

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

TO: Zoning Administrator
FROM: Andrew Gonzales, Associate Planner
DATE: March 25, 2009

SUBJECT: **CONDITIONAL USE PERMIT NO. 2008-016; COASTAL DEVELOPMENT PERMIT NO. 2008-009 (MUNICIPAL PIER COMMERCIAL BUILDINGS)**

LOCATION: 60 Main Street, 92648 (Oceanside of Pacific Coast Highway, terminus of Main Street – Municipal Pier)

**Applicant/
Property**

Owner: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

Request: To permit the construction of a 620 sq. ft., single-story building located on the southerly portion of Platform No. 1 of the municipal pier.

Zone: SP5 – 10 – CZ (Downtown Specific Plan – District No. 10 – Coastal Zone Overlay Boundary)

General Plan: CV – d (Commercial Visitor – Design Overlay)

Existing Use: Municipal Pier

RECOMMENDATION: Staff recommends approval 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 15303 of the CEQA Guidelines, because the project is located on an existing concrete pier adjacent to a public beach within an urbanized area and involves the construction of a single-story, 620 sq. ft. commercial building.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-009:

1. Coastal Development Permit No. 2008-009 for the construction of a 620 sq. ft., single-story building located on the southerly portion of Platform No. 1 of the municipal pier conforms with the General Plan, including the Local Coastal Program land use designation of CV-d

(Commercial Visitor – Design Overlay). The project is consistent with Coastal Element Land Use Policy 3.2.1 which encourages facilities and services that increase and enhance public recreational opportunities in the Coastal Zone. The proposed building is of comparable size to other existing and approved buildings on the pier and will provide for uses that cater to the public and promote recreational opportunities within the City.

2. The project is consistent with the requirements of the CZ Overlay District, the Downtown Specific Plan (SP5), as well as other applicable provisions of the Municipal Code, including minimum setbacks, maximum site coverage, and maximum building height.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project will be constructed on the municipal pier within an urbanized area with all necessary services and infrastructure available, including water, sewer, and roads.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access or impact public views because sufficient access along the perimeter and length of the municipal pier will be provided for the public, as well as for emergency and service vehicles. In addition, the proposed building will match the height of other existing and approved buildings on the pier.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-016:

1. Conditional Use Permit No. 2008-016 for the construction of a 620 sq. ft., single-story building located on the southerly portion of Platform No. 1 of the municipal pier will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of property and improvements in the neighborhood. The proposed building location will provide a 4 ft. wide public walkway along the perimeter of the pier platform. Public access around the building will be maintained by orientating the entrance toward the north side of the structure to avoid customer queuing within the walkway area. A minimum 24 ft. wide clearance for emergency and service vehicles will be maintained between the proposed building and an approved building located on the opposite end of the pier platform. Views will not be obstructed because the height the building will not exceed that of other existing and approved pier buildings. Parking will not be impacted and additional parking will not be required because trips to the project will be generated through pass-by trips to the primary attractions of the pier such as “Ruby’s Diner” restaurant and other associated pier related activities (i.e., fishing, sight seeing, etc).
2. The conditional use permit will be compatible with surrounding uses because the proposed structure will be of similar size, height, and location in comparison to other existing and approved onsite pier buildings. The building will be occupied by ancillary commercial visitor serving use(s) which are comparable to other similarly approved uses on the pier (i.e., bait and tackle shop and concession stand).
3. The proposed construction of a 620 sq. ft., single-story building located on the southerly portion of Platform No. 1 of the municipal pier will comply with the provisions of the SP5 and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, including minimum building setbacks, maximum height, and maximum site coverage. The proposed project will accommodate visitor serving commercial uses, which are permitted in the SP5 zoning district. No additional parking is required as the project will

be occupied by ancillary commercial visitor serving uses not anticipated to generate primary traffic trips.

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

A. Land Use Element

Objective LU 10.1: 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.

B. Urban Design Element

Objective UD 1.4: Intensify the use and strengthen the role of public art to enhance the visual image of Huntington Beach.

Policy UD 2.1.1: Require that new development be designed to consider coastal views in its massing, height, and site orientation.

C. Economic Development Element

Objective ED 2.6.2: Encourage visitor supported commercial development to concentrate in selected areas of the City, thereby creating identifiable visitor-oriented centers.

D. Coastal Element

Policy C.3.4.3: Require that any plans for restoration or replacement of the Municipal Pier include the following provisions:

- b) Unobstructed public views seaward from the end of the Pier.
- e) Maintain a minimum of 70 percent of the total area of the Pier as public open space and ensure that adequate pedestrian flow is maintained along the Pier length.
- f) Provide adequate handicap access.
- g) Limit building heights on the pier to a maximum of 2 stories (35 ft.).
- h) Require that public access be maintained around the entire perimeter of the pier.

The proposed construction of a 620 sq. ft., single-story buildings caters to the needs of visitors of the pier by providing additional visitor serving commercial opportunities which aid in developing a stronger linkage to recreational resources in the area. The proposed building will not impact coastal views and will provide a distinct identifiable character to the area with incorporation of public art along the building's exterior elevations. The building will maintain sufficient access along the perimeter of the pier for the public, as well as access for emergency and service vehicles.

SUGGESTED CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-009 /CONDITIONAL USE PERMIT NO. 2008-016:

1. The site plan, floor plans, and elevations received and dated December 31, 2008 shall be the conceptually approved design with the following modification that building elevation

“Option A” be the approved building design.

2. Prior to installation, the Design Review Board shall review and approve any public art affixed to the exterior elevations of the building.
3. Prior to issuance of building permits, a planned sign program for all signage shall be submitted to the Planning Department. Said program shall be approved prior to the first sign request.
4. 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.