

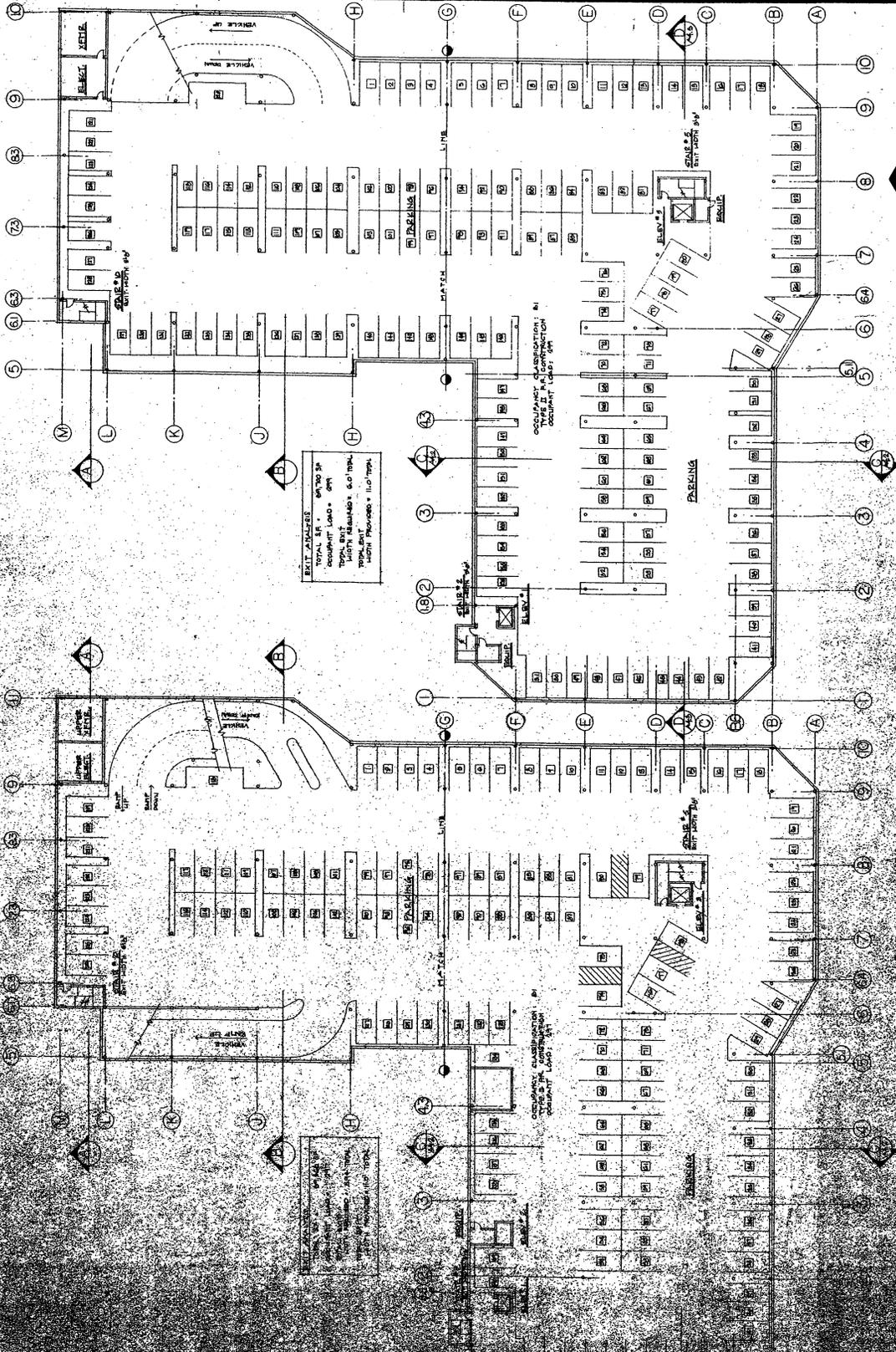
Main and Pacific Coast Hwy
Huntington Beach, California



SOLBERG + LOWE
 ARCHITECTS AIA
 Incorporated
 Santa Monica, CA 90404
 (310) 392-9121

PIERSIDE PAVILION
 300 PACIFIC COAST HIGHWAY
 HUNTINGTON BEACH, CALIF.

City of Huntington Beach
 JAN 11 2007



EXIT ANALYSES
 TOTAL E.E. 54730 SF
 OCCUPANT LOAD = 547
 TOTAL ELEVATORS & STAIRS
 TOTAL EXIT
 LIGHT PROVIDED = 110 TYP.

OCCUPANCY CLASSIFICATION: A1
 TYPE II, F.A. CONSTRUCTION
 OCCUPANT LOAD: 547

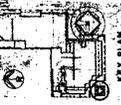
LOWER LEVEL - TWO COMPOSITE
 1/11/07

LOWER LEVEL - TWO

LOWER LEVEL - ONE

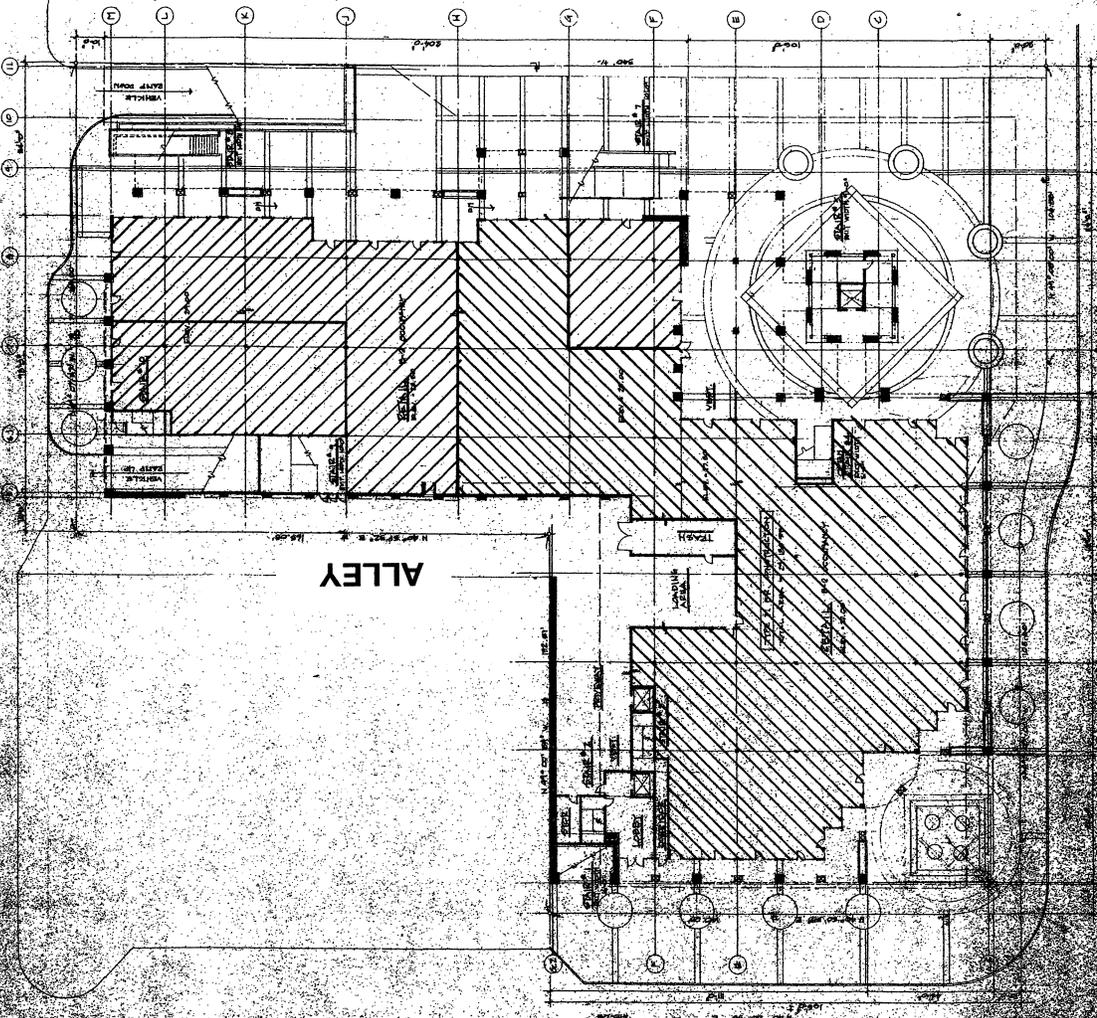
SOLBERG + LOWE
ARCHITECTS AIA
1901 Main Street
Santa Monica, CA 90405
(310) 392-9921

PIERSIDE PAVILION
300 PACIFIC COAST HIGHWAY
HUNTINGTON BEACH, CALIF. 92648

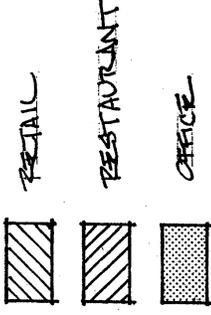


Revision	Date	By	Checked
1	12-14-06	SL	SL
2	12-14-06	SL	SL
3	12-14-06	SL	SL
4	12-14-06	SL	SL

WALNUT AVENUE



PACIFIC COAST HIGHWAY

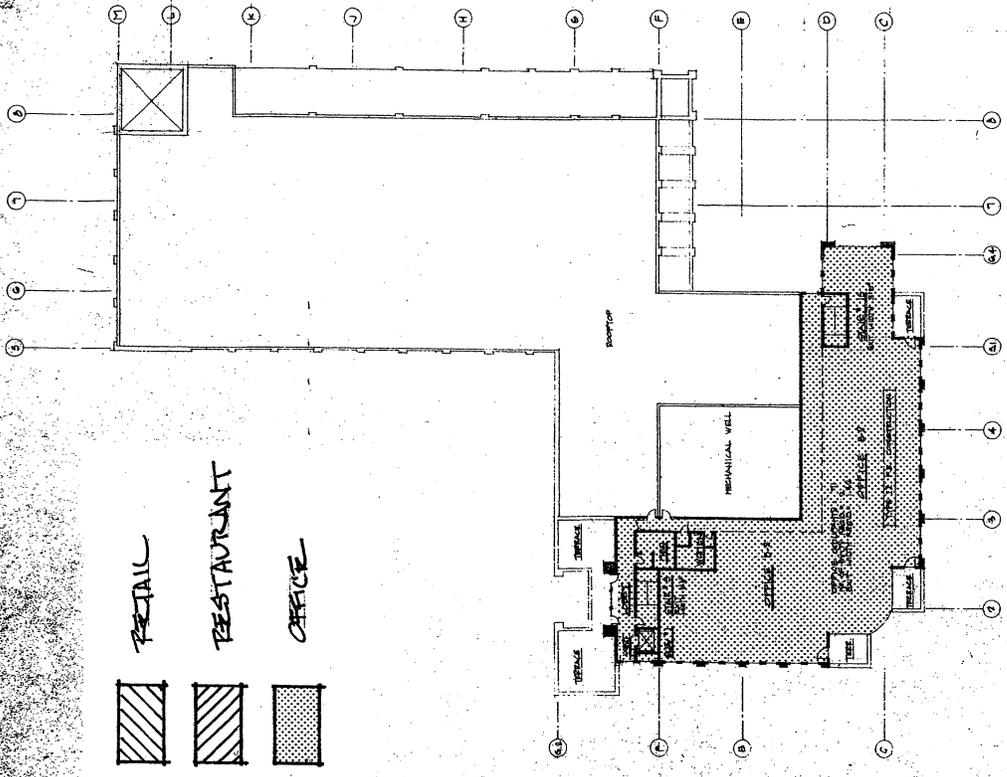
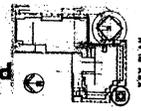


FIRST FLOOR

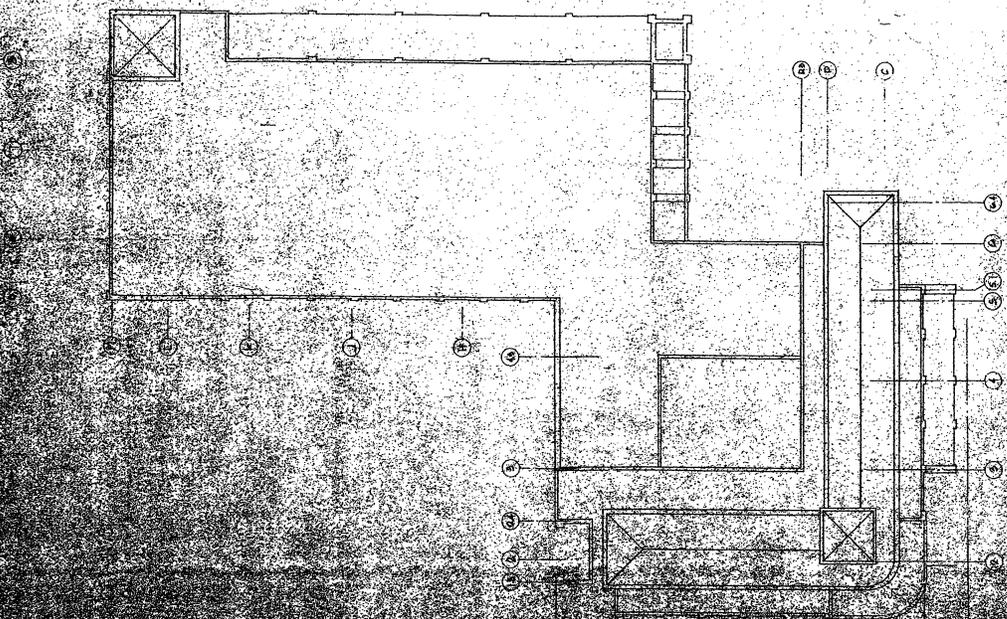
City of Huntington B
JAN 11 2007

SOLBERG + LOWE
ARCHITECTS AIA
300 Main Street
Santa Monica, CA 90401
(310) 392-9331

PIERSIDE PAVILION
300 PACIFIC COAST HIGHWAY
HUNTINGTON BEACH, CALIFORNIA



FOURTH FLOOR POSITE PLAN



ROOF PLAN

City of Huntington B
JAN 11 2007

MICHAEL C. ADAMS ASSOCIATES

City of Huntington Beach

JAN 11 2007

January 5, 2007

Scott Hess
Planning Director
City of Huntington Beach
2000 Main Street
Huntington Beach, Ca 92648

Re: An Amendment to Conditional Use Permit No. 88-7 (Pierside Pavilion)

Dear Scott:

In order to address the changing patterns of the Huntington Beach downtown and meet current market demands, the Pierside Pavilion project is requesting an amendment to the original Conditional Use Permit. This request will reduce or eliminate the theatre uses and add additional office and restaurant space.

The changes will only address the allowed uses and mix of uses, no intensification of the building square footage or any exterior modifications are proposed at this time. Over the years, a number of requests have been processed for the site. The proposed amendment will establish the proper mix for the available parking.

The proposed change to the building activities is also being reviewed by the Economic Development Department. The various Redevelopment Agency Agreement Amendments will be processed concurrently with the Planning review.

The intent of this request is to identify and establish all uses and activities within the complex including outdoor dining and miscellaneous activities.

Please carefully review this request and offer any suggestions you may have.

Thank you for your consideration.

Sincerely,



Mike Adams

cc: Stanley Smalewitz
Joe Daichendt
Dave Walling

P.O. BOX 382
HUNTINGTON BEACH, CA 92648
PHONE 714.374.5678 FAX 714.374.2211
E-MAIL: AdamsAssoc@socal.rr.com

ATTACHMENT NO. 3.1

JAN 11 2007

NARRATIVE (12/21/06)

Location: 300 Pacific Coast Highway

Business: Pierside Pavilion

Request: To amend the original Conditional Use Permit in order to modify the mix of uses within the complex. The proposal is to add additional restaurant and office space and reduce or eliminate the theatre square footage.

The proposal will establish the total amount of square footage which will be available for all uses. The mix of uses may be transferred from suite to suite, without the need for additional entitlement, provided the proposed change remains within the allowances approved by this Amended Entitlement. Proposed use mix is attached in the comparative chart.

Zoning and
General Plan:

The property is zoned Downtown Specific Plan Area 5 and the General Plan designation is MV-F12-sp-pd

Surrounding Uses:

North-Parking Structure/Restaurants/Retail
East-Medical Office/Residential
South-Residential Condominiums
West-Retail/Restaurants

Environmental Status:

There are no significant environmental impacts associated with this project. The project site is not within a known hazardous waste and substance site.

Land Use Compatibility:

The proposed project is compatible with existing businesses in the area and will comply with the City's noise ordinance and the hours of operation will be consistent with other businesses within the downtown area.

Pierside Pavilion

USES	CUP 88-7	CUP 90-37	EXISTING	DPMP 2000	ENTITLEMENT PLAN APPLICATION
Retail	23,575 sq. ft.	14,459 sq. ft.	12,834 sq. ft.	14,459 sq. ft.	18,000 sq. ft.
Restaurant	10,000 sq. ft.	23,773 sq. ft.	19,291 sq. ft.	23,773 sq. ft.	24,000 sq. ft.
Outdoor Dining		2,036 sq. ft.	3,000 sq. ft.		4,000 sq. ft.
Nite Club	3,000 sq. ft.	3,500 sq. ft.	-		-
Office	15,925 sq. ft.	15,925 sq. ft.	20,623 sq. ft.	16,000 sq. ft.	42,000 sq. ft.
Theater	1,750 seats	1,688 seats	26,000 sq. ft.	30,000 sq. ft.	-
Outdoor Carts					
Subtotal	90,000 sq. ft.		78,748 sq. ft.**	84,232 sq. ft.	88,000 sq. ft.
Parking	921 sp.	921 sp.	909 sp.	897 sp.	
Onsite	297 sp.	297 sp.	285 sp.		
Offsite	624 sp.	624 sp.	624 sp.		
Residential					
Parking	130 du	-			

12/20/2006

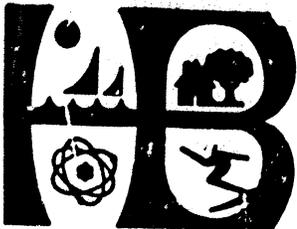
** Net leaseable without outdoor dining

JAN 11 2007

Pierside Pavilion

REQUIRED PARKING	CUP 88-7	EXISTING	DPMP	PROPOSED ENTITLEMENT PLAN AMENDMENT
Retail	94 sp. (1/250)	39 sp. (1/333)	44 sp.	54 sp. (1/333)
Restaurant	67 sp. (1/150)	193 sp. (1/100)	238 sp.	240 sp. (1/100)
Outdoor Dining		30 sp. (1/100)		40 sp. (1/100)
Nite Club		-		-
Office	16 sp. (1/1000)	42 sp. (1/500)	32 sp.	84 sp. (1/500)
Theater	583 sp. (1/3 seats)	583 sp. (1/3 seats)	583 sp.	-
Outdoor Carts				
Subtotal				
Total Parking	760 sp.	887 sp.	897 sp.	418 sp.

12/20/2006



Huntington Beach Planning Commission

P.O. BOX 190

CALIFORNIA 92648

April 19, 1988

California Resorts/
City of Huntington Beach
Redevelopment Agency

SUBJECT: CONDITIONAL USE PERMIT NO. 88-7 WITH SPECIAL PERMITS,
COASTAL DEVELOPMENT PERMIT NO. 88-3 AND TENTATIVE TRACT
NO. 13478

REQUEST: To develop a mixed use project with a 90,000 square foot
entertainment complex, including retail, office and a
6-plex movie theater in addition to a 160 unit
condominium project.

LOCATION: The area approximately bounded by Pacific Coast Highway,
Main Street, Walnut Avenue and Second Street

**DATE OF
APPROVAL:** April 5, 1988

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 88-7:

1. The proposed mixed use project with an entertainment/commercial center (a maximum 1,750 seat theater; 23,575 square feet of commercial; 15,925 square feet of office space; 10,000 square foot restaurant with 3,500 square foot outdoor deck area; and a maximum 3,000 square foot night club) and 130 condominium units will not have a detrimental effect upon the general health, welfare, safety and convenience of persons residing or working in the vicinity and will not be detrimental to the value of the property and improvements in the vicinity. All required parking for the proposed project will be provided on-site for the residential portion with a minimum of 300 spaces on-site for commercial. The remainder (approximately 675 spaces) will be provided within a parking facility adjacent to the proposed site.
2. The proposed mixed use project with entertainment/commercial center and 130 condominium units is designed to be compatible with existing and proposed uses in the vicinity.

ATTACHMENT NO. 4.1

3. The location, site layout and design of the proposed mixed use project with entertainment/commercial center and 130 unit condominium project is properly related to the streets, drives and other structures and uses in the vicinity in a harmonious manner.
4. The architecture and design of the proposed mixed use project is in conformance with the adopted Design Guidelines for the Downtown Specific Plan.
5. The general appearance including architectural features of the proposed mixed use project shall enhance the orderly and harmonious development of the Downtown Specific Plan.
6. The proposed mixed use project with entertainment/commercial center and 130 condominium units is consistent with the goals and policies of the Huntington Beach General Plan.

FINDINGS FOR APPROVAL - SPECIAL PERMITS:

1. The following special permits for deviations to the requirements of the Downtown Specific Plan promote a better living environment and provide maximum use of the land in terms of site layout and design; exceeding the required amount of common open space.
 - a. Setbacks of 10 feet in lieu of 15 feet along Pacific Coast Highway and Walnut for encroachment of a colonade.
 - b. A reduction in the required alley width from 30 feet to 27 feet and a reduction in the main accessway width from the required 28 feet to 27 feet.
 - c. An increase in site coverage to create a better project profile and to help reduce the potential conflict of adjacent residential and commercial uses is necessary. Residential will have a maximum site coverage of 59 percent and commercial a maximum of 60 percent. At the request of the Planning Commission the residential site coverage was increased from 50 percent to a maximum of 59 percent.
2. The approval of the special permits for encroachment in setbacks, accessway widths and increase in site coverage will not be detrimental to the general health, welfare, safety and convenience of the neighborhood in general, nor detrimental or injurious to the value of property or improvements of the neighborhood.

3. The special permit requests for encroachment in setbacks, accessway widths and increase in site coverage are consistent with the objectives of the Downtown Specific Plan in achieving a development adapted to the parcel and compatible with the surrounding environment.
4. The special permits for encroachment in setbacks, accessway widths and increase in site coverage are consistent with the policies of the Coastal Element of the City's General Plan and the California Coastal Act.

FINDINGS FOR APPROVAL - TENTATIVE TRACT 13478:

1. The proposed two lot subdivision for condominium and commercial purposes of the 170,912 net square foot parcel of land zoned Downtown Specific Plan-District 3, is proposed to be constructed having 130 residential condominium units and 90,000 square feet of commercial and retail.
2. The property was previously studied for a greater intensity of land use at the time the land use designation and Downtown Specific Plan-District 3 zoning designation were placed on the subject property.
3. The Huntington Beach General Plan is designed with provisions for the type of land use proposed, mixed use with entertainment/commercial center and residential, as well as setting forth provisions for the implementation of the proposed project.
4. The site is relatively flat and physically suitable for the proposed density and type of development.
5. Tentative Tract 13478 is consistent with the goals and policies of the Huntington Beach General Plan.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 88-3:

1. The proposed mixed use project with entertainment/commercial center and 130 residential condominium units conforms with the plans, policies, requirements and standards of the Huntington Beach Coastal Element.

CONDITIONAL USE PERMIT NO. 88-7 WITH SPECIAL PERMITS, COASTAL
DEVELOPMENT PERMIT NO. 88-3 AND TENTATIVE TRACT NO. 13478
Page Four

2. Coastal Development Permit No. 88-3 is consistent with the CZ suffix and the Downtown Specific Plan as well as other provisions of the Huntington Beach Ordinance Code applicable to the project.
3. The proposed mixed use project with entertainment/commercial center and 130 condominium units shall be provided with infrastructure in a manner that is consistent with the Huntington Beach Coastal Element and Land Use Plan of the General Plan.
4. The proposed mixed use project with entertainment/commercial center and 130 condominium units conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act.
5. The Mellow Bill Affordable Housing requirements, Government Code Section 65590(d), are satisfied in the following manner:
 - a. The City has provided density bonuses within three miles of the coastal zone which have provided affordable housing.
 - b. Due to the location and economics involved it would not be feasible to develop affordable housing on this site. The value of the land coupled with the need to provide subterranean parking on site would prohibit the ability to provide for affordable housing.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 88-7:

1. The site plan, floor plan and elevations received and dated March 25, 1988, shall be the conceptually approved layout with the modifications described herein:
 - a. Number of units shall be reduced from 160 to 130 in order to create a greater separation of the residential from the commercial portions of the project; provide an increase in the average unit size; provide for a better overall building profile; and to provide greater view opportunities.
 - b. The finished floor of the first level units and adjacent common open space areas of the residential portion of the project shall be elevated to a maximum of 8 feet above existing grade for the creation of a greater physical separation of the residential from the commercial portions of the project.

- c. The residential building elevations adjacent to Pacific Coast Highway and Second Street shall be modified to show a greater degree of upper story setback or other building wall movement, subject to review by the Design Review Board.
- d. The vallet/passenger drop off area adjacent to Walnut Avenue shall be modified to reduce the potential conflict of pedestrians and vehicles entering the project, subject to review by the Planning Commission.
- e. The residential project shall include the following sound mitigation features:
 - (1) Double glassing on all exterior perimeter windows
 - (2) Intensified landscape materials with water feature
 - (3) Vertical separation from pedestrian accessway
- f. All private open space shall comply with the minimum dimension and square feet requirements of the Downtown Specific Plan.
- g. Parking layout shall show minimum 26 foot aiseways with all spaces dimensioned at 8-1/2 feet by 18 feet except those adjacent to a wall over 42 inches in height which shall be 12 feet in width.
- h. Depict all utility apparatus, such as but not limited to backflow devices and Edison transformers, on the site plan. They shall be prohibited in the front and exterior yard setbacks unless properly screened by landscaping or other method approved by the Community Development Director.
- i. Depict commercial electrical vault in a location that presents the least public hazard subject to review and approval by the Fire Department, Public Works Department and Community Development Department.
- j. Adequate trash enclosures shall be provided with a method of trash pick up subject to the approval of the Public Works Department and Community Development Department.
- k. The three security gates in the residential parking structure shall be located so no dead-end driveways are created for guest parking.

CONDITIONAL USE PERMIT NO. 88-7 WITH SPECIAL PERMITS, COASTAL
DEVELOPMENT PERMIT NO. 88-3 AND TENTATIVE TRACT NO. 13478
Page Six

1. Circulation in the entertainment center parking structure shall provide a continuous flow on the first level down to the second level subject to the approval of the Public Works Department and Department of Community Development.
 - m. Site coverage shall not exceed 59 percent for residential and 60 percent for commercial.
 - n. Parking layout shall be modified to add an additional 155 spaces on-site. If it is not feasible to incorporate the total additional spaces on-site, the shortfall must be made up in the off-site adjacent parking structure as identified in Condition No. 3.
2. Prior to the issuance of building permits, the following shall be completed:
- a. Street improvements as determined necessary by the Fire Department.
 - b. Water mains and fire hydrants shall be installed and operating.
 - c. All existing or abandoned oil well sites must be abandoned pursuant to Department of Gas and Oil and Fire Department standards.
 - d. A circulation and parking management plan by a traffic engineer addressing valet parking, ingress and egress to the site, the allocation and assignment of parking spaces for residential tenants, and the need for a second ingress and egress ramp to the residential subterranean parking structure shall be submitted and approved by the Department of Community Development.
 - e. Prior to combustible or above grade construction, a fire protection plan, pursuant to Article 87 of the Huntington Beach Fire Code, shall be submitted for approval by the Fire Department. The plan shall have provisions for: phased installation of sprinkler systems, on-site security, and telephone for emergency notification.
 - f. Final tract map for the subject site shall be accepted by the City Council and recorded with the County Recorder's Office.

- g. A copy of the revised site plan, elevations and floor plans, pursuant to Condition No. 1 of this report shall be submitted as record for the conditional use permit file.
 - h. A landscape and irrigation plan pursuant to the Downtown Design Guidelines and Article 960 shall be submitted and approved by the Community Development Department and Public Works Department.
 - i. A rooftop mechanical screening plan submitted and approved by the Department of Community Development.
 - j. An affordable housing agreement plan to provide affordable housing within 3 miles of the Coastal Zone for the replacement of the 12 existing units displaced as a result of this project shall be submitted for review and approval by the Community Development Department.
 - k. Hydrology/hydraulic drainage studies shall be submitted to the Public Works Department for approval.
 - l. A grading plan and soils report shall be submitted to the Department of Public Works for approval.
 - m. All applicable Public Works fees shall be paid prior to issuance of building permits.
 - n. The applicant shall post a cash deposit for the public improvements on one-half width of Main Street from Pacific Coast Highway to Heidi's adjacent to the subject property in an amount to be determined by Public Works.
 - o. The parking facility identified in Condition No. 5 shall be approved by the City of Huntington Beach.
3. The following Fire Department requirements shall be complied with:
- a. Fire lane shall be minimum 27 feet clear width from Walnut to Pacific Coast Highway. Turf block is unacceptable as a fire lane surface.
 - b. Building address numbers shall be installed pursuant to Fire Department standards.

- c. Fire flow for entertainment/condominium plan is 4,750 gallons per minute. Water system shall provide minimum fire flows.
 - d. Five fire hydrants are required for this project in locations to be approved by the Fire Department.
 - e. Alleyway from Walnut Avenue, behind existing buildings shall be a minimum 27 feet clear width for Fire Department access.
 - f. All structures in project shall be provided with the following:
 - (1) Automatic fire sprinklers throughout with combination standpipe systems;
 - (2) Fire alarm system with graphic annunciators.
 - g. Elevators throughout project shall be a minimum size of 6 feet-8 inches by 4 feet-3 inches with minimum opening of 42 inches.
 - h. Access for emergency purposes shall be provided to all perimeter stairways from public streets.
4. The following Public Works Department requirements shall be complied with:
- a. A right turn lane shall be constructed at Pacific Coast Highway and Main Street per City and CalTrans design criteria. The appropriate right of way shall be dedicated to accommodate the right turn lane.
 - b. The traffic signal at Pacific Coast Highway and Main Street shall be relocated per City and CalTrans standards.
 - c. Walnut Avenue, Main Street and Second Street shall be constructed per Public Works standards.
 - d. Driveways shall be 27 feet wide minimum and radius type construction.

- e. The parking structure for the condominium units requires two entries/exits unless one entry is determined adequate by a traffic engineer pursuant to Condition No. 2.d.
- f. The proposed 27 foot wide commercial alley is adequate until the property to the west dedicates an additional 5 feet.
- g. Landscaping (including public right of way) shall be per the Downtown Guidelines and maintained by the developer/homeowner's association.
- h. Street lighting shall be installed per the Downtown Guidelines and the City electrician's requirements.
- j. Parking shall be prohibited on Walnut Avenue and Pacific Coast Highway.
- j. All utilities located in the alleys and streets to be abandoned shall be removed per the direction of utility companies' representatives.
- k. A 12 inch minimum sewer main shall be constructed in Main Street and Walnut Avenue and connect to the County's coast truck sewer at the alley between Main and Third Street.
- l. A 12 inch water mains shall be constructed in:
 - (1) Main Street from the existing 12 inch main in the south side of Pacific Coast Highway to Walnut Avenue.
 - (2) Walnut Avenue from Main to Second Street, connecting the existing mains in the north/south alleys.
 - (3) Second Street from Walnut to Pacific Coast Highway.
- m. Any on-site water facilities required to be dedicated to the City shall be located in vehicular travelways. The developer/homeowner's association shall be held responsible for repairing the enhanced pavement, if the water facilities need to be maintained or repaired.
- n. All security gate configurations shall include on-site turn-arounds (no backing into the streets) and shall be approved by the Public Works Department, Fire Department and Community Development Department.

5. The project shall be responsible for providing the balance of required off-street parking spaces in a parking structure to be built at the northwest corner of Walnut and Third Streets. Prior to the issuance of a building permit, an off-site parking plan shall be approved and adopted by the City as identified in these conditions or other adequate contingency plan. Such parking sufficient for this project and off-site requirements shall be available prior to the issuance of a Certificate of Occupancy for the theaters.
6. Provide a centralized mail delivery facility which shall be architecturally compatible with the structures.
7. All dwellings on the subject property shall be constructed in compliance with State Acoustical standards set forth for units that are within the 60 CNEL contour of the property.
8. All guest parking spaces for residential shall be designated as such by marking "Guest Parking" on the surface of each stall.
9. Street furniture and other required improvements shall be provided in public plaza areas according to the Downtown Design Guidelines and dedicated to the City of Huntington Beach.
10. A planned sign program shall be submitted to the Design Review Board for review and approval for all signing. Said program shall be approved by the Department of Community Development prior to the first sign request.
 - a. Advertising of the theater complex, including the marquee, shall not be permitted at the corner of Pacific Coast Highway and Main Street.
11. 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.
12. Natural gas shall be stubbed in at the locations of cooking facilities, water heaters, and central heating units. This requirement may be waived provided the applicant installs a more energy efficient alternative subject to the review and approval by the Community Development Department.
13. Low-volume heads shall be used on all spigots and water faucets.
14. If lighting is included in the parking lot, high-pressure sodium vapor lamps shall be used for energy savings. All outside lighting shall be directed to prevent "spillage" onto adjacent properties.

15. The location of the night club shall be limited to 3,000 square feet at a location facing Main Street subject to review and approval by the Community Development Director.
16. Conditional Use Permit No. 88-7 and Coastal Development Permit No. 88-3 shall not become effective until the proposed revisions to the Downtown Specific Plan are approved by City Council and in effect.
17. Any modifications to plans shall be subject to additional review and approval by the Planning Commission. Any modifications which result in an increase of project intensity shall be subject to additional public hearings. Modifications to interior layouts or exterior finishes shall be subject to Design Review Board review and approval.

CONDITIONS OF APPROVAL - TENTATIVE TRACT 13478:

1. Prior to final recordation of Tentative Tract 13478 the following shall be completed:
 - a. CC&R's for the subdivision addressing the conditions herein, Article 915 and Condition 2.d of Conditional Use Permit No. 88-7 shall be reviewed and approved by the City Attorney and Department of Community Development in accordance with Article 915.
 - b. Legal documents which will provide for restricting the use of common spaces for the designated purpose, as approved on the final development plan, for the residential project, shall be submitted and approved by the Department of Community Development and the City Attorney.
2. The tentative tract map shall be revised to show:
 - a. Typical cross section for Pacific Coast Highway and the public alley.
 - b. Right of way radii of 25 feet at Pacific Coast Highway and Main and Pacific Coast Highway and Second Street.
 - c. Right of way radii of 30 feet at Walnut and Second Street.
 - d. A 12 foot wide raised median in Walnut Avenue.

- e. The sidewalk in Second Street is 7 foot wide.
 - f. Adjustment in lot lines, if necessary, to be consistent with division between commercial and condominium uses.
3. All Pacific Coast Highway improvements shall meet CalTrans criteria.
 4. Vehicular access rights to the streets surrounding the tract shall be dedicated to the City except at approved driveway locations.
 5. Tentative Tract No. 13478 shall not become effective until the proposed revisions to the Downtown Specific Plan have been approved by City Council and are in effect.

I hereby certify that Conditional Use Permit No. 88-7 with Special Permits, Coastal Development Permit No. 88-3 and Tentative Tract No. 13478 was approved by the Planning Commission of the City of Huntington Beach on April 5, 1988, upon the foregoing findings and conditions. This approval represents conceptual approval only; detailed plans must be submitted for review and the aforementioned conditions completed prior to final approval.

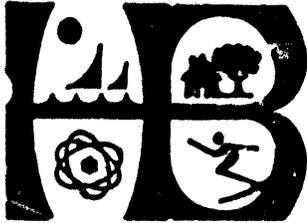
Sincerely,

Mike Adams, Secretary
Planning Commission

by:


Scott Hess
Senior Planner

MA:SH:kla
(0393d-1-12)



Huntington Beach Planning Commission

P.O. BOX 190

CALIFORNIA 92648

July 25, 1990

City of Huntington Beach/California Resorts
222 - 5th Street
Huntington Beach, CA 92648

SUBJECT: CONDITIONAL USE PERMIT NO. 90-37/COASTAL DEVELOPMENT
PERMIT NO. 90-21

REQUEST: Modification of Conditional Use Permit No. 88-7 and
Coastal Development Permit No. 88-3 to change the
square footage mix of uses at Pierside Pavilion
(reduced retail square footage and increased restaurant
square footage).

LOCATION: 300 Pacific Coast Highway

**DATE OF
APPROVAL:** July 24, 1990

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 90-21:

1. The proposed mixed commercial development conforms with the plans, policies, requirements and standards of the Huntington Beach Coastal Element of the General Plan, including provision of adequate parking for new development in the Coastal Zone, because the valet plan for the Pavilion structure combined with the City structure will accommodate the demand generated.
2. Coastal Development Permit No. 90-21 is consistent with the CZ (Coastal Zone) suffix, the Downtown Specific Plan and other provisions of the Huntington Beach Ordinance Code applicable to the property.
3. At the time of occupancy, the proposed mixed commercial development can be provided with infrastructure in a manner that is consistent with the Huntington Beach Coastal Element and Coastal Land Use Plan of the General Plan.

ATTACHMENT NO. 5.1

4. The proposed mixed commercial development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 90-37:

1. The location and design of the proposed valet parking properly adapts the structures to the proposed mix of uses in a harmonious manner. Through the use of valet parking the additional parking spaces required by the modified mix of uses can be provided.
2. The access to and parking for the mixed use development as proposed does not create an undue traffic problem.
3. The proposed mix of uses is consistent with the General Plan Land Use Designation of Visitor Serving Commercial, and implements the provisions of the Downtown Specific Plan District 3 (Visitor Serving Commercial).

CONDITIONS OF APPROVAL:

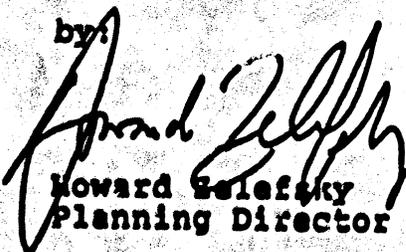
1. A full size (18 inch X 24 inch) parking management plan shall be submitted for review and approve by the Planning Commission. The plan shall detail those areas reserved for attendant parking and self parking during each hour that the structure is open. A written narrative shall accompany the plan, which details the method of transitioning spaces from self parking to attendant parking as the need increases. The narrative shall describe the percentage of attendant versus self parking during each hour, and its location. The narrative shall also outline a plan for validated parking in the structure for patrons of Pierside Pavillion. A minimum of 2 hours validated parking shall be provided to the customers of Pierside Pavilion.
2. Any change in type of use and/or square footage which would increase the number of required parking spaces shall be subject to review and approval by the Planning Commission.
3. All applicable conditions of Conditional Use Permit No. 83-7 and Coastal Development Permit 88-3 shall remain in effect.

I hereby certify that Conditional Use Permit No. 90-37 and Coastal Development Permit No. 90-21 were approved by the Planning Commission of the City of Huntington Beach on July 24, 1990, upon the foregoing findings and conditions. This approval represents conceptual approval only; detailed plans must be submitted for review and the aforementioned conditions completed prior to final approval.

Sincerely,

Mike Adams, Secretary
Planning Commission

by:



Howard Selesky
Planning Director

(6634d-1,3)



City of Huntington Beach Planning Department
STUDY SESSION REPORT

TO: Planning Commission
FROM: Scott Hess, Acting Director of Planning
BY: Ron Santos, Associate Planner *RS*
DATE: March 13, 2007

SUBJECT: REQUEST FOR RECONSIDERATION OF CONDITIONAL USE PERMIT NO. 06-26 (GRACE LUTHERAN CHURCH/SCHOOL – 5172 Mc FADDEN AVENUE)

PROJECT REQUEST AND SPECIAL CONSIDERATIONS

Commissioner Shier-Burnett is requesting that the Planning Commission schedule a public hearing to reconsider the Planning Commission's February 27, 2007 action with respect to Conditional Use Permit No. 06-26, for the purpose of clarifying Condition of Approval No. 2(b), which requires a 42-inch tall chain-link fence to separate the easterly parking lot and drive aisle from the grass playing fields.

Conditional Use Permit No. 06-26, as approved by the Planning Commission, authorizes the following uses at a former public school site (Robinwood School):

- K-8 School for up to 229 students;
- Pre-School for up to 100 students;
- Day Care (before/after-school) for up to 150 children;
- Church with Sunday morning worship services for up to 168 people;
- Sunday School (during worship) for up to 100 children;
- Infant/Toddler Care for up to 20 children; and
- Installation of four 24 ft. by 60 ft. portable classroom buildings.

RECOMMENDATION:

Motion to:

“Direct staff to schedule a public hearing for reconsideration of Conditional Use Permit No. 06-26.”

CURRENT LAND USE, ZONING AND GENERAL PLAN DESIGNATIONS

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	P(RL) (Public – Residential Low Density Underlying Designation)	PS (Public/Semi-Public)	Closed Public School Site (formerly Robinwood School)
North of Subject Property (across Mc Fadden):	RL-7 (Residential Low Density – 7 units/acre)	RL (Residential Low Density)	Single-Family Residential
East of Subject Property:	I-F2-d (Industrial – 0.5 max. Floor Area Ratio – Design Overlay)	IL (Industrial Limited)	Industrial
South of Subject Property:	RL-7	RL	Single-Family Residential
West of Subject Property:	RL-7	RL	Single-Family Residential

APPLICATION PROCESS AND TIMELINES

DATE OF COMPLETE APPLICATION: **MANDATORY PROCESSING DATE(S):**

Conditional Use Permit: January 23, 2007 March 26, 2007

Conditional Use Permit No. 06-26 was filed on June 28, 2006, and deemed complete January 23, 2007. The Planning Commission considered the application at a study session on February 13, 2007 and at a public hearing on February 27, 2007.

CEQA ANALYSIS/REVIEW

The proposed project is Categorically Exempt pursuant to Section 15301, Class 1 of the California Environmental Quality Act, which states that the operation of existing facilities and structures involving negligible additions and expansion of use are exempt from further environmental review.

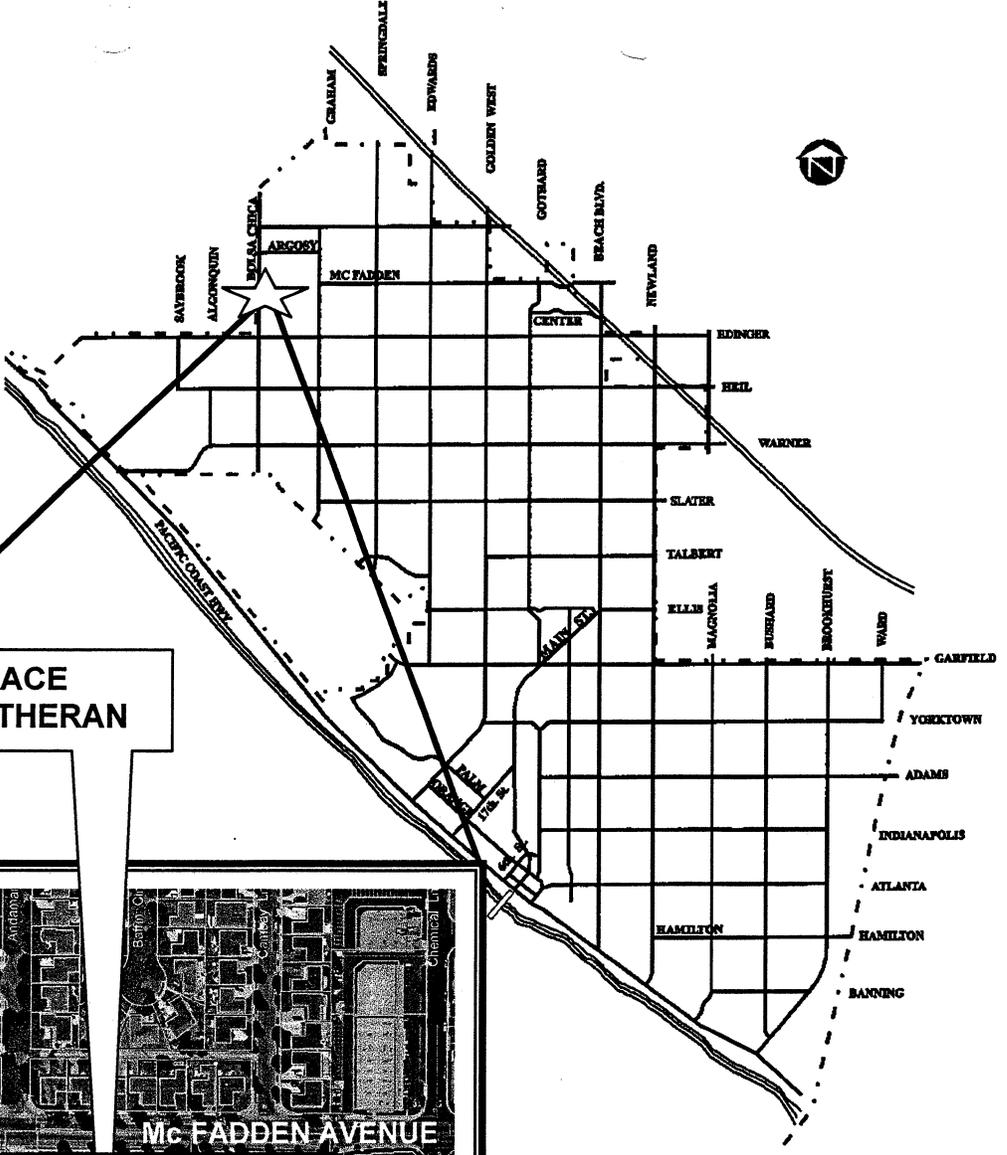
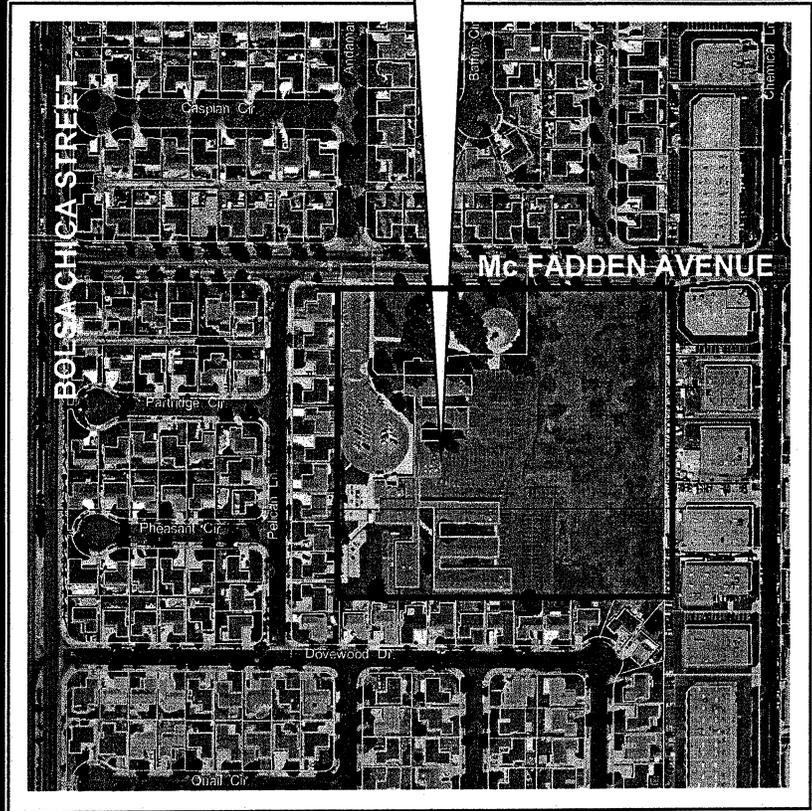
PLANNING ISSUES

The Planning Commission imposed the condition of approval requiring the 42-inch tall fence in order to prevent children from running into the drive aisle or parking area while playing on the field. Commissioner Shier-Burnett has advised staff that her intent with respect to the condition was to allow the Director of Planning flexibility in determining the location and design of the fence, based on the church/school’s concurrent use of the fields and parking areas; and that it was not necessarily her intent that the fence be required for the full length of the field. Subsequent to the Planning Commission hearing, the applicant has advised that there is never a time when staff parking and field use coincide. Staff has requested that the applicant submit a schedule for the church/school’s planned use of the field, which will be provided to the Planning Commission upon receipt.

ATTACHMENTS:

1. Vicinity Map
2. Site Plan received and dated January 12, 2007
3. Project Narrative received and dated June 26, 2007
4. Request for Reconsideration dated March 5, 2007
5. Planning Commission Notice of Action dated February 28, 2007

**GRACE
LUTHERAN**



VICINITY MAP
CONDITIONAL USE PERMIT NO. 06-26
(GRACE LUTHERAN CHURCH/SCHOOL – 5172 Mc FADDEN AVENUE)

ATTACHMENT NO. 1
(07sr11 CUP 06-26)



PROPERTY OWNER:

Ocean View School District
17200 Pinehurst Lane
Huntington Beach, CA 92647

PROPERTY LEASEE:

Grace Lutheran Church
6931 Edinger Avenue
Huntington Beach, CA 92647

LOCATION:

5172 McFadden Street
Huntington Beach, CA 92647

BACKGROUND:

Grace Lutheran Church has operated an Elementary, Junior High School, and Preschool at the Haven View School site owned by the Ocean View School District for 10 years. This usage was approved under CUP 95-40. In 2005, the School District indicated that the Robinwood School site was coming available and that Grace might prefer that site. The Robinwood site is totally fenced and had a multiuse cafeteria/room, which were not available at the Haven View site. Following the public bidding process, Grace was awarded a five year lease for the Robinwood site. Grace then returned the Haven View site to the Ocean View School District. Prior to being occupied by Grace, Robinwood was occupied by Coastline Community College, who subleased the multiuse room to a church.

CONDITIONAL USE PERMIT USAGES:

The following CUP approval is requested for the program at the Robinwood School site.

1. Elementary & Junior High School for up to 229 students
2. Preschool for up to 100 students
3. Before and after school day care for up to 150 students from 6:30 A.M. to 6:00 P.M., for grade school students Monday through Friday (12 month program)
4. Sunday morning worship for 168 people
5. Sunday school during worship for up to 100 children

City of Huntington Beach

FEB 15 2007

ATTACHMENT NO. 3.1

245 FISCHER AVENUE, SUITE B-2, COSTA MESA, CALIFORNIA 92626

T: 714.556.5774 • F: 714.556.1572 • W: IRWIN-PANCAKE.COM

AYSO SOCCER PROGRAM:

The playgrounds have been improved by the City of Huntington Beach as part of an agreement between AYSO and the Ocean View School District for use of the grass area and parking. Grace will honor that agreement. Grace has been in joint usage with AYSO at the Haven View site. AYSO has a key to the east parking lot for their usage.

PUBLIC PARK:

The existing public park at the front of the site shall remain. The School and Church operations shall not interfere with the park. The public will have access to unused parking adjacent to the park.

ADJACENT PROPERTY USE:

North, West and South – Single Family Residential Homes
East – Industrial

POPULATION SERVED:

Families of residents of Robinwood and Huntington Beach

HAZARDOUS WASTE AND SUBSTANCE:

This site is not located within a Hazardous Waste and Substance Site.

SPECIAL EVENT PARKING:

If necessary will be provided on the paved playground area.

EAST PROPERTY LINE FENCE:

The precast concrete fence that is in disrepair is not on the school property. Ocean View School District has requested that the owners repair their fence. No repair work has been completed. Ocean View School District has installed a 3' chain link fence to protect students from the wall.


Carl Irwin, AIA C4525

The following information is provided for the Grace School activities at the Robinwood school site at 5172 McFadden.

1 School operating dates:

- o The school operates roughly from September through mid-June yearly
- o Rec club is additionally available June through August

1 School weekday operating hours are 8:15 AM until 2:45 PM with additional items of:

- | | | |
|--------------------------------|-----------------|--------------|
| o Rec club opens before school | 6:30 – 7:45 AM | 25 students |
| o Band starts before school | 7:00 – 7:15 AM | 35 students |
| o After school pickup | 2:45 – 3:15 PM | 200 students |
| o After school sports | 3:00 – 5:00 PM | 50 students |
| o Morning recess | 9:30 – 10:30 AM | (3x20 min) |
| o Lunch Period 1 | 11:30– 12:30 PM | |
| o Lunch Period 2 | 12:00 – 1:00 PM | |

2 Non-School functions:

- | | | |
|--|-------------------|------------|
| o Parent-teacher nights (3 - 4 per year) | 7:00 – 8:00 PM | 40 people |
| o Open houses (2 – 3 per year) | 9:00 AM – 2:00 PM | 150 people |
| o Plays/shows/events (3-4 per year) | 6:00 – 8:00 PM | 250 people |

City of Huntington Beach

RECEIVED FEB 15 2006

ATTACHMENT NO. 313



CITY OF HUNTINGTON BEACH

PLANNING COMMISSION COMMUNICATION

TO: John Scandura, Chairperson Planning Commission
Planning Commission

FROM: Elizabeth Shier-Burnett, Planning Commissioner 

SUBJECT: REQUEST FOR RECONSIDERATION – PLANNING COMMISSION'S
APPROVAL OF CONDITIONAL USE PERMIT NO. 06-26 (GRACE
LUTHERAN CHURCH/SCHOOL)

DATE: March 5, 2007

At their February 27, 2007 meeting, the Planning Commission approved Conditional Use Permit No. 06-26 (Grace Lutheran Church/School), a request to establish a K-8 school, religious assembly use and day care at a closed public school site (Robinwood School, 5172 Mc Fadden Avenue).

I am hereby requesting that the Planning Commission schedule a hearing to reconsider the action with respect to Conditional Use Permit No. 06-26 for the purpose of clarifying the condition for the 42-inch tall fence.

EBS:RS:cs

ATTACHMENT NO. 4



Huntington Beach Planning Commission

P.O. BOX 190

CALIFORNIA 92648

NOTICE OF ACTION

February 28, 2007

Phil Burtis
17451 Duello Lane
Huntington Beach, CA 92647

SUBJECT: CONDITIONAL USE PERMIT NO. 06-26 (GRACE LUTHERAN CHURCH/SCHOOL)

APPLICANT: Phil Burtis, 17451 Duello Lane, Huntington Beach, CA 92647

REQUEST: To permit a K-8 school for up to 229 students, pre-school for up to 100 students, day care (before/after-school) for up to 150 children, church services for up to 168 people, Sunday school for up to 100 children, infant/toddler care for up to 20 children and the addition of four 24 ft. by 60 ft. modular classroom buildings at an existing closed school site.

PROPERTY

OWNER: Ocean View School District, c/o Scott Stark, 17200 Pinehurst Lane, Huntington Beach, CA 92647

LOCATION: 5172 McFadden Ave. (south side of McFadden Ave., east of Bolsa Chica St.)

DATE OF

ACTION: February 27, 2007

On Tuesday, February 27, 2007, the Huntington Beach Planning Commission took action on your application, and your application was conditionally approved with findings. Attached to this letter are the findings and conditions of approval.

Please be advised that the Planning Commission reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your total application. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Planning Commission becomes final at the expiration of the appeal period. A person desiring to appeal the decision shall file a written notice of appeal to the City Clerk within ten (10) calendar days of the date of the Planning Commission's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal. Said appeal must be accompanied by a filing fee of One Thousand, Five Hundred Forty-One Dollars (\$1,541.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and Two

ATTACHMENT NO. 5.1

Notice of Action: CUP 06-26
February 28, 2007
Page 2 of 2

Thousand Three Hundred Seventy-Nine Dollars (\$2,379.00) if the appeal is filed by any other party. In your case, the last day for filing an appeal and paying the filing fee is MARCH 9, 2007.

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, unless actual construction has started.

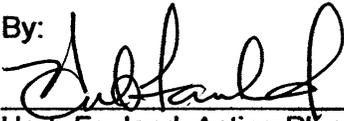
"Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020."

If you have any questions, please contact Ron Santos, Associate Planner, at (714) 536-5561 or the Planning Department Zoning Counter at (714) 536-5271.

Sincerely,

Scott Hess, Secretary
Planning Commission

By:



Herb Fauland, Acting Planning Manager

SH:HF:RS:cs

Attachments: (1) Findings and Conditions of Approval – CUP No. 06-26

c: Honorable Mayor and City Council
Chair and Planning Commission
Paul Emery, Deputy City Administrator
Scott Hess, Acting Director of Planning
Eric Engberg, Division Chief/Fire Marshal
Terri Elliott, Principal Civil Engineer
Gerald Caraig, Permit-Plan Check Manager
Property Owner
Project File

ATTACHMENT NO. 5.2

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 06-26

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 of the CEQA Guidelines, which states that the operation of existing facilities and structures involving negligible additions and expansion of use are exempt from further environmental review.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 06-26:

1. Conditional Use Permit No. 06-26 for the establishment, maintenance and operation of a K-8 School for up to 229 students; pre-school for up to 100 students; day care (before/after-school) for up to 150 children; church with Sunday morning worship services for up to 168 people; Sunday school (during worship) for up to 100 children; infant/toddler care for up to 20 children and four 24 ft. by 60 ft. portable classroom buildings on site 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 project represents use of existing facilities designed and intended for the primary use proposed (school). The proposed church use and additional classrooms represent only a minor expansion of the prior/historical use of the site. In addition, a traffic study has been prepared by a licensed professional traffic engineer and reviewed by City staff. The study concludes that no significant traffic impacts will result and adequate parking is provided on site to ensure no detrimental impacts to surrounding properties.
2. The conditional use permit will be compatible with surrounding uses because the proposed school, child care and church represent neighborhood-serving, institutional uses which support the needs of the community. The proposed uses will occupy existing facilities with a long standing presence in the community.
3. The proposed church/child care/school use 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 (HBZSO). The HBZSO permits private schools, child care and religious assembly uses in the PS zoning district with approval of a conditional use permit by the Planning Commission. No variances are proposed and the project will be required to provide additional landscaping within the front setback and block wall fencing along the residential property line, as necessary for compliance with current HBZSO development standards.
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 P(RL) (Public – Residential Low Density Underlying Designation) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Objective LU 9.4: Provide for the inclusion of recreational, institutional, religious, educational and services uses that support resident needs within residential neighborhoods.

Objective LU 13.1: Provide for the continuation of existing and development of new uses, such as governmental administrative, public safety, human service, cultural, educational, infrastructure, religious, and other uses that support the needs of existing and future residents and businesses.

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

Policy LU13.1.2: Allow for the continuation of existing and development of new religious facilities in any land use zone where they are compatible with adjacent uses and subject to the city review and approval.

Policy LU 13.1.6: Encourage surplus schools and other public properties to be made available first for other public purposes, such as parks, open space, adult or child care, and secondarily for reuse for private purposes and/or other land uses and development.

B. Public Facilities and Public Services Element

Policy PF 4.3.1: Continue to encourage the operation of public services, such as elderly or child day care, at "closed" school sites

Policy PF 4.3.2: Investigate the feasibility of permitting and/or providing child or elderly day care services at public and private institutional facilities, such as churches, temples, other religious buildings, hospitals and schools.

Approval of the requested conditional use permit furthers the General Plan Objectives and Policies identified above by providing for the establishment of educational, religious, and child care uses that serve the surrounding neighborhoods. In addition, the project provides for the adaptive re-use of existing institutional facilities (a closed school site) for semi-public purposes, including child day care.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 06-26:

1. The site plan, floor plans, and elevations received and dated January 12, 2007 shall be the conceptually approved design with the following modifications:
 - a. The portable classroom buildings shall be painted to match the existing classroom buildings. **(DRB)**
 - b. The portable classroom buildings shall be fitted with skirts. **(DRB)**
 - c. A semi-permanent landscape planter a minimum of three feet in width shall be installed in lieu of temporary planter boxes proposed along the north and east sides of the easterly most portable classroom building, adjacent to the parking lot. **(DRB)**
2. Prior to issuance of building permits for the portable classroom buildings, the following shall be completed:
 - a. A coordinated sign and pavement marking program shall be submitted for review by the Planning Department. The program shall include signs at the driveway entrances, sign(s) providing contact information for Grace Lutheran and AYSO, and sign(s) directing vehicles to the overflow parking area.
 - b. A 42-inch tall chain-link fence (or equivalent) shall be installed along the westerly side of the grass play fields. The fence shall include gates and/or openings for pedestrian and maintenance vehicle access to the fields. The precise design of the fence shall be subject to review and approval by the Planning Department.
3. The use shall comply with the following:
 - a. Only the uses described in the narrative received and dated February 15, 2007 shall be permitted.
 - b. The school/church shall encourage carpooling by providing incentives to parents of school children (e.g., discounts, gifts, etc.). A program to encourage carpooling shall be developed and submitted to the Planning Department for review and approval prior to installation of the portable classroom buildings.
 - c. The school/church shall explore opportunities to provide van/bus transportation options for students.
 - d. A maximum of three designated staff shall be permitted to park in the westerly parking lot. All other staff shall be required to park in the easterly parking lot.
 - e. Drop-off/ pick-up times for pre-school students and K-8 students shall be staggered by a minimum of 30 minutes respectively. Parents of school children and the Planning Department shall be provided written notice of the drop-off/ pick-up schedules and procedures.
 - f. The paved area at the southeast corner of the site shall be made available for overflow parking purposes as necessary for all school/church special events occurring on site. A plan showing proposed parking lot striping shall be submitted for review and approval by the Planning Department.

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.