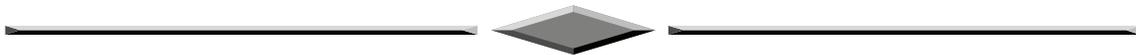


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Tess Nguyen, Associate Planner
DATE: December 10, 2008

SUBJECT: **CONDITIONAL USE PERMIT NO. 2008-013; VARIANCE NO. 2008-007
(BEACH PROMENADE COMMERCIAL CENTER)**

LOCATION: 21022-21190 Beach Boulevard, 92648 (southeast corner of Beach Boulevard and Atlanta Avenue)



Applicant: Mike Adams, 21190 Beach Boulevard, Huntington Beach, CA 92648

Property Owners: Bijjan Sassounian, 21190 Beach Boulevard, Huntington Beach, CA 92648
James Diebold, PNS Stores, Inc., 300 Phillip Road, Columbus, OH 43228
Sigma Enterprises, Inc., 111 S. Kraemer Boulevard #C, Brea, CA 92821

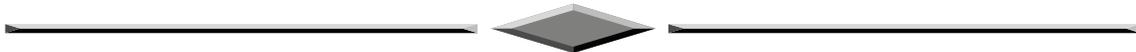
Request: **CUP:** To permit the construction of two additions totaling approximately 5,870 sq. ft. to an existing commercial/retail shopping center. **VAR:** To allow 340 parking spaces in lieu of the minimum required 380 parking spaces (40 space reduction).

Environmental Status: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

Zone: CG-FP2 (Commercial General – Flood Plain 2)

General Plan: CG – F1 (Commercial General – maximum 0.35 Floor Area Ratio)

Existing Use: Existing Shopping Center



RECOMMENDATION: Staff recommends approval with modification of the proposed project based upon the following findings:

SUGGESTED 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 proposed project consists of additions to existing structures with less than 10,000 sq. ft. of floor area on a site where public services and facilities are available and the surrounding area is not environmentally sensitive.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-013:

1. Conditional Use Permit No. 2008-013 to permit the construction of two additions totaling approximately 5,870 sq. ft. to an existing commercial/retail shopping center 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 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. Residential uses are located approximately 115 feet to the north across Atlanta Avenue, 105 feet to the east across the flood channel, and 75 feet to the south. Since the activity areas on the site, including parking areas and building entrances, are oriented toward Beach Boulevard, the residential properties are sufficiently buffered. The proposed project will not generate significant noise, odors, traffic above levels already established by existing uses on site.
2. The conditional use permit will be compatible with surrounding uses because the proposed project will expand upon an existing neighborhood shopping center with neighborhood oriented commercial uses located on a portion of Beach Boulevard primarily developed with residential uses. The proposed building is designed with colors and materials that complement surrounding residential neighborhoods by incorporating enhanced architectural details and materials such as tile roofs, plaster exterior finishes, trellises, awnings, and Mediterranean colors.
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, except for the parking variance approved concurrently, including land use limitations, minimum landscaping and building setbacks and maximum floor area ratio.
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 CG-F1 (Commercial General – 0.35 maximum floor area ratio) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - LU 7.1.1: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.
 - LU 10.1.1: Accommodate the development of neighborhood, community, regional, office and visitor-serving commercial uses in areas designated on the Land Use Plan in accordance with Policy 7.1.1.
 - LU 10.1.4: Require that commercial buildings and sites be designed and developed to achieve a high level of architectural and site layout quality.
 - ED 2.4.1 – Encourage and assist existing and potential commercial owners to modernize and expand their commercial properties.

The proposed project consists of additions to an existing neighborhood commercial/retail shopping center in an area designated for commercial uses on the Land Use Plan. The addition will facilitate the expansion and introduction of businesses such as a grocery store and drug store intended to serve the surrounding residential neighborhood. The project design features quality architecture and exterior finish materials (plaster and decorative metal elements), a variety of roof lines and façade treatments, and a functional site layout with efficient access from parking areas to building entrances. The project will improve the existing building façades and modernize the shopping center.

SUGGESTED FINDINGS FOR APPROVAL - VARIANCE NO. 2008-007:

1. The granting of Variance No. 2008-007 to allow 340 parking spaces in lieu of the minimum required 380 parking spaces will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. This represents a 40-space (10.5%) reduction in the required number of parking spaces. In the past, the City has allowed comparable reduction in the parking requirement for other similarly sized shopping centers in the same zoning classification through conditional use permits. Shopping centers usually consist of major anchors with smaller in-line shops where tenant spaces have different peak demands for parking. The joint use nature of the shopping centers allows for more efficient use of parking facilities as a result of varying peak demands. The proposed reduction in the parking requirement for the subject shopping center is consistent with previous approvals for other similar shopping centers in the City.
2. Because of special circumstances applicable to the subject property, including size, shape, topography, 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 variance will not constitute a grant of special privilege because the project site presents a special circumstance (an existing frontage road adjacent to the property) which is inconsistent with the limitations on other properties and which is remedied, in part, by the granting of the requested variance. The project site is encumbered by a frontage road adjacent to the site that rendered the site narrow and long as compared to other shopping centers with similar mix of tenants along Beach Boulevard and Edinger Avenue. This frontage road represents a constraint to development of the site, absent which additional parking spaces may be provided on site to meet the code required minimum.
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 offset a unique constraint to development represented by an existing frontage road adjacent to the property, absent which the property could accommodate the additional parking spaces needed for code compliance. In addition, the variance is needed to enjoy the substantial property right of improving and expanding the existing center to create a commercially viable shopping center with neighborhood uses such as a market, a drug store, restaurants, and personal services. In doing so, this center is able to compete with other shopping centers in the vicinity.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification and is consistent with the General Plan. The proposed addition and remodel allows the existing commercial buildings be designed and developed to achieve a high level of architectural and site layout quality. The parking

area is designed to maximize the use of site while providing for efficient and convenient site access and internal circulation. To substantiate the reduction in the parking requirement, the applicant submitted the Access and Parking Analysis, prepared by LSA Associates, Inc. (August 2008). The total parking demand for the site would be 263 parking spaces based on parking surveys of the site and the parking requirement in the Huntington Beach Zoning and Subdivision Ordinance. The total number of parking proposed to be provided is 340 spaces. Since the parking demand is less than the parking provided onsite, the reduction in parking is not anticipated to generate overflow parking within the adjacent residential neighborhoods. Accordingly, the requested reduction in parking will not have a detrimental impact on surrounding property owners. The variance will accommodate new development in accordance with the General Plan Land Use and Density Schedule.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2008-013/VARIANCE 2008-007:

1. The site plan, floor plans, and elevations received and dated September 23, 2008 shall be the conceptually approved design with the following modifications:
 - a. Plans shall be revised to be consistent with the approval by the Design Review Board on August 18, 2008 including the following modifications: **(DRB)**
 - i. Provide a plaza/courtyard to create a pedestrian friendly environment onsite.
 - ii. Provide the following walkways onsite to accommodate pedestrian traffic: 1) a walkway along the front of the buildings from Atlanta Avenue to the southerly property line and 2) a walkway along the main vehicular entrance to the site from the frontage road to the buildings.
 - iii. Provide textured pedestrian walkways across vehicular driveways to define the pedestrian paths from parking areas to primary building entrances.
 - iv. Incorporate public art into the project. The art work shall be installed within two years of project approval.
 - v. Provide additional color variation and architectural elements such as wainscoting to enhance the market and Big Lots building elevations.
 - b. The site plan shall be revised to comply with all Fire Department requirements. Specifically, fire access roads shall comply with City Specification #401 either by providing a hammerhead turn-around or cutting through existing shop building number 2. **(FD)**
 - c. Landscaping shall be provided in areas between the 10-foot wide enhanced paving walkway and the parking areas in front of shop building number 3.
 - d. The site plan shall identify the intended use of the space between the existing drugstore and shop building number 3 and the space behind shop building number 3. **(PW)**
 - e. The proposed market expansion area behind the existing shops shall be redesigned as to not create a dead end walkway that is vulnerable to undesirable activities and crime. **(PD)**

- f. The proposed stand-alone ATM shall be relocated to a different area on the site that allows more visibility and safety when the stores are closed. **(PD)**
2. Prior to issuance of grading permits, the following shall be completed:
 - a. The site plan shall also identify all emergency doors, transformers, bollards, and miscellaneous built out spaces behind Big Lots, shop building numbers 2 and 3, and the existing drugstore. **(PW)**
 - b. The site plan shall also identify the truck dock for Big Lots. **(PW)**
 - c. A Precise Grading Plan shall include the following improvements on the plan:
 1. Damaged curb, gutter and sidewalk along the Atlanta Avenue and Beach Boulevard (frontage road) frontages shall be removed and replaced per Public Works Standard Plan Nos. 202 and 207. (ZSO 230.84 and ADA) **(PW)**
 2. All new water meters shall be constructed in the public R-O-W adjacent to the frontage road. All existing water meters currently located at the building shall be relocated to the public R-O-W adjacent to the frontage road. (“Master metering” of individual meters of multiple businesses in the same building shall be allowed.) Backflow protection devices on new and relocated meters shall be constructed immediately adjacent to the meter. All backflow prevention devices shall be prohibited in the front yard setback and shall be screened from view. **(PW)**
 - d. Developer shall secure or provide evidence of applicable public utility easement documentation for all new and existing public water facilities crossing private property. **(PW)**
 3. The proposed curb cut and access opening to the development between Beach Boulevard and the frontage road shall not be allowed. **(PW)**
 4. No encroachment into the frontage road shall be allowed at either the proposed new curb cut between Beach Boulevard and the frontage road or the driveway at the southwest corner of the property. Encroachments include curb, gutter, pavement, landscaping, lighting, or signage. **(ED)**
 5. 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/index.cfm?fuseaction=guidelines>).

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.