

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, JULY 27, 2005 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBER: Paul Da Veiga, Rami Talleh, Ron Santos, Ramona Kohlmann (recording secretary)

MINUTES: June 22, 2005
APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: ENTITLEMENT PLAN AMENDMENT NO. 03-06 / CONDITIONAL USE PERMIT NO. 05-21 (MAGNOLIA OFFICE/RETAIL CENTER - CONTINUED FROM THE NOVEMBER 17, 2004 MEETING WITH THE PUBLIC HEARING OPEN)

APPLICANT: Jeff Bergsma, 221 Main Street, Suite S, Huntington Beach, CA 92648

PROPERTY OWNER: 19066 Magnolia LTD, 201 Wilshire Boulevard, Suite A26, Santa Monica, CA 90401

REQUEST: **EPA:** To amend a condition of approval for Conditional Use Permit No. 92-27 by permitting occupancy of a vacant 10,893 sq. ft. two-story office building. The vacant office building was conditioned to be demolished to allow for 36 additional parking spaces and the closure of a driveway along Magnolia Street.
CUP: To permit a 45-space reduction in required parking for retail, restaurant and medical office uses on the subject site based on a shared parking study.

LOCATION: 19066 Magnolia Street (southeast corner of Magnolia Street and Garfield Avenue)

PROJECT PLANNER: Paul Da Veiga

Paul Da Veiga, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented a review of the proposed project and the suggested findings and conditions of approval as outlined in the executive summary, in particular, shared parking, parking analysis, and the Transportation Demand Management Plan.

Staff recommended that Suggested Condition of Approval No. 3 be modified as follows:

3. Any proposed changes in occupancy that result in a change in the mix of uses identified in the parking study dated June 10, 2004 shall require an updated shared parking analysis. Occupancy changes that alter the approved mix of uses may require an entitlement plan amendment subject to a review and determination by the Planning Department. The shared parking analysis shall be prepared by a qualified traffic engineer ~~-and include the following:~~

Mary Beth Broeren, Zoning Administrator, confirmed with staff that the shared parking study was reviewed by the Department of Public Works. Ms. Broeren also confirmed with staff that the conditions of approval from the original conditional use permit (approved in 1992) have been satisfied with the exception of the demolition of the building. Ms. Broeren and staff concurred that the following condition of approval be added:

4. Prior to final inspection, all conditions of approval required under Conditional Use Permit No. 92-27 shall be completed with the exception of Condition No. 3.h and Condition No. 4.a.

Ms. Broeren asked staff if any comments were received in response to the public notification. Staff stated that no telephone calls were received; however, property owners, who are party to the shared parking, stating that they are aware of the project, have provided letters.

THE PUBLIC HEARING WAS CONTINUED OPENED.

Jeff Bergsma, 221 Main Street, Suite S, applicant, spoke on behalf of the proposed project. Mr. Bergsma stated that the medical center's use of the building for lab work does not generate a demand for parking. He stated that the building improvements would be an asset to the neighborhood.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

ENTITLEMENT PLAN AMENDMENT NO. 03-06 / CONDITIONAL USE PERMIT NO. 05-21 APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator 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 does not propose an increase to floor area, rather the reuse of an existing building which will result in negligible impacts to surrounding properties.

FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 03-06:

1. Entitlement Plan Amendment No. 03-06 to amend a condition of approval for Conditional Use Permit No. 92-27 by permitting occupancy of a vacant 10,893 sq. ft. two-story office building 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 building has been previously occupied as an office building. The re-use of the building with retail and office uses is consistent with the surrounding land uses and adequate parking is available to accommodate the new occupancy of the building.
2. The entitlement plan amendment will be compatible with surrounding uses because the subject building has been previously occupied with office tenants, and is located on a property zoned for such use.
3. The proposed Entitlement Plan Amendment No. 03-06 will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it would be located including parking for which the applicant has provided a parking analysis that identifies a parking surplus on the subject site during peak hours of operation.
4. The granting of the entitlement plan amendment will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CN-F1 (Commercial Neighborhood - .35 max FAR) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - a. LU 7.1.2: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.
 - b. LU 10.1.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City and capitalize on Huntington Beach's recreational resources.

The requested entitlement plan amendment will accommodate an existing development by allowing the re-use of the subject building for retail and office uses. The proposed use will serve the needs of local residents and visitors to the City by providing for additional retail and service-oriented opportunities.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-21:

1. Conditional Use Permit No. 05-21 to permit a 45-space reduction in required parking for retail, restaurant and medical office uses on the subject site based on a shared parking study 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 applicant has submitted a parking analysis, which identifies a surplus of parking spaces on the site based on the divergent parking needs of uses within the subject commercial center. In addition, a Transportation Demand Management Plan is required in order to mitigate any potential impacts on transportation mobility, congestion, and to promote strategies to encourage ride-sharing.

2. The conditional use permit will be compatible with surrounding uses because the subject building has been previously occupied with office tenants, and is located on a property zoned for such use. In addition, a parking analysis of the project site concludes that the proposed office occupancy will be compatible with surrounding on-site land uses due to the divergent peak parking demands of the proposed mix of land uses.
3. The proposed conditional use permit 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) and any specific condition required for the proposed use in the district in which it would be located including parking for which the applicant has provided a parking analysis that identifies a parking surplus on the subject site during peak hours of operation. The subject building also complies with setbacks, height, floor area ratio, and all other development standards in the HBZSO.
4. The granting of the entitlement plan amendment will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CN-F1 (Commercial Neighborhood - .35 max FAR) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - a. LU 7.1.2: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.
 - b. LU 10.1.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City and capitalize on Huntington Beach's recreational resources.

The requested entitlement plan amendment will accommodate an existing development by allowing the re-use of the subject building for retail and office uses. The proposed use will serve the needs of local residents and visitors to the City by providing for additional retail and service oriented opportunities.

**CONDITIONS OF APPROVAL - ENTITLEMENT PLAN AMENDMENT NO. 03-06 /
CONDITIONAL USE PERMIT NO. 05-21:**

1. The site plan, floor plans, and elevations received and dated April 30, 2004 shall be the conceptually approved design.
2. The Transportation Demand Management Plan dated January 18, 2005 shall be amended to include the following:
 - a. The number of vanpool parking spaces shall be at least one percent of the employee carpool parking spaces and reserved for such by marking the spaces "Vanpool Only".
 - b. For parking structures, vanpool vehicle accessibility shall include a minimum 7'-2" of verticle distance.
 - c. Vanpool parking spaces shall be located near identified employee entrances or other preferential locations.
3. Any proposed changes in occupancy that result in a change in the mix of uses identified in the parking study dated June 10, 2004 shall require an updated shared parking analysis.

Occupancy changes that alter the approved mix of uses may require an entitlement plan amendment subject to a review and determination by the Planning Department. The shared parking analysis shall be prepared by a qualified traffic engineer.

4. Prior to final inspection, all conditions of approval required under Conditional Use Permit No. 92-27 shall be completed with the exception of Condition No. 3.h and Condition No. 4.a.

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

ITEM 2: CONDITIONAL USE PERMIT NO. 05-17 (OLIVE GARDEN)

APPLICANT: Steve Hale, 1048 Peppertree Drive, Fairfield, CA 94533
PROPERTY OWNER: GMRI Inc., dba The Olive Garden, 5900 Lake Ellenor Drive, Fairfield, CA 94533
REQUEST: To permit the construction of a wrought iron fence within the rear-yard setback of a through lot. The proposed wrought iron fence measures six ft. in height and is located at a zero ft. rear-yard setback along Viewpoint Lane in lieu of the minimum required 10 ft. rear-yard setback.
LOCATION: 16811 Beach Boulevard (northwest corner of Beach Boulevard and Damask Drive, north of Warner Avenue)
PROJECT PLANNER: Rami Talleh

Rami Talleh, Staff Planner, displayed project plans and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented a review of the proposed project and the suggested findings and conditions of approval as outlined in the executive summary. Staff stated that the request is to deter security issues due to problems in the parking lot from surrounding apartments.

Staff stated that the proposed project complies with the Design Guidelines.

Staff recommended the deletion of Suggested Condition of Approval No. 1.c as follows because the fence is outside the visibility triangle:

~~c. The portion of the fence located within the 25 ft. visibility triangle at the intersection of Viewpoint Lane and Damask Drive shall be reduced to 42 inches in height.~~

Mary Beth Broeren, Zoning Administrator, confirmed with staff that the parking lot has already been built.

THE PUBLIC HEARING WAS OPENED.

Steve Hale, 1048 Peppertree Drive, Fairfield, CA, applicant stated their agreement to the suggested conditions of approval.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Ms. Broeren stated that she was going to approve the request as recommended by staff above. She asked staff to modify Suggested Finding for Approval No. 1 as follows:

Conditional Use Permit No. 05-17 to permit the construction of a 6'-0" tall wrought iron fence at a ~~zero~~nine ft. rear yard setback in lieu of the minimum 10 ft. rear yard setback 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 wrought iron fence is conditioned to provide a~~ nine ft. rear yard setback along Viewpoint Lane and Damask Drive provides a meaningful amount of landscaping between the fence and the public right of way. The fence is designed with high quality materials such as wrought iron and columns with a stone veneer, which will enhance the in-order-to-provide appearance of the street scene.

CONDITIONAL USE PERMIT NO. 05-17 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND CONDITIONS. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator 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 minor alterations to a developed commercial property involving no expansion of use beyond that existing at the time of the lead agency's determination.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-17:

1. Conditional Use Permit No. 05-17 to permit the construction of a 6'-0" tall wrought iron fence at a nine ft. rear yard setback in lieu of the minimum 10 ft. rear yard setback 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. A nine ft. rear yard

setback along Viewpoint Lane and Damask Drive provides a meaningful amount of landscaping between the fence and the public right of way. The fence is designed with high quality materials such as wrought iron and columns with a stone veneer, which will enhance the appearance of the street scene.

2. Conditional Use Permit No. 05-17 to permit the construction of a 6'-0" tall wrought iron fence at a nine ft. rear yard setback in lieu of the minimum 10 ft. rear yard setback 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 wrought Iron fence provides a meaningful amount of landscaping between the fence and the public right of way. The fence is designed with high quality materials such as wrought iron and columns with a stone veneer, which will enhance the appearance of the street scene.
3. The conditional use permit will be compatible with surrounding uses because the wall is proposed in a neighborhood with an established pattern of variable building and fencing setbacks.
4. The proposed conditional use permit 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. The HBZSO authorizes deviations from the fence height restrictions subject to approval of a Conditional Use Permit.
5. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG (General Commercial) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - a. LU 9.2.1: Require that new development within existing commercial centers be compatible with existing structures, including:
 - Maintenance of the predominant or median existing front yard setback and;
 - Use of complementary building materials, colors, and forms, while allowing flexibility for unique design solutions.
 - b. UD 1.3.5: Require that privately developed walls make a positive visual contribution to the public streetscape including provisions for plant material enhancements such as vine pockets or decorative plantings, and design features such as sculptured or textured masonry units.

The proposed wall will be designed with decorative features such as wrought iron and columns with a stone veneer to match the main structure. The wall will be setback a minimum of nine feet from Viewpoint lane and Damask Drive.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 05-17:

1. The site plan and fence elevations received and dated May 26, 2005, shall be the conceptually approved layout with the following modifications:
 - a. The wrought iron fence shall be setback nine feet from the rear property line along Viewpoint Lane and nine feet from the exterior side property line along Damask Drive.
 - b. Six-foot tall columns with stone veneer shall be provided for the wrought iron fence at a minimum of fifty feet on center.

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.

THE MEETING WAS ADJOURNED AT 1:47 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, AUGUST 3, 2005 AT 1:30 PM.

Mary Beth Broeren
Zoning Administrator

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