

**MINUTES
BOARD OF ZONING APPEALS
SPECIAL MEETING
October 30, 2019**

**Public Meeting 6:30 P.M.
100 North Garfield Avenue
Council Chambers, Room S249
Meeting Started at 6:36 pm
Meeting Adjourned at 9:00 pm**

Commissioners Present: Chair Williams, Vice Chair Nanney, Commissioner Barar, Commissioner Olivas, and Commissioner Wendler
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Staff Present: Talyn Mirzakhanian, Beilin Yu, Luis Rocha, John Bellas, John Nam, Conrad Viana, and Patrisia De La Torre
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1. ROLL CALL AND READING OF PROCEDURES

2. PUBLIC HEARINGS

REGULAR CASES

A. Revocation of CUP #5535: 300 West Green Street (Ambassador Gardens) - Council District #6

A City-initiated public hearing to consider the revocation of Conditional Use Permit (CUP) #5535, originally approved by the Hearing Officer on March 6, 2013. CUP #5535 allows private group events, such as weddings and receptions, at various designated locations within the Ambassador College Campus. The approval includes a Minor CUP to allow shared parking with Maranatha High School (169 S. St. John St.) and the Elk's Lodge (400 W. Colorado Blvd.), as well as an additional Minor CUP to allow off-street valet parking during the events. As authorized by Section 17.78.090 (Permit Revocation or Modification) of the Zoning Code, the Hearing Officer has the authority to revoke any discretionary land use permit, such as a Conditional Use Permit.

Staff Recommendation:

- 1) Find that this project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15321, (Class 21, Enforcement Actions by Regulatory Agencies); and
- 2) Revoke Conditional Use Permit #5535

Case Manager: Luis Rocha

PRESENTATION BY: Luis Rocha

Appellant: Joe Oftelie, City Ventures
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Applicant: Joe Oftelie, City Ventures
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PUBLIC COMMENT:

- Jenny Zogg, resident – Against
- Linda Mayor, Ambassador Master Association & resident – Against
- Joan Augustiny, resident – Against
- Richard Kleinert, President of Ambassador Gardens HOA & resident – Against
- Joe Topper, resident – Against
- Nancy Van Tuyle, resident – Against
- Richard McDonald, council for neighbors – Against

THE BOARD OF ZONING APPEALS FIND THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER SECTION 15321 (CLASS 21, ENFORCEMENT ACTIONS BY REGULATORY AGENCIES) AND REVOKE CUP #5535.

COMMISSIONER WENDLER MADE THE MOTION AND COMMISSIONER OLIVAS SECONDED. MOTION CARRIED A 5-0 VOTE.

Chair Williams: Y

Vice Chair Nanney: Y

Commissioner Barar: Y

Commissioner Olivas: Y

Commissioner Wendler: Y

B. AHCP #11870: 254 East Union Street – Council District #3

Affordable Housing Concession Permit: To allow the construction of a new 64,441 square foot, 6-story, mixed-use building with 1,939 square feet of office commercial space and 59 residential units (five very low income units). The building will contain four levels of parking, one at the ground level and three subterranean levels, with a total of 156 parking spaces. The project proposes to utilize Density Bonus. The maximum permitted density on the subject property is 44 units, and because the project is proposing to provide five very low income units, the project is eligible to utilize a 35% density bonus and thus the project is eligible to provide 59 units. Concessions may be requested when the density bonus provisions of Chapter 17.43 are utilized. The project requires the following entitlements:

- 1) Affordable Housing Concession Permit to increase the maximum allowable floor area ratio (FAR) from 2.25 to 2.96.
- 2) Affordable Housing Concession Permit to exceed the maximum permitted height from 60' to 75'.
- 3) Variance is being requested to deviate from the minimum required 50' depth for the ground floor commercial use.
- 4) Private Tree Removal to allow the removal of one 22" DBH European Olive (*Olea Europa*) and one 27" DBH European Olive (*Olea Europa*), both located along the front property line

Staff Recommendation:

- 1) Find that the project will not result in any potentially significant impacts that were not already analyzed as part of the Initial Study and Mitigated Negative Declaration (IS/MND) prepared for Variance #11810, and adopt the Addendum to the IS/MND;
- 2) Approve the Affordable Housing Concession Permit with conditions;
- 3) Approve the Variance with conditions; and Approve Private Tree Removal.

Case Manager: Beilin Yu

PRESENTATION BY: Beilin Yu

Appellant: DC Union Holdings, LLC
Applicant: Burke Farrar, Odyssey Development Services
Rebuttal: Richard McDonald, Law Office of Richard A. McDonald

PUBLIC COMMENT:

- Paul Wooton, Wooton Brothers, LLC – Against
- Scott Jenkins, Hahn & Hahn LLP – Against
- Debra King – Against

THE BOARD OF ZONING APPEALS ADOPTED THE ENVIRONMENTAL DETERMINATION THAT THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION (IS/MND) WAS PREPARED FOR VARIANCE #11810 IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND ADOPTED BY THE HEARING OFFICER ON SEPTEMBER 2, 2015 ALONG WITH VARIANCE #11810, THE ADDENDUM TO THE IS/MND HAS BEEN PREPARED ANALYZING THE ADDITIONAL 23 RESIDENTIAL UNITS, THE ADDITIONAL 15041 SQ FT, AND THE ADDITIONAL 15 FT IN HEIGHT IN COMPLIANCE WITH SECTION 5164 OF THE SEQA GUIDELINES. THE ADDENDUM FOUND THAT THE PROJECT REVISIONS WILL NOT RESULT IN THE POTENTIALLY SIGNIFICANT IMPACTS THAT WERE NOT ALREADY ANALYZED AND OVERTURN THE HEARING OFFICER'S DECISION AND APPROVE AHCP #11870 AND AGREE TO THE APPLICANTS REQUEST FOR 10 FT OVERALL SIDEWALK.

COMMISSIONER WENDLER MADE THE MOTION AND COMMISSIONER NANNEY SECONDED.

MOTION CARRIED A 4-0 VOTE.

Chair Williams: **ABSTAIN**

Vice Chair Nanney: **Y**

Commissioner Barar: **Y**

Commissioner Olivas: **Y**

Commissioner Wendler: **Y**

3. **ADJOURNMENT** : Chair Nanney adjourned the meeting at approximately 9:00 pm.

Talyn Mirzakhanian, Zoning Administrator

Patrisia De La Torre, Recording Secretary

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