MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, AUGUST 12, 2014
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

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

CANCELLED – NO STUDY SESSION

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Semeta

	P	P	P	P	P	P	P
ROLL CALL:	*Semeta,*	*Posey,*	*Franklin,*	*Peterson,*	*Pinchiff,*	*Bixby,*	*Kalmick*

AGENDA APPROVAL

A MOTION WAS MADE BY PETERSON, SECONDED BY KALMICK, TO MOVE ITEM NO. D-1 BEFORE ITEM NO. B-1, BY THE FOLLOWING VOTE:

AYES:	**Semeta, Posey, Franklin, Peterson, Pinchiff, Bixby, Kalmick**
NOES:	**None**
ABSENT:	**None**
ABSTAIN:	**None**

MOTION APPROVED

THE MINUTES WILL REFLECT ITEMS IN THEIR ORIGINAL ORDER.

PRESENTATION OF PLANNING COMMISSION RESOLUTION NO. 1681 IN APPRECIATION TO OUTGOING PLANNING MANAGER MARY BETH BROEREN

Chair Peterson presented Resolution No. 1681 and thanked Ms. Broeren for her 20 years of service to the city.

A. PUBLIC COMMENTS – NONE

B. PUBLIC HEARING ITEMS

B-1. VARIANCE NO. 14-001 – APPEAL (GUPTA RESIDENCE ADDITION) **Appellant:** Norman and Tsarina Branyan **Applicant:** John Stutzel **Property Owner:** Shalesh and Indu Gupta **Request:** To permit a 12 ft. rear yard setback in lieu of a minimum 20 ft. setback required for a 513 sq. ft. first and second story addition to an existing two-story single family residence. **Location:** 19636 Village Oaks Circle, 92648 (east side of Village Oaks Circle, south of Dewberry Drive) **City Contact:** Tess Nguyen, Associate Planner

STAFF RECOMMENDATION: Motion to: "Approve Variance No. 14-001 with findings and suggested conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Semeta has spoken with staff.
- Commissioner Posey had no disclosures
- Vice-Chair Franklin had no disclosures.
- Chair Peterson had no disclosures.
- Commissioner Pinchiff has driven by the site.
- Commissioner Bixby had no disclosures.
- Commissioner Kalmick has driven by the site and spoken with staff.

Tess Nguyen, Associate Planner, gave the staff presentation and an overview of the project. Ms. Nguyen explained that the proposed addition has been reduced in size and scope since the appeal was filed.

There was a brief discussion regarding the definition of side yard and rear yard in the current zoning code and when the home was originally constructed.

THE PUBLIC HEARING WAS OPENED.

Shalesh Gupta, property owner, spoke in support of Item No. B-1. He indicated that the variance is being requested to remodel their home to accommodate their religious beliefs. He noted that they had worked with neighboring residents to address their concerns and had reduced the size of the addition.

Tsarina Branyan, appellant, spoke in support of Item No. B-1, noting that the design for the project has been amended since the she filed her appeal.

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

There was a brief discussion regarding the Home Owners Association rejection of the original project proposal and approval of the revised project.

There was a brief discussion regarding neighborhood compatibility.

A MOTION WAS MADE BY KALMICK, SECONDED BY PETERSON, TO APPROVE VARIANCE NO. 14-001 WITH FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES:	**Semeta, Posey, Franklin, Peterson, Pinchiff, Bixby, Kalmick**
NOES:	**None**
ABSTAIN:	**None**
ABSENT:	**None**

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 of the CEQA Guidelines, because the project consists of an

addition to an existing structure that will not result in an increase of more than 50 percent of the floor area.

FINDINGS FOR APPROVAL – VARIANCE NO. 14-001:

1. The granting of Variance No. 14-001 for a 12 ft. rear yard setback in lieu of a 20 ft. setback (8 ft. reduction) for a 394 sq. ft. first story addition to an existing two-story single family residence will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The subject property is located at the terminus of a cul-de-sac creating a flag lot configuration with two rear yards. There are three similarly shaped lots at the terminus of cul-de-sacs, which have residences with less than 20 ft. setback along one rear yard. The setback at 19635 Village Oaks Circle is 6.36 ft., the setback at 19635 Larchmont Circle is 10.56 ft., and the setback at 19636 Larchmont is 15.86 ft. In addition, variances have been granted for reduced rear yard setbacks for properties in the immediate vicinity and under the identical zone classification. The proposed setback of 12 ft. along one rear yard for an addition at the subject site is consistent with other properties in the vicinity and under an identical zone classification.

2. Because of special circumstances applicable to the subject property, including shape and location, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The subject site is located at the terminus of a cul-de-sac, which creates a narrow front property line resulting in a flag lot configuration with two rear yards. The shape of the lot and the two rear yards impede the property owner's ability to construct an addition that meets the rear yard setback on the side of the house and to enjoy the same privileges by similar 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 because it will allow the addition to occur which will afford the property owner an increased living area. Due to the odd shape of the lot created by the property's location at the terminus of a cul-de-sac, the resulting flag lot has two rear yards, which is similar to nearby properties. The proposed addition will allow the subject property to be designed in the same manner as the property with the similar flag lot configuration. The property will have a site coverage of 25.5 percent with the addition which is still far below the intensity that the code allows the property owner to construct.

4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The proposed addition is designed to match the architectural style and exterior finishes of the existing residence. The proposed addition has been approved by the Peninsula HOA. In addition, adequate building separation will be provided between the proposed addition and the single-family dwelling abutting the rear of the lot. No detrimental impacts to surrounding properties are anticipated.

5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL-7-sp (Residential Low Density–7 units/acre–Specific Plan) on the subject property, including the following policy.

   LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character as appropriate.

The requested variance accounts for the unique configuration of the subject property resulting from the property's location at the terminus of a cul-de-sac, creating a flag lot with two rear yards. Granting a reduced setback for the proposed addition would allow the subject property the opportunity to be designed in the same manner as nearby properties with similar lot configuration and under the identical zone classification.

CONDITIONS OF APPROVAL – VARIANCE NO. 14-001:

1. The site plan, floor plans, and elevations received and dated May 28, 2014 shall be the conceptually approved design.

2. Prior to submittal for building permits, zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Building & Planning, 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. VAR No. 14-001 shall become null and void unless exercised within two 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.

4. 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.

5. The Development Services Departments and divisions (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.

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.

B-2. **GENERAL PLAN AMENDMENT NO. 13-003/ZONING MAP AMENDMENT NO. 14-002 (BRIGHTWATER AND SANDOVER)** **Applicant/Property Owner:** Ed Mountford, Signal Landmark **Request:** **GPA** – To establish the General Plan land use designation of: 1) RL-7 (Residential Low Density – Max 7 dwelling units per acre) on ±0.17 acre, which includes a triangular piece at the terminus of Shelburne Drive and two small areas at the terminus of Hampton Lane in Sandover; 2) RL-7-sp (Residential Low Density – Max 7 dwelling units per acre – Specific Plan Overlay) on ±1.01 acres and add the -sp designation to ±0.357 acre along future Bristol Lane in Brightwater. **ZMA** – To establish RL-CZ (Residential Low Density – Coastal Zone Overlay) on ±0.004 acre near the terminus of Hampton Lane in Sandover. **Location:** Along Hampton Lane and Shelburne Drive in Sandover and along future Bristol Lane in Brightwater (south of Los Patos Avenue and west of Bolsa Chica Street), 92649. **City Contact:** Ricky Ramos, Senior Planner

STAFF RECOMMENDATION: Motion to:

A. "Approve General Plan Amendment No. 13-003 and forward the draft City Council Resolution (Attachment No. 2) to the City Council for adoption."

B. "Approve Zoning Map Amendment No. 14-002 with findings (Attachment No. 1) and forward the draft ordinance to the City Council for adoption."

B-3. **ZONING MAP AMENDMENT NO. 13-003/LOCAL COASTAL PROGRAM AMENDMENT NO. 14-001 (SANDOVER)** **Applicant/Property Owner:** Ed Mountford, Signal Landmark **Request:** **ZMA** – To change the zoning designation from RA-CZ (Residential Agriculture – Coastal Zone Overlay) to RL-CZ (Residential Low Density – Coastal Zone Overlay) on ±0.29 acre on the east side of Hampton Lane in Sandover. **LCPA** – To amend the City's Local Coastal Program in accordance with Zoning Map Amendment No. 13-003. **Location:** East side of Hampton Lane in Sandover (south of Los Patos Avenue and west of Bolsa Chica Street), 92649. **City Contact:** Ricky Ramos, Senior Planner

STAFF RECOMMENDATION: Motion to:

A. "Approve Zoning Map Amendment No. 13-003 with findings (Attachment No. 1) and forward the draft ordinance to the City Council for adoption."

B. "Approve Local Coastal Program Amendment No. 14-001 with findings (Attachment No. 1) and forward the draft resolution to the City Council for adoption."

B-4. **TENTATIVE TRACT MAP NO. 17662/CONDITIONAL USE PERMIT NO. 14-010 (BRIGHTWATER AND SANDOVER)** **Applicant/Property Owner:** Ed Mountford, Signal Landmark **Request:** **TTM** – To subdivide ±3.17 acres of land into seven residential lots for purposes of developing seven single family residences and eight lettered lots for streets, landscaping, and utility/fire access. In Sandover, one residential lot is located at the terminus of Shelburne Drive and the other two residential lots are located along Hampton Lane to the north and south of the gated entry. The four residential lots in Brightwater are located along future Bristol Lane. **CUP** – To permit a max 3.5 foot high retaining wall topped with a max 6 foot high block wall along the north (along Los Patos) and east (along fire lane) lot lines of lot 3 located at the terminus of Shelburne Drive in Sandover. This request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/privacy issues such as window alignments, building pad height, and floor plan layout. **Location:** Along Hampton Lane and Shelburne Drive in Sandover and along future Bristol Lane in Brightwater (south of Los Patos Avenue and west of Bolsa Chica Street), 92649. **City Contact:** Ricky Ramos, Senior Planner

STAFF RECOMMENDATION: Motion to:

A. "Approve Tentative Tract Map No. 17662 with suggested findings and conditions of approval (Attachment No. 1)."

B. "Approve Conditional Use Permit No. 14-010 with suggested findings and conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Semeta has visited the site and spoken with the applicant.
- Commissioner Posey has visited the site and spoken with the applicant.
- Vice-Chair Franklin had no disclosures.
- Chair Peterson has visited the site and spoken with the applicant.
- Commissioner Pinchiff has attended the Subdivision Committee meeting, and spoken with the applicant and with staff.
- Commissioner Bixby has attended the Subdivision Committee meeting and is very familiar with the site and its history.
- Commissioner Kalmick has attended the Subdivision Committee meeting, visited the site, and spoken with the applicant and with staff.

Ricky Ramos, Senior Planner, gave the staff presentation and an overview of all entitlements listed in Item Nos. B-2, B-3, and B-4.

THE PUBLIC HEARING WAS OPENED.

Ed Mountford, Signal Landmark, spoke in support of Item Nos. B-2, B-3, and B-4, and made himself available for any questions.

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

A MOTION WAS MADE BY FRANKLIN, SECONDED BY KALMICK, TO APPROVE GENERAL PLAN AMENDMENT NO. 13-003 AND FORWARD THE DRAFT CITY COUNCIL RESOLUTION TO THE CITY COUNCIL FOR ADOPTION AND APPROVE ZONING MAP AMENDMENT NO. 14-002 WITH FINDINGS AND FORWARD THE DRAFT ORDINANCE TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

AYES: Semeta, Posey, Franklin, Peterson, Pinchiff, Bixby, Kalmick
NOES: None
ABSTAIN: None
ABSENT: None

MOTION APPROVED

A MOTION WAS MADE BY FRANKLIN, SECONDED BY PETERSON, TO APPROVE ZONING MAP AMENDMENT NO. 13-003 WITH FINDINGS AND FORWARD THE DRAFT ORDINANCE TO THE CITY COUNCIL FOR ADOPTION AND APPROVE LOCAL COASTAL PROGRAM AMENDMENT NO. 14-001 WITH FINDINGS AND FORWARD THE DRAFT RESOLUTION TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

AYES: Semeta, Posey, Franklin, Peterson, Pinchiff, Bixby, Kalmick
NOES: None
ABSTAIN: None
ABSENT: None

MOTION APPROVED

A MOTION WAS MADE BY FRANKLIN, SECONDED BY SEMETA, TO APPROVE TENTATIVE TRACT MAP NO. 17662 WITH SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL AND APPROVE CONDITIONAL USE PERMIT NO. 14-010 WITH SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES: Semeta, Posey, Franklin, Peterson, Pinchiff, Bixby, Kalmick
NOES: None
ABSTAIN: None
ABSENT: None

MOTION APPROVED

ITEM B-2

FINDING FOR CEQA:

The Planning Commission finds that the project, which will enable the development of the last seven single family residences in Brightwater and Sandover, was analyzed in EIR No. 551 approved by the County of Orange for Brightwater.

FINDINGS FOR APPROVAL - ZONING MAP AMENDMENT NO. 14-002:

1. Zoning Map Amendment No. 14-002 to establish RL-CZ on a ±0.004 acre parcel near the terminus of Hampton Lane is consistent with the General Plan land use designation

proposed in General Plan Amendment No. 13-003 and the following goals, objectives, and policies:

A. *Land Use Element*

Objective LU 1.1 - Provide for the timing of residential, commercial, and industrial development coincident with the availability of adequate market demand to ensure economic vitality.

Goal LU 6 - Ensure that the City's General Plan is maintained and updated to be an accurate guide for development and resource conservation.

Policy LU 7.1.1 - Accommodate existing uses and new development in accordance with the Land Use and Density Schedules (Table LU-2a and 2b).

Objective LU 8.1 - Maintain the pattern of existing land uses while providing opportunities for the evolution, including intensification and re-use, of selected subareas in order to improve their character and identity.

Objective LU 9.1 - Provide for the development of single- and multi-family residential neighborhoods.

Policy LU 9.1.1 - Accommodate the development of single- and multi-family residential units in areas designated by the Land Use Plan Map, as stipulated by the Land Use and Density Schedules (Policy LU 7.1.1).

B. *Coastal Element*

Policy C 1.1.1 - With the exception of hazardous industrial development, new development shall be encouraged to be located within, contiguous or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services, and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. (I-C 1, I-C 2)

Policy C 1.2.1 - Accommodate existing uses and new development in accordance with the Coastal Element Land Use Plan and the Development and Density Schedule Table C-1. (I-C 1)

Policy C 9.1.1 - Approve and implement development in accordance with the Coastal Element Land Use Plan. (I-C 21)

C. *Housing Element*

Policy 2.1 – Provide site opportunities for development of housing that responds to diverse community needs in terms of housing types, cost and location, emphasizing locations near services and transit that promote walkability.

Policy 3.1 – Encourage the production of housing that meets all economic segments of the community, including lower, moderate, and upper income households, to maintain a balanced community.

The proposed ZMA would extend a zoning designation to the project site that already exists in the area thereby maintaining the existing land use pattern. It would enable the

incorporation of the subject parcel into the adjacent residential lot in Sandover and maintain consistent zoning. The project site is located contiguous to and compatible with existing developed residential areas.

2. ZMA No. 14-002 would only establish a zoning designation on the subject property rather than change a general land use provision and would not affect the uses authorized in and the standards prescribed for the proposed zoning district.

3. A community need is demonstrated for the change proposed. The subject parcel has been annexed into the city and requires a zoning designation. It is proposed to be merged into the adjacent existing residential lot in Sandover and the proposed RL-CZ zoning designation is an extension of the same zoning designation for Sandover.

4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The subject parcel has been annexed into the city and requires a zoning designation. Because it is proposed to be merged into the adjacent existing residential lot in Sandover, the proposed RL-CZ zoning designation is appropriate since it is an extension of the same zoning designation for Sandover.

ITEM B-3

FINDING FOR CEQA:

The Planning Commission finds that the project was analyzed in EIR No. 551 approved by the County of Orange for Brightwater.

FINDINGS FOR APPROVAL - ZONING MAP AMENDMENT NO. 13-003:

1. Zoning Map Amendment No. 13-003 to change the zoning designation from RA-CZ (Residential Agriculture – Coastal Zone Overlay) to RL-CZ (Residential Low Density – Coastal Zone Overlay) on ±0.29 acre on the east side of Hampton Lane in Sandover is consistent with the General Plan land use designation of RL-7 and the following goals, objectives, and policies:

   A. *Land Use Element*

   Objective LU 1.1 - Provide for the timing of residential, commercial, and industrial development coincident with the availability of adequate market demand to ensure economic vitality.

   Policy LU 7.1.1 - Accommodate existing uses and new development in accordance with the Land Use and Density Schedules (Table LU-2a and 2b).

   Objective LU 8.1 - Maintain the pattern of existing land uses while providing opportunities for the evolution, including intensification and re-use, of selected subareas in order to improve their character and identity.

   Objective LU 9.1 - Provide for the development of single- and multi-family residential neighborhoods.

Policy LU 9.1.1 - Accommodate the development of single- and multi-family residential units in areas designated by the Land Use Plan Map, as stipulated by the Land Use and Density Schedules (Policy LU 7.1.1).

B. *Coastal Element*

Policy C 1.1.1 - With the exception of hazardous industrial development, new development shall be encouraged to be located within, contiguous or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services, and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. (I-C 1, I-C 2)

Policy C 1.2.1 - Accommodate existing uses and new development in accordance with the Coastal Element Land Use Plan and the Development and Density Schedule Table C-1. (I-C 1)

Policy C 9.1.1 - Approve and implement development in accordance with the Coastal Element Land Use Plan. (I-C 21)

C. *Housing Element*

Policy 2.1 – Provide site opportunities for development of housing that responds to diverse community needs in terms of housing types, cost and location, emphasizing locations near services and transit that promote walkability.

Policy 3.1 – Encourage the production of housing that meets all economic segments of the community, including lower, moderate, and upper income households, to maintain a balanced community.

The proposed ZMA would extend a zoning designation to the project site that already exists in the area thereby maintaining the existing land use pattern. It would enable the development of new single family residences to complete Sandover. The project site is located contiguous to and compatible with existing developed residential areas.

2. Zoning Map Amendment No. 13-003 would only establish a zoning designation on the subject property rather than change a general land use provision and would not affect the uses authorized in and the standards prescribed for the proposed zoning district.

3. A community need is demonstrated for the change proposed. The proposed RL-CZ zoning is consistent with the General Plan designation of RL-7 and an extension of the same zoning found in Sandover which includes the project site. It would enable the development of additional single family residences to add to the housing stock.

4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The proposed RL-CZ zoning is an extension of the same zoning found in Sandover which includes the project site. It will be compatible with the residential character of the area.

FINDINGS FOR APPROVAL – LOCAL COASTAL PROGRAM AMENDMENT NO. 14-001:

1. Local Coastal Program Amendment No. 14-001 to the Huntington Beach Local Coastal Program in accordance with Zoning Map Amendment No. 13-003 is consistent with the General Plan land use designation of RL-7 on the subject site.

2. The proposed change to the Local Coastal Program is in accordance with the policies, standards and provisions of the California Coastal Act that encourage accommodating new development in accordance with the Coastal Element Land Use Plan and located within existing developed areas.

3. The request conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act because the request is only a zoning map amendment which will not impact public access and public recreational opportunities as none exist on the subject site.

ITEM B-4

FINDING FOR CEQA:

The Planning Commission finds that the project was analyzed in EIR No. 551 approved by the County of Orange for Brightwater.

FINDINGS FOR APPROVAL - TENTATIVE TRACT MAP NO. 17662 :

1. Tentative Tract Map No. 17662 to subdivide ±3.17 acres of land into seven residential lots for purposes of developing seven single family residences and eight lettered lots for streets, landscaping, and utility/fire access is consistent with the General Plan Land Use Element designations of RL-7-sp (Residential Low Density – Max 7 du/ac – Specific Plan Overlay) and RL-7 on the subject property, and any applicable specific plan, or other applicable provisions of this Code.

2. The site is physically suitable for the type and density of development. The project site is surrounded by property that is developed with or approved for the construction of single family residences. The proposed project is an extension of the surrounding development type and density and represents the last phase of the Brightwater and Sandover residential developments.

3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The project was anticipated and analyzed in the EIR for Brightwater that was approved by the County. It is an infill development on property that has been previously graded and is surrounded by similar single family residential development that is either existing or approved for construction.

4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. The project will provide all necessary easements to maintain needed access or use of the property.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 14-010:

1. Conditional Use Permit No. 14-010 to permit a max 3.5 foot high retaining wall topped with a max 6 foot high block wall along the north (along Los Patos) and east (along fire lane) lot lines of lot 3 located at the terminus of Shelburne Drive in Sandover 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 retaining walls are a result of the existing grade differential between lot 3 and the surrounding improvements to the north, east, and west. The proposed walls will match the design, colors, and materials of the existing Sandover walls. A 20 foot perimeter landscape planter with sidewalk is provided along Los Patos and a condition is recommended to require a planter area in front of the wall on the east lot line next to the fire lane to soften the appearance of the walls.

2. The conditional use permit will be compatible with surrounding uses because the walls are needed to address the existing grade differential between lot 3 and the existing improvements surrounding it. As conditioned, landscaping will be provided in front of the walls to soften its appearance.

3. The proposed max 3.5 foot high retaining wall topped with a max 6 foot high block wall along the north (along Los Patos) and east (along fire lane) lot lines of lot 3 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 which allows block walls to exceed the maximum permitted height subject to approval of a conditional use permit.

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 RL-7-sp and RL-7 on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

   a. Goal LU 4 - Achieve and maintain high quality architecture, landscape, and public open spaces in the City.

   b. Objective LU 4.1 - Promote the development of residential, commercial, industrial, and public buildings and sites that convey a high quality visual image and character.

   The proposed retaining wall and above ground wall will match the existing walls in the development in terms of design, colors, and materials. As proposed and modified by conditions, landscape planters will be provided to soften the appearance of the wall to make it compatible with the area.

CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 17662 :

1. The Tentative Tract Map No. 17662 received and dated June 19, 2014 shall be the approved layout with the following modifications to the approval of Planning staff:

   a. Lot 1 in Sandover shall be modified on the final map to remove the angled lot line on the northeast corner, if feasible, to create a corner closer to 90 degrees.

   b. Lot E shall be re-labeled on the final map as Utility/Fire Access instead of Open Space.

2. The final map for Tentative Tract Map No. 17662 shall not be approved by the City Council until:

   a. General Plan Amendment No. 13-003, Zoning Map Amendment No. 13-003, and Local Coastal Program Amendment No. 14-001 are approved and in effect.

   b. The California Coastal Commission has approved a consolidated coastal development permit for the development.

3. Tentative Tract Map No. 17662 shall become null and void unless exercised within two years of the date of final Coastal Development Permit and Local Coastal Program Amendment No. 14-001 approval by the Coastal Commission or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Division a minimum 30 days prior to the expiration date.

4. 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/index.cfm?fuseaction=guidelines).

5. Prior to issuance of a grading permit and at least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning Department.

6. During demolition, grading, site development, and/or construction, the following shall be adhered to:

   a. Construction equipment shall be maintained in peak operating condition to reduce emissions.

   b. Use low sulfur (0.5%) fuel by weight for construction equipment.

   c. Truck idling shall be prohibited for periods longer than 10 minutes.

   d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.

   e. Discontinue operation during second stage smog alerts.

   f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 14-010:

1. The grading concept plan which shows the location of the proposed project walls received and dated June 19, 2014 shall be the conceptually approved design with the following modifications:

   a. The 6 ft. tall wall on top of the 3.5 ft. tall retaining wall on the east lot line of lot 3 next to the fire access lane shall meet the minimum 15 ft. front setback.

   b. A planter shall be constructed in front of the max. 3.5 foot high retaining wall topped with a max. 6 foot high block wall along the east lot line of lot 3 (along fire lane) to soften the appearance of the wall to the approval of Planning staff. The planter shall have the

greatest depth possible without encroaching into the existing 20.5 foot wide fire access lane.

2. 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).

3. Prior to submittal for building permits, plans revised pursuant to Condition of Approval 1 and Code Requirements shall be submitted to the Planning Division for review, approval, and inclusion in the entitlement file.

4. 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 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. 14-010 shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval by the Coastal Commission or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Division a minimum 30 days prior to the expiration date.

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 MAY 13, 2014

RECOMMENDED ACTION: Motion to: "Approve the May 13, 2014, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY KALMICK, SECONDED BY BIXBY, TO APPROVE THE MAY 13, 2014 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: **Posey, Franklin, Peterson, Pinchiff, Bixby, Kalmick**
NOES: **None**
ABSTAIN: **Semeta**
ABSENT: **None**

MOTION APPROVED

C-2. PLANNING COMMISSION MINUTES DATED MAY 14, 2014

RECOMMENDED ACTION: Motion to: "Approve the May 14, 2014, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY KALMICK, SECONDED BY BIXBY, TO APPROVE THE MAY 14, 2014 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: **Posey, Peterson, Pinchiff, Bixby, Kalmick**
NOES: **None**
ABSTAIN: **Franklin, Semeta**
ABSENT: **None**

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS – NONE

D-1. GENERAL PLAN CONFORMANCE NO. 14-004 (CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2014/15)

Applicant: Public Works Department, City of Huntington Beach **Property Owner:** City of Huntington Beach **Request:** To determine if the 2014/15 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. 1680, approving General Plan Conformance No. 14-004 with findings (Attachment Nos. 1 and 2)."

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

A MOTION WAS MADE BY PINCHIFF, SECONDED BY FRANKLIN, TO ADOPT RESOLUTION NO. 1680 APPROVING GENERAL PLAN CONFORMANCE NO. 14-004 WITH FINDINGS, BY THE FOLLOWING VOTE:

AYES: Posey, Semeta, Franklin, Peterson, Pinchiff, Bixby, Kalmick
NOES: None
ABSTAIN: None
ABSENT: 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. 14-004:

1. The 2014/15 Capital Improvement Program conforms to the following goals, objectives, and policies of the General Plan:

   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.

   RCS 4 Ensure recreation facilities are renovated and upgraded to meet the current recreational interests of adults and youth.

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

   CE 1.2.1 Enhance circulation system standards for roadway and intersection classifications, right-of-way width, pavement width, design speed, capacity and associated features such as medians and bicycle lanes.

   CE 1.2.3 Maintain primary truck routes that sustain an effective transport of commodities while mitigating the negative impacts on local circulation and on noise sensitive land.

   CE 2.1.1 Maintain a city-wide level of service (LOS) not to exceed LOS "D" for intersections during the peak hours.

   CE 2.1.2 Maintain a city-wide level of service (LOS) for links not to exceed LOS "C" for daily traffic with the exception of Pacific Coast Highway south of Brookhurst Street.

   CE 2.1.3 Identify and improve roadways and intersections that are approaching, or have reached, unacceptable levels of service.

CE 6.1.10 Implement appropriate traffic devices and operational programs throughout the community to ensure that conflicts between pedestrians, bicycles, and vehicles are minimized and safety enhanced.

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. CIP projects will provide continued improvements to sidewalks, curbs, gutters and pavement. Landscaping is enhanced to continue to improve the visual character of the city. 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. The CIP program provides and maintains an adequate citywide water supply system, improved collection and treatment of wastewater and ensures that sufficient parking facilities are provided citywide.

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

Vice-Chair Franklin noted that he had attended the recent US Open of Surfing and commended the changes made this year.

Commissioner Semeta noted that she recently attended the Homeless Asset Mapping Project, held at the Central Library on July 23, 2014.

Chair Peterson thanked Vans for their work with the US Open of Surfing.

ADJOURNMENT: Adjourned at 7:38 PM to the next regularly scheduled meeting of Tuesday, August 26, 2014.

APPROVED BY:

Scott Hess, Secretary

Erik Peterson, Chair