

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

WEDNESDAY, OCTOBER 19, 2005 - 1:30 P.M.

ZONING ADMINISTRATOR: Herb Fauland, Acting Zoning Administrator

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

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 04-12 / VARIANCE NO. 05-03 / NEGATIVE DECLARATION NO. 04-04 (GOLDENWEST PLAZA – NEW RETAIL BUILDING)

APPLICANT: Access Architects, 18652 Florida Street Ste 220, Huntington Beach, CA 92648

PROPERTY OWNER: Gertrude R. Doyle, P.O. Box 3131, Huntington Beach, CA 92605-3131

REQUEST: **CUP:** To permit the construction of a 4,200 sq. ft. retail building on a 19,496 sq. ft. parcel. **VAR:** To permit seven-ft. wide perimeter landscape planters with a plantable width of five ft. in lieu of the code required 10-ft. planter width required along the front and exterior side property lines (Goldenwest Street/Edinger Avenue frontage).

LOCATION: 7012 Edinger Avenue (southeast corner of Goldenwest Street and Edinger 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 an overview of the proposed project, the suggested findings, and the conditions of approval as outlined in the executive summary.

Staff stated that the proposed Variance is being requested because the required dedication for street widening on the site is a hardship. Staff stated that the Variance, as submitted, cannot be supported by findings for approval and staff recommended denial of the proposed Variance based upon the suggested findings for denial. Staff stated that the applicant could adjust slightly the location and shape of the building to accommodate ten-foot landscape planters along both frontages.

Staff stated that the Design Review Board (DRB) recommended approval of the Conditional Use Permit to the Zoning Administrator with conditions of approval modifying the plans that were submitted on March 15, 2005 and as set forth in the executive summary.

Staff addressed the Negative Declaration and stated that there is no evidence of any significant effect on the environment. Staff stated that the Negative Declaration is required because the subject site was formerly a gas station and is listed on the State's hazardous waste list. Staff stated that the soil has been remediated.

Staff recommended approval of the Conditional Use Permit based upon the suggested findings and subject to the suggested conditions as outlined in the executive summary.

Staff recommended denial of the Variance based upon the suggested findings for denial as outlined in the executive summary.

Herb Fauland, Acting Zoning Administrator, stated that he did visit the subject site. Mr. Fauland stated that he is familiar with the site, the corner and the overall shopping center. He stated that he has had discussions with staff and has met with the property owner and the architect concerning the subject site and the proposed project.

Mr. Fauland reviewed the project plans and engaged in discussions with staff concerning the ten-foot dedications required along both Goldenwest Street and Edinger Avenue, the depth of the parking stalls and the design of the planters. Staff presented suggested alternatives to meet findings for approval of the Variance.

Mr. Fauland engaged in further discussions with staff concerning safety issues at the rear corridors of the building and any comments by the Police Department, intended use of a restaurant, outdoor dining, parking requirements, possible conflict of cars at the driveway entrance stacking onto Goldenwest Street, and alternatives to reduce the overall building in order to yield more landscaping.

Mr. Fauland stated that the project site is one of the nodes located within the Draft Edinger Corridor Specific Plan and emphasized the need for aesthetics and consistent landscaping along this corridor. He asked staff how the proposed project is or is not in compliance with the Edinger Corridor Specific Plan. Staff stated that the requirements of the Draft Edinger Corridor Specific Plan are part of the reason for not being able to support the Variance.

THE PUBLIC HEARING WAS OPENED.

Rick Blomgren, 7012 Edinger Avenue, applicant, spoke on behalf of the proposed project and stated what their original plans were for the subject site. Mr. Blomgren stated reasons for the requested variance and suggested a compromise to add two feet to the front landscape. He stated an openness for suggestions.

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

Mr. Fauland stated that he was agreeable to the applicant's suggested compromise because it meets the overall percentage of landscaping required by code as well as minimum access requirements.

Discussions ensued with staff concerning the loss of one parking space and parking alternatives. Staff stated that in order to comply with parking there would be a loss of building area.

Mr. Fauland stated that he was going to approve the conditional use permit and the variance. He stated that the ten-foot dedication is an enormous hardship for the subject property and that similar variances have been granted throughout the City.

Mr. Fauland asked staff to modify the Suggested Findings as follows:

1. The granting of Variance No. 05-03 to permit seven-ft. wide perimeter landscape planters with a plantable width of five ft. in lieu of the code required 10-ft. planter width required along the front and exterior side property lines, will not constitute a grant of special privilege inconsistent with limitations placed upon other properties in the vicinity and under an identical zone classification. The subject property is approximately 19,496 square feet after street dedications. ~~The size and shape of the lot is similar to several former service station corner lots within the same zone classification that have been developed in compliance with the code. There are no required dedications result in a loss of approximately nine percent of lot area. As a result of the required dedications, the property is undersized in comparison to similar commercial corner lots that were formerly developed unique sites as service stations. These constraints that distinguish the subject lot from others within the same zoning classification~~ and warrant the issuance of a variance.
2. There are ~~no~~ special circumstances applicable to the subject property that deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The special circumstances include the required dedications of land taken along two frontages, and the resulting size of the lot classification based on its size and shape which is common among other corner lots that were formerly formerly developed with service stations which results in a substantial burden on development.
3. The granting of a variance is ~~not~~ necessary to preserve the enjoyment of one or more substantial property rights. ~~The perimeter planters can be increased in width in compliance with the HBZSO through modifications to the site plan that include relocating the building further back on the lot and modifying the shape of the structure. These modifications would still allow variance facilitates the logical~~ development of the subject site ~~with a similarly sized structure and layout.~~ while eliminating the need for additional variance requests. The variance will allow for development of a vacant site in a manner that is consistent with similar corner lot developments in the CG (Commercial General) zoning classification.
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 granting of the requested variance would result in a harmful precedent for other similarly sized parcels located throughout the City. development complies with all zoning code requirements with the exception of perimeter landscape planter width. The variance is being granted based on the small size of the lot after dedications.~~

CONDITIONAL USE PERMIT NO. 04-12 / VARIANCE NO. 05-03 / NEGATIVE DECLARATION NO. 04-04 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND 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 APPROVAL – NEGATIVE DECLARATION NO. 04-04:

1. The Negative Declaration No. 04-04 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of twenty (20) days. Comments received during the comment period were considered by the Zoning Administrator prior to action on the Negative Declaration, Conditional Use Permit No. 04-12, and Variance No. 05-03.
2. There is no substantial evidence in light of the whole record before the Zoning Administrator that the project will have a significant effect on the environment.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 04-12:

1. Conditional Use Permit No. 04-12 for the establishment, maintenance and operation of a 4,200 sq. ft. retail building on a 19,496 sq. ft. parcel will not be detrimental to the general welfare of persons working or residing in the vicinity and to the value of the property and improvements in the neighborhood. The subject property is designated for commercial general development under the General Plan. The proposed project is consistent with the permitted uses and development standards within this designation with the exception of the perimeter planter width. The intensity of the proposed use will be comparable with the prior use of the property as a service station, and will not have any significant impacts on adjacent properties.
2. The conditional use permit will be compatible with surrounding uses. The property abuts commercial uses to the south, east, and west and a community college to the north. The subject building will be architecturally compatible with the adjacent shopping center through the use of similar architecture, colors, and materials. The intended use of the site as a retail building will be compatible with the college to the north by providing commercial opportunities within walking distance for students and faculty.
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 with the exception of perimeter landscape planter width.

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

LU10.1.4. Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

LU10.1.12. Require that Commercial uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development including consideration of:

- a. siting and design of structures to facilitate and encourage pedestrian activity;
- b. siting of buildings to the street frontage to convey a visual relationship to the street and sidewalks;
- c. architectural treatment of buildings to minimize visual bulk and mass, using techniques such as the modulation of building volumes and articulation of all elevations.

The proposed development is in substantial compliance with the Urban Design Guidelines. The siting and design of the proposed structure allows for pedestrian connections between sidewalks and the subject site and allows for reciprocal vehicular access to the adjacent shopping center.

FINDINGS FOR APPROVAL - VARIANCE NO. 05-03:

1. The granting of Variance No. 05-03 to permit seven-ft. wide perimeter landscape planters with a plantable width of five ft. in lieu of the code required 10-ft. planter width required along the front and exterior side property lines, will not constitute a grant of special privilege inconsistent with limitations placed upon other properties in the vicinity and under an identical zone classification. The subject property is approximately 19,496 square feet after street dedications. The required dedications result in a loss of approximately nine percent of lot area. As a result of the required dedications, the property is undersized in comparison to similar commercial corner lots that were formerly developed as service stations. These constraints distinguish the subject lot from others within the same zoning classification and warrant the issuance of a variance.
2. There are special circumstances applicable to the subject property that deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The special circumstances include the required dedications of land taken along two frontages, and the resulting size of the lot, which results in a substantial burden on development.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The variance facilitates the logical development of the subject site while eliminating the need for additional variance requests. The variance will allow for development of a vacant site in a manner that is consistent with similar corner lot developments in the CG (Commercial General) zoning classification.
4. The granting of the variance will be materially detrimental to the public welfare or injurious to property in the same zone classification. The development complies with all zoning code

requirements with the exception of perimeter landscape planter width. The variance is being granted based on the small size of the lot after dedications.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 04-12 / VARIANCE NO. 05-03:

1. The site plan, floor plan, and elevations received and dated March 15, 2005, shall be the conceptually approved layout with the following modifications:
 - a. A twenty-foot portion of the southerly façade shall project a minimum of 12-inches from the remaining façade. **(DRB)**
 - b. Pilasters with stone veneer to match the base of the building shall be provided at the base of the proposed wooden trellises. **(DRB)**
 - c. All gates leading to the rear of the subject building shall remain locked during hours in which the businesses are not in operation. **(DRB)**
 - d. Decorative paving shall be installed at the Goldenwest Street entrance to the subject site. The decorative paving shall span the width of the driveway approach and extend 14 feet into the property.
2. Prior to submittal for building permits, revised plans shall be submitted for inclusion in the entitlement file.

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: VARIANCE NO. 05-02 (RADEMAKER GARAGE)

APPLICANT/
PROPERTY OWNER: Mike and Tracy Rademaker, 9581 Stonington Circle, Huntington Beach, CA 92646

REQUEST: To permit a 10-ft. front-yard setback for a front-entry garage, in lieu of a 20-ft. setback (for the reconfiguration of an existing side-entry garage as a front-entry garage) and a reduction in required 10 ft. x 10 ft. vision clearance at the driveway/street intersection.

LOCATION: 9581 Stonington Circle, Huntington Beach (south of Banning Avenue, east of Bushard Street)

PROJECT PLANNER: Ron Santos

Ron Santos, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the

proposed project and the suggested findings and conditions of approval as outlined in the executive summary.

Staff recommended approval of the request because of the unique circumstances of the subject property as reflected in the suggested findings and subject to the suggested conditions as outlined in the executive summary. Staff stated that the City has granted variances to other properties with unique circumstances.

Staff stated that 14 letters were received in support of the proposed project including two letters from property owners with properties in the cul-de-sac. One letter was received in opposition based upon concerns related to the impact of parking on a cul-de-sac, safety and reduction in visibility. No other written or verbal comments were received in response to the public notification.

Herb Fauland, Acting Zoning Administrator, stated that he has conversed with staff concerning the proposed project and has reviewed the letters received by staff. Mr. Fauland stated that he has visited the site and drove around the neighborhood. He stated that he observed that the current design and access are in need of improvement and that with a three-car garage more cars will hopefully be able to park in the garage. Mr. Fauland stated that the subject property is situated in a unique location.

THE PUBLIC HEARING WAS OPENED.

Mike and Tracy Rademaker, 9581 Stonington Circle, applicants, stated thanks to staff for their efforts and spoke in support of the proposed project. They urged the Zoning Administrator's approval emphasizing improved curb appeal, accommodation of a larger garage, less parking on the street, parking of a small boat in the garage, and intrusion into the vision triangle by only three feet.

Mr. Fauland stated that he read the letter from a neighboring property owner concerning danger to foot traffic and obstruction of visibility. He stated that he does not concur with the letter.

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

VARIANCE NO. 05-02 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND 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 15305 of the CEQA Guidelines, because the requested variance provides for minor alterations in land use limitations that do not result in any changes in land use or density.

FINDINGS FOR APPROVAL - VARIANCE NO. 05-02:

1. The granting of Variance No. 05-02 to permit a 10-ft. front-yard setback for a front-entry garage, in lieu of a 20-ft. setback (for the reconfiguration of an existing side-entry garage as a front-entry garage) and a reduction in required 10 ft. x 10 ft. vision clearance at the driveway/street intersection, will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The reduction in required setback will not constitute a grant of special privilege since the variance address only the applicable standard and not the actual setback of the structure which will be unchanged. The variance is necessary only because the code requires a greater setback for a front-entry garage (versus a side-entry garage) in order to allow for parking on the driveway between the garage and the street. The subject property will maintain conformance with applicable parking requirements after the proposed re-orientation of the garage door, since the reorientation will increase the garage capacity from two vehicles to three vehicles, and one on-street parking space is available along the property's street frontage.
2. Because of special circumstances applicable to the subject property, including the shape, location or surroundings, 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 property is configured such that inadequate clearance is provided between the garage door and the front door of the dwelling. In addition, the orientation of the garage door relative to the driveway apron makes it difficult to maneuver a vehicle in and out of the garage. The proposed reorientation of the garage door will resolve both of these difficulties.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The requested variance is necessary to provide adequate clearance between the garage door and the front door of the dwelling and to provide practical vehicular access to the garage.
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 subject property is located at the terminus of a cul-de-sac, such that traffic in front of the subject property is minimal. Moreover, any traffic at the driveway-street intersection of the subject property which would be obscured as a result of the proposed reduction in vision clearance would be a vehicle traveling on the wrong side of the road; an unlikely occurrence. The subject property provides the Code required parking by means of a three-car garage and one on-street parking space along the property's street frontage. Consequently, 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 (Residential Low-Density – 7 units/acre) on the subject property, including the following policies:

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.

LU 9.1.2(c): Minimize the amount and width of the paving of front yards for driveway and garage access.

The requested variance accounts for the unique location of the existing garage door relative to the front door and the impractical access to the garage due to the current orientation of the door relative to the driveway apron. Re-orientation of the garage door will also provide for a significant reduction in the amount of front yard paving on the subject property.

CONDITIONS OF APPROVAL VARIANCE NO. 05-02:

The site plan, floor plans, and elevations received and dated September 20, 2005, shall be the conceptually approved design.

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 2:15 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, OCTOBER 26, 2005 AT 1:30 PM.

Herb Fauland, Acting
Zoning Administrator

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