



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Tess Nguyen, Associate Planner *TN*
DATE: March 10, 2009

**SUBJECT: APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF
CONDITIONAL USE PERMIT NO. 08-013 AND VARIANCE NO. 08-007
(BEACH PROMENADE COMMERCIAL CENTER)**

APPELLANT/

APPLICANT: Bill Holman, Michael C. Adams Associates, 21190 Beach Boulevard, Huntington Beach
CA 92648

PROPERTY OWNERS: Bijian Sassounian, 21190 Beach Boulevard, Huntington Beach CA 92648
James Diebold, PNS Stores, Inc., 300 Philipi Road, Columbus OH 43228
Sigma Enterprises, Inc., 111 S Kraemer Blvd #C, Brea CA 92821

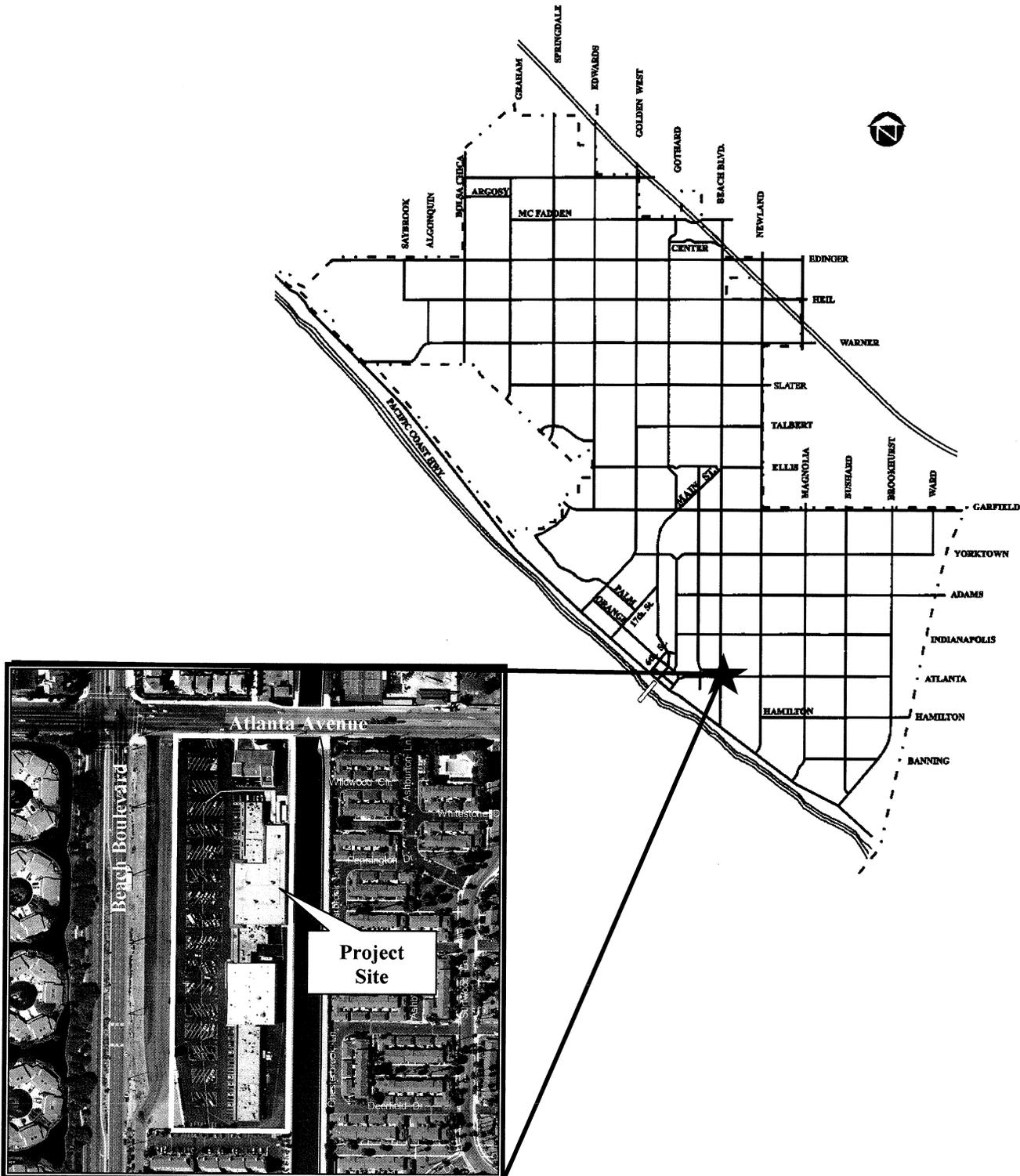
LOCATION: 21022-21190 Beach Boulevard, 92648 (southeast corner of Beach Boulevard and Atlanta
Avenue)

STATEMENT OF ISSUE:

- ◆ Conditional Use Permit No. 08-013 request:
 - Construct two additions totaling approximately 5,870 sq. ft. to an existing 85,107 sq. ft. commercial/retail shopping center.
- ◆ Variance No. 08-007 request:
 - Allow 340 parking spaces in lieu of the minimum required 380 parking spaces (40 space reduction) in conjunction with the additions to the shopping center.
- ◆ Staff's Recommendation:

Approve Conditional Use Permit No. 08-013 and Variance No. 08-007 based upon the following:

 - The project 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 project will be compatible with surrounding uses.
 - The project 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.
 - The project, as conditioned, furthers General Plan goals and policies.



VICINITY MAP
CONDITIONAL USE PERMIT NO. 08-013/VARIANCE NO. 08-007
(BEACH PROMENADE – 21022-21190 BEACH BOULEVARD)

RECOMMENDATION:

Motion to:

- A. “Approve Conditional Use Permit No. 08-013 and Variance No. 08-007 with findings and suggested conditions of approval (Attachment No. 1).”

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Deny Conditional Use Permit No. 08-013 and Variance No. 08-007 with findings for denial.”
- B. “Continue Conditional Use Permit No. 08-013 and Variance No. 08-007 and direct staff accordingly.”

PROJECT PROPOSAL:

Conditional Use Permit No. 08-013 represents a request to permit construction of two additions totaling approximately 5,870 sq. ft. to an existing 85,107 sq. ft. commercial/retail shopping center.

Variance No. 08-007 represents a request to allow 340 parking spaces in lieu of the minimum required 380 parking spaces (40 space reduction) in conjunction with the additions to the shopping center.

The request also includes an exterior façade remodel and site improvements of the parking lot for the shopping center. The zoning ordinance requires that any site developed prior to June 7, 1983, at the time of exterior remodel; provide a minimum 6 percent of the net site in landscaping with a minimum 6 ft. wide landscaped planter along any street side property line. In addition, the applicant is proposing new vehicular access through the median separating Beach Boulevard and the parallel frontage road. The new access point will provide direct access to the site from Beach Boulevard via the frontage road.

The project site is a 6.74 acre developed commercial property, located on the southeast corner of Beach Boulevard and Atlanta Avenue, in the CG (Commercial General) Zone. The site has six buildings totaling 85,107 sq. ft. of floor area with 274 parking spaces. The surrounding neighborhood is developed with residential uses. The applicant’s project narrative is provided as Attachment No. 3.

Zoning Administrator Action:

The Zoning Administrator held a public hearing of this application on December 10, 2008. The applicant spoke in support of the project, but contested the code requirements and conditions of approval regarding the following items:

- requirement to provide a plaza/courtyard, walkways, and paths of travel
- compliance with Fire requirements to provide access roads
- prohibition of the use of the frontage for a new access from Beach Boulevard
- prohibition of any encroachments or improvements to the frontage road
- removal and replacement of all damaged curb, gutter, and sidewalk
- replacement of water meters
- relocation of the backflow prevention devices
- requirement to upgrade the existing 8-in water line with a 12-in water line

Representatives from the departments of Public Works, Fire, and Economic Development were present to discuss the code requirements and conditions of approval. The Zoning Administrator indicated that it is not within his purview to waive the code requirements but the applicant has the option to appeal the code requirements to the Planning Commission. Three adjacent residents expressed concerns regarding the purpose of the frontage road, condition of the frontage road being used as a racetrack, parking issues at the site during the summer. After considering the applicant's reasons for requesting the new access from Beach Boulevard, the Zoning Administrator modified Condition of Approval No. 3 that enable the applicant to submit further information in order to create a design for the new access that would be acceptable to the Department of Public Works. The Zoning Administrator approved Conditional Use Permit No. 08-013 and Variance No. 08-007 with modified findings and conditions of approval.

Appeal:

The applicant is appealing the Zoning Administrator's approval of the application on the basis of objections to six conditions of approval and six code requirements imposed on the project. The rationale of these objections is summarized below (Attachment No. 7):

- Condition No. 1(a)(i-iv)—the requirement of the Design Review Board to include a plaza/courtyard, north to south pedestrian walkways, paths of travel from parking areas to building entrances, and a public art element.
The applicant indicates that incorporation of these elements into the final design would result in the loss of parking spaces and of landscaped areas depicted on the conceptually approved site plan. The applicant would like to have flexibility in the final number of parking spaces or landscaped areas required subject to Planning Director approval.
- Condition No. 1(b)—the compliance of all Fire Department requirements by providing a hammerhead turn-around or cutting through existing shop building number 2.
The applicant contends that compliance with the Fire Department requirements for a hammerhead turn-around behind shop building number 2 is not possible without demolition of all or a portion of this building. The owner of the shop building number 2 and the applicant are opposed to any demolition of this building.
- Condition No. 2(c)(1)—the removal and replacement of all damaged curb, gutter, and sidewalk along the Atlanta Avenue and Beach Boulevard frontages.
The applicant asserts there are inherent conflicts between prohibiting encroachments into the frontage road and requiring the removal and replacement all damaged curb, gutter, and sidewalk along the Atlanta Avenue and Beach Boulevard frontages. The applicant states that he is required to make improvements that the City has failed to maintain.
- Condition No. 2(c)(2)—the placement of all new and existing water meters in the public right-of-way and the location of backflow protection devices adjacent to the water meters and outside of front yard setback and screened from view.
The applicant contends that this condition should apply to the new water meters of the two buildings which are proposed to be expanded (21022—Bank of America building and 21132—Rite Aid building) instead to all existing water meters. The applicant is requesting that backflow

prevention devices be allowed to be located within the front yard setback because they cannot be constructed adjacent to the water meters unless they are placed in the public sidewalk.

- Condition No. 3—the allowance of the proposed curb cut and access opening to the development between Beach Boulevard and the frontage road based on the submittal of an acceptable design for review and approval by the Public Works Department.

The applicant contends that the requested new access and circulation improvements is consistent with good planning and design, which is critical to the viability of the center and attracting and retaining high quality tenants.

- Condition No. 4—the exclusion of encroachments into the frontage road except for those identified in Conditions 2(c)(1), 2(c)(2), and 3.

The applicant contends that the proposed access to Beach Boulevard would not have a negative impact on traffic movements based on the Access and Parking Analysis prepared by LSA Associates, Inc. The applicant believes that providing direct ingress and egress to and from the center for northbound traffic on Beach Boulevard would help revitalize the center and reduce the amount of traffic making unsafe left turns across Atlanta Avenue to get to Beach Boulevard.

- Requirement No. 1(b)—the requirement of the installation of separate domestic water services and meters to 21022 and 21132 Beach Boulevard.

The applicant states that separate domestic water services already exist for the 21022 and 21132 Beach Boulevard.

- Requirement No. 1(d)—the requirement of the installation separate backflow protection devices on all existing and new domestic and irrigation water services to buildings owned by the developer.

The applicant contends that only two buildings are proposed to be expanded and the requirement to install new backflow prevention devices on all new and existing services seems excessive.

- Requirement No. 1(e)—the abandoning of the existing water service and meter serving 21022 and 21132 Beach Boulevard.

The applicant states that separate domestic water services already exist for the 21022 and 21132 Beach Boulevard. He would like to use the existing services and meters and not have to abandon them.

- Requirement No. 1(g)—the upgrade/improvement of the City’s water system to meet the water demands to the site and/or otherwise mitigate the impacts of the property at no cost to the City, including the design and construction of approximately 1,100 lineal feet of 12-in water pipeline and appurtenances.

The applicant says that the requirement to construct 1,100 lineal feet of 12-in water line is a major expense for such a small expansion to the center and requests the deferral of this requirement when the center is redeveloped.

- Requirement No. 2(a)—the construction of an ADA compliant curb access ramp at the southeast corner of Atlanta Avenue and the frontage road.

- Requirement No. 2(d)—the removal of the existing southerly driveway approach on the Beach Boulevard frontage road.

The applicant requests relief from the requirement to install a new handicap ramp at the corner of Atlanta Avenue and the frontage road and the requirement to remove the existing driveway approach at the south end of the center which may be needed for truck access.

Study Session Summary:

The following are issues that were raised during the Planning Commission Study Session meeting on Tuesday, February 24, 2009:

- Parking Variance

The existing shopping center was constructed in different phases in the 1970s. Below is a summary of the building size and parking requirements. When the last building (21142-21190 Beach—Shops 3) in the shopping center was approved by the Board of Zoning Adjustments in 1972, the approved site plan indicated the required 350 parking spaces. Using the last approval as a baseline for the parking requirement, the proposed building addition of 5,870 sq. ft. is required to provide 30 additional parking spaces for a total of 380 spaces for the entire site. However, only 344 parking spaces are proposed for the site, creating a parking deficiency. Even though the site is only deficient in 36 parking spaces, the applicant is applying for a parking variance for a reduction of 40 parking spaces (11 percent reduction) in the event that the final design of the Design Board’s recommended public plaza/walkways might result in the loss of 4 additional parking spaces.

Building Location	Existing Building Size (sq. ft.)	Addition (sq. ft.)	Proposed Building Size (sq. ft.)
Total Building Size	85,107	5,870	90,977
Parking Required	350	30	380
Parking Provided	274	70	344

- Frontage Road

The Planning Commission requested the City to analyze the use of the frontage road as well as the median separating Beach Boulevard and the frontage road. The frontage road, owned by the City, is a public asset that has a value. The transference of ownership of the frontage road, if the City decides to do so, would be through a sale of the property. Properties are required to comply with all development standards based on the type of development, including the provision of onsite parking spaces. Allowing the use of the frontage road for parking or other purposes that benefit the adjacent properties would be inconsistent with the requirements of the HBZSO. As for the median separating Beach Boulevard and the frontage road, the median is zoned CG (Commercial General) and is allowed to develop in accordance to the land uses and development standards specified in the HBZSO.

- Public Comments

The Planning Commission received comments from the applicant and other members of the public who spoke in support of the project, citing that the façade remodel would improve the surrounding area. The following issues were also brought up:

- ensuring that the type of improvement that is appropriate for the area
- concern with the potential development of a hotel in this area
- the use of the frontage road to access the site from Beach Boulevard
- public notification of the Planning Commission meetings
- the potential of a smaller building for Rite-Aid and its ability to serve the surrounding area

ISSUES:

Subject Property And Surrounding Land Use, Zoning And General Plan Designations:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	CG-F1 (Commercial General—0.35 Max. Floor Area Ratio)	CG (Commercial General)	Shopping Center
North (across Atlanta Avenue), South, and West (across Beach Boulevard) of Subject Property:	RM-15 (Residential Medium Density—15 Dwelling Units per Acre)	RM (Residential Medium Density)	Multi-Family Residential Uses
East of Subject Property: (across the flood channel)	RMH-25 (Residential Medium High Density—25 Dwelling Units per Acre)	RMH (Residential Medium High Density)	Multi-Family Residential Uses

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is Commercial General. The proposed project is consistent with this designation and the goals and policies of the City’s General Plan Land Use and Economic Development Elements as follows:

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 two additions and a comprehensive façade remodel to an existing neighborhood commercial/retail shopping center in an area designated for commercial uses on the Land Use Plan. The addition/facade remodel 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.

Zoning Compliance:

The project, as proposed, complies with applicable provisions of the CG (Commercial General) zoning designation, including building height, building setbacks, floor area ratio, and landscaping. With the building addition of 5,870 sq. ft., the parking requirement for the shopping center is 380 parking spaces. However, the site is proposed to provide 340 parking spaces. To address the parking deficiency, the applicant is requesting a parking variance to allow a 40-parking space reduction (340 parking spaces in lieu of the minimum required 380 parking spaces) for the 5,870 sq. ft. addition to the shopping center. In addition, a list of City Code Requirements, Policies, and Standard Plans of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Code has been provided to the applicant (Attachment No. 6) for informational purposes only.

Urban Design Guidelines Conformance:

The Huntington Beach Urban Design Guidelines contains guidelines specific to General Commercial uses. The project generally conforms or is conditioned to comply with the objectives and standards for commercial projects contained in the Guidelines, including the following:

- Clearly defined pedestrian paths should be provided from parking areas to primary build entrances and sidewalks along the site's perimeter.
- Entry areas to commercial development should be enhanced by ornamental landscaping, decorative paving, raised medians, gateway structures, and monument signage.
- Commercial developments should incorporate plazas and courtyards into their design.
- The building should employ variations in form and building detail in order to create visual interest. In all cases the selected architectural style should be employed on all building elevations, especially with all vertical and horizontal building projections.
- Buildings should be divided in distinct massing elements. Building facades should be articulated with architectural elements and details. Vertical and horizontal offsets should be provided to minimize building bulk.

Environmental Status:

The proposed project is Categorically Exempt pursuant to Section 15301, Class 1, of the California Environmental Quality Act, which exempts projects consisting of an addition of less than 10,000 sq. ft. of floor area to existing structures on a site where public services and facilities are available and the surrounding area is not environmentally sensitive.

Coastal Status: Not applicable.

Redevelopment Status: The project is located in the Huntington Beach Merged Redevelopment Project Area Subarea 5, formerly known as the Main-Pier Redevelopment Project Area. The Economic Development reviewed the proposal and had comments on the façade improvements and the potential use of the frontage road (Attachment No. 9).

Design Review Board:

The proposed project was reviewed by the Design Review Board (DRB) on August 14, 2008. The DRB reviewed the colors, materials, design, and plans for the Beach Promenade building addition, façade remodel, and parking lot improvements. The Board expressed concerns regarding the lack of creating a pedestrian friendly environment with the proposed site layout. After some discussion, the Board recommended conceptual approval of the project with the following suggested conditions of approval:

1. Provide a plazas/courtyard to create a pedestrian friendly environment onsite.
2. 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.
3. Provide textured pedestrian walkways across vehicular driveways to define the pedestrian paths from parking areas to primary building entrances.
4. Incorporate public art into the project. The art work shall be installed within two-years of project approval.
5. Provide additional color variation and architectural elements such as wainscoting to enhance the market and Big Lots building elevations.

The conditions of approval are included in the suggested conditions of approval as Condition of Approval 1(a)(i-iv). These conditions were appealed by the applicant.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Departments of Building & Safety, Fire, Economic Development, Planning, Police, and Public Works have reviewed the application and identified applicable code requirements (Attachment No. 6). The code requirements from the Fire and Public Works Departments have been revised (Attachment No. 8) and part of the appeal and analysis. These code requirements are included for informational purposes only.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on February 26, 2009, and notices were sent to property owners of record and tenants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department's Notification Matrix), tenants at the commercial center, applicant, and interested parties. Eleven letters supporting the project have been received (Attachment No. 10).

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

October 23, 2008

MANDATORY PROCESSING DATE(S):

December 23, 2008

Conditional Use Permit No. 08-013 was filed on March 21, 2008 and deemed complete July 15, 2008. Variance No. 08-007 was filed on September 23, 2008 and deemed complete October 23, 2008. The request was approved by the Zoning Administrator at a public hearing on December 10, 2008, in compliance with the mandatory processing timeline. An appeal was filed by the applicant on December 19, 2008 (Attachment No. 7). The application is scheduled for March 10, 2009.

ANALYSIS:

The primary issues for the Planning Commission to consider are those items identified in the applicant's appeal letter. Because of the appeal, this is a new hearing on the entire project where all issues related to the project are reviewed. As a result, the Planning Commission would also consider the entire project's conformity with the Huntington Beach Zoning and Subdivision Ordinance requirements, any proposed variance, conformity with the Design Guidelines, and consistency with the goals, objectives, and policies of the General Plan.

Addition/Façade Remodel

The applicant is requesting the construction of two additions totaling approximately 5,870 sq. ft. to an existing 85,107 sq. ft. commercial/retail shopping center, a comprehensive exterior façade remodel and site improvements of the parking lot for the shopping center. Staff supports the request because 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/façade remodel will facilitate the expansion and introduction of new 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) that complement surrounding residential neighborhood, a variety of roof lines and façade treatments, and a functional site layout with efficient access from parking areas to building entrances. The proposed project will improve and enhance the existing building façades and modernize and revitalize the shopping center.

Parking Variance

The applicant is requesting the allowance of 340 parking spaces in lieu of the minimum required 380 parking spaces (40 space reduction) in conjunction with the additions to the shopping center. Staff supports the parking reduction request because it does not constitute a grant of special privilege because the City has approved comparable reductions in the parking requirement for other similarly sized shopping centers in the same zoning classification. The project site is restricted 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. 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. The requested variance is necessary 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 addition, the applicant submitted the Access and Parking Analysis, prepared by LSA Associates, Inc. (August 2008) to substantiate the reduction in the parking requirement. The analysis found 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.

Appeal—Conditions of Approval/ Code Requirements

The conditions of approval and code requirements in the appeal letter were re-evaluated by staff in the departments of Public Works, Fire, Planning, and Economic Development. On February 4, 2009, a meeting between these departments and the applicant resulted in revisions of some conditions of approval and code requirements. Below is a discussion of the modifications to conditions of approval and code requirements.

Condition of Approval No. 1(a)(i-iv):

The Zoning Administrator (ZA) approved condition of approval as recommended by the Design Review Board is as follows:

Condition of Approval No. 1(a)(i-iv) reads:

- 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. A public art element, approved by the Design Review Board, Director of Planning, and Director of Huntington Beach Art Center, shall be designated on the plans. Public Art shall be innovative, original, and of artistic excellence; appropriate to the design of the project; and reflective of the community's cultural identity (ecology, history, or society). The art work shall be installed within two years of project approval.

This condition of approval relates to the requirement of the Design Review Board to include a plaza/courtyard, north to south pedestrian walkways, paths of travel from parking areas to building entrances, and a public art element. The applicant indicates that incorporation of these elements into the final design would result in the loss of parking spaces and landscaped areas depicted on the conceptual approved site plan. The applicant would like to have flexibility in the final number of parking spaces or

landscaped areas required subject to the Planning Director approval in lieu of going back to the original review body.

Staff contends that any further deviations or reductions (greater than the 4 spaces noted) to the approved parking or landscape requirements can only be reviewed and granted with a Variance by the appropriate review body (i.e. Zoning Administrator or Planning Commission) rather than by the Planning Director (administratively). In this way, the Variance would go through the HBZSO review process which includes a public hearing and public notification. Staff proposes no changes to Condition of Approval No. 1(a)(i-iv). The applicant **is not in concurrence** with staff recommendation and requests to have the Planning Director approve any changes to the approved parking spaces or landscaped areas.

Condition of Approval No. 1(b):

The Zoning Administrator approved condition of approval as recommended by the Fire Department is as follows:

Condition of Approval No. 1(b) reads:

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)**

This condition of approval pertains to the compliance with *City Specification 401, Minimum Standards for Fire Apparatus Access* by providing a hammerhead turn-around or cutting through existing shop building number 2. The applicant contends that compliance with Fire Department requirements is not possible without demolition of all or a portion of this building. The owner of the shop building number 2 and the applicant are opposed to any demolition of this building.

The applicant's appeal prompted the Fire Department to re-evaluate the proposed project. After further review, the Fire Department has identified a greater concern for the lack of adequate water supply for fire suppression in the south portion of the proposed project. According to the Fire Department, the current fire hydrant configuration does not provide adequate fire protection due to the distance from the closest hydrant located on the frontage road. As a result of the lack of access to a water supply to the rear of the project, a fire hydrant would need to be installed adjacent to the southeast corner of the building number 3. This hydrant would bring the Fire Department's main component of fire suppression, namely water, and eliminate the long hose lays that would be required to bring water to the rear of the structure. Staff recommends revision to Condition of Approval No. 1(b) to require a fire hydrant in lieu of a turn-around. The applicant **is in agreement** with the revised condition of approval.

Revised Condition of Approval No. 1(b) reads:

A private fire hydrant shall be located adjacent to the southeast corner of building number 3. The applicant shall contact the Fire Department for additional information on hydrant location and specifications. **(FD)**

Condition of Approval No. 2(c)(1):

The Zoning Administrator approved condition of approval as recommended by the Public Works Department is as follows:

Condition of Approval No. 2(c)(1) reads:

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. **(PW)**

This condition of approval relates to the removal and replacement of all damaged curb, gutter, and sidewalk along the Atlanta Avenue and Beach Boulevard frontages. The applicant asserts there are inherent conflicts between prohibiting encroachments into the frontage road and requiring the removal and replacement all damaged curb, gutter, and sidewalk along the Atlanta Avenue and Beach Boulevard frontages.

Due to the proposed project scope, upgrades to existing public improvements are reasonably expected to achieve ADA compliant sidewalks and to repair any noncompliant curbs and gutters that may potentially create a drainage problem. After further clarification of this condition, the applicant **is in agreement** with this condition and no changes are necessary.

Condition of Approval No. 2(c)(2):

The Zoning Administrator approved condition of approval as recommended by the Public Works Department is as follows:

Condition of Approval No. 2(c)(2) reads:

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)**

The condition of approval pertains to the placement of all new and existing water meters in the public right-of-way and the location of backflow protection devices adjacent to the water meters and outside of front yard setback and screened from view. The applicant contends that this condition should apply to the new water meters of the two buildings which are proposed to be expanded (21022—Bank of America building and 21132—Rite Aid building) instead to all existing water meters. The applicant is requesting that backflow prevention devices be allowed to be located within the front yard setback because they cannot be constructed adjacent to the water meters unless they are placed in the public sidewalk.

According to the Public Works Department, the condition of approval relating to the location of backflow protection devices originated from HBZSO Section 230.76, Resolution 5921, Title 17 State Regulation,

and HBMC 14.52, which should have been a code requirement. The condition of approval relating to the relocation of existing water meters is no longer required for the proposed project. However, under a separate action in the future, consistent with Resolution 5921, Title 17 State Regulation, and HBMC 14.52, the Public Works Department will require the property owners to install new backflow devices and appropriate screening, relocate all existing meters to the public right-of-way, and remove or abandon any unused water services per Water Division Standards. Consequently, this condition is revised to include only the allowance of master metering. The applicant **is in agreement** with the revised condition of approval.

Revised Condition of Approval No. 2(c)(2) reads:

Master metering of individual meters of multiple businesses in the same building shall be allowed. (PW)

Condition of Approval No. 3:

The Zoning Administrator approved condition of approval as recommended by the Public Works Department is as follows:

Condition of Approval No. 3 reads:

The proposed curb cut and access opening to the development between Beach Boulevard and the frontage road shall only be allowed if the applicant submits an acceptable design for the review and approval by the Public Works Department. All costs associated with the curb cut and access opening shall be the responsibility of the applicant. (PW)

The condition of approval relates to the allowance of the proposed curb cut and access opening to the development between Beach Boulevard and the frontage road based on the submittal of an acceptable design for review and approval by the Public Works Department. The applicant contends that the requested new access and circulation improvements is consistent with good planning and design, which is critical to the viability of the center and attracting and retaining high quality tenants.

On February 4, 2009, the applicant submitted an addendum to the Access and Parking Analysis prepared by LSA Associates, Inc. and a revised design of the proposed curb cut and access opening between Beach Boulevard and the frontage road. The Public Works Transportation Division staff reviewed the revised design and determined that the proposed design would not adequately control ingress and egress to and from Beach Boulevard. In addition, the traffic study did not demonstrate the need for the opening based on traffic safety, traffic flow, or traffic volumes generated by the building additions.

The submitted site plan proposes a three-way stop control at the Beach Boulevard opening connection with the frontage road to the project site driveway. The proposed design would give the inbound (eastbound) movement the vehicular right-of-way, a non-typical traffic control arrangement for an intersection with four approaches. Since the inbound movement from Beach Boulevard is uncontrolled, this creates numerous patterns of vehicular conflict areas and driver confusion at the frontage road and Beach Boulevard opening intersection. This results in low vehicle capacity and high accident potential. Installing an all-way stop to improve traffic operations at this location would affect traffic safety on Beach

Boulevard. The length of the opening between Beach Boulevard and the frontage road, including the proposed curb extensions, would not provide adequate vehicle storage to prevent queuing on Beach Boulevard for multiple entering vehicles. Based on the above analysis by the Public Works Transportation Division, staff recommends no changes to Condition of Approval No. 3. The applicant **is not in concurrence** with Public Works Department staff determination.

Condition of Approval 4:

The Zoning Administrator approved condition of approval as recommended by the Economic Development Department is as follows:

Condition of Approval No. 4 reads:

Except as identified in Conditions of Approval Nos. 2.c.1, 2.c.2, and 3, no encroachment into the frontage road shall be allowed. Encroachments include the driveway at the southwest corner of the property, curb, gutter, pavement, landscaping, lighting, or signage. **(ED)**

The condition of approval pertains to the exclusion of encroachments into the frontage road except for those identified in Conditions No. 2(c)(1), 2(c)(2), and 3. The applicant contends that the proposed access to Beach Boulevard would not have a negative impact on traffic movements based on the Access and Parking Analysis prepared by LSA Associates, Inc. The applicant believes that providing direct ingress and egress to and from the center for northbound traffic on Beach Boulevard would help revitalize the center and reduce the amount of traffic making unsafe left turns across Atlanta Avenue to get to Beach Boulevard.

The project is located in the Huntington Beach Merged Redevelopment Project Area Subarea 5, formerly known as the Main-Pier Redevelopment Project Area. The Project Area was initially adopted and amended in 1983 for the purpose of eliminating and preventing the spread of conditions of blight, and expanding the commercial base of the project area by recycling and developing underutilized parcels to accommodate higher and better economic uses while enhancing the City's financial resources. While the City supports redevelopment occurring at the site, the proposed project is primarily a façade refurbishment and does not meet the Merged Project Area Plan Goals. Therefore, allowing encroachment onto the frontage road, a city-owned asset, to support parking lot and general façade improvements is inconsistent with prior City or Redevelopment Agency actions and would not be permitted for any other project. It should be noted that the City is currently in negotiations with the owner to potentially buy the street and incorporate this area into its general project. Any use of the road should be negotiated through this process and be based on a certified appraisal to establish fair market value. In addition, the City is currently completing the final draft review of the Beach and Edinger Corridor Study, of which the Beach Promenade Center is identified as a neighborhood center. The planning approach taken to neighborhood centers is to encourage eventual transition of properties to greater land uses and mixture of complementary uses. The proposed refurbishment is not a transition of the property and is therefore also inconsistent with the proposed Specific Plan for the Beach Boulevard corridor.

For these reasons, staff recommends that encroachment onto the frontage road not be permitted for this project other than for curb, gutter, and sidewalk improvements as required of the applicant by the Public

Works Department (Condition of Approval No. 2(c)(1)) or the proposed curb cut and access opening to the development between Beach Boulevard and the frontage road if a design is approved by the Public Works Department (Condition of Approval No. 3). Since Condition of Approval No. 2(c)(2) is recommended to be revised, it would no longer be applicable. Staff recommends revision to Condition of Approval No. 4 to delete the reference to Condition of Approval No. 2(c)(2). The applicant **is not in concurrence** with staff recommendation and would like to request the allowance of the driveway at the southwest corner of the property.

Revised Condition of Approval No. 4 reads:

Except as identified in Conditions of Approval Nos., 2.c.1 and 3, no encroachment into the frontage road shall be allowed. Encroachments include the driveway at the southwest corner of the property, curb, gutter, pavement, landscaping, lighting, or signage. **(ED)**

Code Requirement No. 1(b):

The original code requirement from the Public Works Department is as follows:

Code Requirement No. 1(b) reads:

Separate domestic water services and meters to 21022 and 21132 Beach Boulevard shall be installed per Water Standards, and sized to meet the minimum requirements set by the California Plumbing Code (CPC). The domestic water services shall be a minimum of 2-inches in size. (ZSO 230.84)

The code requirement relates to the installation of separate domestic water services and meters to 21022 and 21132 Beach Boulevard. The applicant states that separate domestic water services already exist for the 21022 and 21132 Beach Boulevard.

After discussions with the Public Works Department, it was determined that the existing water meter for 21022 Beach Boulevard complies with Water Division Standards. However, the existing water meter location for 21132 Beach Boulevard does not comply with Water Division Standards and therefore a new water meter is required. Staff recommends revision to Code Requirement No. 1(b) to include only the requirement for a new water meter at 21132 Beach Boulevard. The applicant **is in agreement** with the revised code requirement.

Revised Code Requirement No. 1(b) reads:

The existing domestic water meter to 21132 Beach Boulevard shall be abandoned and removed per Water Division Standards. A new domestic water meter shall be installed per Water Division Standards, and sized to meet the minimum requirements set by the California Plumbing Code (CPC). (MC 14.16.070)

Code Requirement 1(d):

The original code requirement from the Public Works Department is as follows:

Code Requirement No. 1(d) reads:

Separate backflow protection devices shall be installed per Water Division Standards on all existing and new domestic and irrigation water services to buildings owned by the developer. (Resolution 5921 and Title 17)

The code requirement pertains to the installation separate backflow protection devices on all existing and new domestic and irrigation water services to buildings owned by the developer. The applicant contends that only two buildings are proposed to be expanded and the requirement to install new backflow prevention devices on all new and existing services seems excessive.

The original requirement was based on an earlier Fire Department fire flow demand of 4,000 gallons-per-minute, which required replacement of about 1,100 feet of 8-inch pipeline with a new 12-inch pipeline. Consequently, new connections, meters and backflow devices would be required for all existing and new services. However, since Fire Department's reassessment of fire flow demand has been reduced to 3,250 gallons-per-minute, which then eliminated the requirement to replace the existing 8-inch pipeline, the requirement was revised to apply to only all new water services to buildings owned by the developer. Because of the change in the Fire Department requirement, staff recommends revision of Code Requirement No. 1(d) to include only the installation of backflow protection devices on all new water services for buildings owned by the developer.

The location of the backflow protection devices would need to comply with the screening and location requirements. According to the Public Works Department, California Code of Regulations (Title 17), Cross-Connection Control Program (Resolution 5921), Water Efficient Landscape Requirements (HBMC 14.52), the backflow protection devices are required to be located adjacent to the water meters (curb line of the street) and screened from view from the public right-of-way. According to the HBZSO Section 230.76, the backflow protection devices are required to be screened from view from the public right-of-way and located outside of the front yard setback. The applicant **is in agreement** with the requirement for installation of backflow protection devices on all new water meters and screening from view from the public right-of-way. However, the applicant **is not in concurrence** with the requirement that backflow protection be located outside of the front yard setback and requests to have them be allowed to within the front yard setback. In order to deviate from the backflow protection devices location requirement, the applicant would need to apply for a Variance.

Revised Code Requirement No. 1(d) reads:

Separate backflow protection devices shall be installed per Water Division Standards, on all new water services to buildings owned by the developer, and screening through landscape shall be in accordance to City's Water Efficient Landscape Requirements (Resolution 5921, Title 17 State Regulation, and HBMC 14.52). According to HBZSO Section 230.76, all new backflow protection devices shall be screened from view from the public right-of-way and shall be prohibited in

the front yard setback. Based on the Planning Department, the front yard setback along the frontage road is 10 feet.

Code Requirement 1(e):

The original code requirement from the Public Works Department is as follows:

Code Requirement No. 1(e) reads:

The existing water service and meter serving 21022 and 21132 Beach Blvd shall be abandoned per Water Standards.

The code requirement relates to the abandoning of the existing water service and meter serving 21022 and 21132 Beach Boulevard. The applicant states that separate domestic water services already exist for the 21022 and 21132 Beach Boulevard. He would like to use the existing services and meters and not have to abandon them.

The applicant's appeal prompted the Public Works Department to evaluate the code requirement for abandoning the existing water service and meters. After reassessing the meters, it was determined that the existing meter to 21022 Beach Blvd complies with current meter location standards and does not require relocation. However, the existing water meter serving 21132 Beach Boulevard is not in compliance with current standards, therefore will no longer be utilized and need to be abandoned per Water Division Standards. Staff recommends revision to Code Requirement No. 1(e) to reflect this change. The applicant **is in agreement** with the revised code requirement.

Revised Code Requirement No. 1(e) reads:

All new meters shall be placed at the curb line of the street, in the public right-of-way, per Water Division Standards. The existing water meter serving 21132 Beach Boulevard will no longer be utilized and therefore shall be removed or abandoned per Water Division Standards. (MC 14.16.070)

Code Requirement 1(g):

The original code requirement from the Public Works Department is as follows:

Code Requirement No. 1(g) reads:

Based on the Fire Department requirement of 4,000 gallons-per-minute from three fire hydrants, the developer shall be required to upgrade/improve the City's water system to meet the water demands to the site and/or otherwise mitigate the impacts of the property at no cost to the City. (Unless proven otherwise, and approved by the City, these upgrades shall include the design and construction of approximately 1100 lineal feet of 12-in water pipeline and appurtenances, constructed per Water Division standards.) The developer shall meet with the Fire and Public Works Departments to discuss the fire flow and fire hydrant requirements and provide the City with a site plan showing the existing and proposed on-site and off-site water improvements (including pipeline sizes, fire hydrant, meter, and backflow device

locations). The developer shall be responsible to pay the City to perform the analysis using the City's hydraulic water model. (ZSO 230.84 and SMA 66428.1(d))

The code requirement pertains to the upgrade/improvement of the City's water system to meet the water demands to the site and/or otherwise mitigate the impacts of the property at no cost to the City, including the design and construction of approximately 1,100 lineal feet of 12-in. water pipeline and appurtenances. The applicant says that the requirement to construct 1,100 lineal feet of 12-in. water line is a major expense for such a small expansion to the center and requests the deferral of this requirement when the center is redeveloped.

The original code requirement to upgrade the City's water system resulted from the fire flow requirement of 4,000 gallons-per-minute, which is consistent with typical fire flow requirements for large commercial sites. However, upon further evaluation by the Fire Department, the fire flow requirement was reduced to 3,250 gallons-per-minute along with the requirement for a new private hydrant system on the southeasterly portion of the subject. Based on the re-evaluation by the Fire Department, staff recommends revision to Code Requirement No. 1(g) to include a dedicated fire water service with an appropriate backflow protection device for the private on-site fire hydrant. The applicant **is in agreement** with the revised code requirement.

Revised Code Requirement No. 1(g) reads:

Based on the Fire Department requirement of 3,250 gallons-per-minute from three fire hydrants, and their requirement for the developer to install a new private fire hydrant system at the southeasterly portion of the subject property, a dedicated fire water service with an appropriate backflow protection device for the private on-site fire hydrant shall be constructed per Water Division Standards. (Resolution 5921, Title 17 State Regulation)

Code Requirement 2(a):

The original code requirement from the Public Works Department is as follows:

Code Requirement No. 2(a) reads:

An ADA compliant curb access ramp shall be constructed at the southeast corner of Atlanta Avenue and the frontage road. (ZSO 230.84)

The code requirement relates to the construction of an ADA compliant curb access ramp at the southeast corner of Atlanta Avenue and the frontage road. The applicant requests relief from the requirement to install a new handicap ramp at the corner of Atlanta Avenue and the frontage road.

Due to the proposed project scope, the modifications and improvements to the existing shopping center are substantial enough to generate the nexus for this required frontage improvement. In addition, this will bring the current project frontage into compliance with current ADA standards. Because of these reasons, staff recommends no changes to Code Requirement No. 2(a). The applicant **is not in concurrence** with the code requirement.

Code Requirement 2(d):

The original code requirement from the Public Works Department is as follows:

Code Requirement No. 2(d) reads:

The existing southerly driveway approach on the Beach Boulevard frontage road shall be removed. (ZSO 230.84)

The code requirement pertains to the frontage road and the removal of the existing southerly driveway approach on the Beach Boulevard frontage road. The applicant requests relief from the requirement to remove the existing driveway approach at the south end of the center which may be needed for truck access.

In reviewing the site plan, the Public Works Department determined that the current site functions adequately without this driveway approach since access to the frontage road from this approach is not currently possible due to an existing asphalt curb in place along the easterly side of the frontage road near this location. Since the current site does not use or need access from this driveway approach, it is required to be removed and replaced with the proper curb, gutter, and sidewalk improvements. Removing this approach will also create a more ADA compliant path of travel along the public right-of-way at this location since the current driveway approach does not allow an adequate ADA path of travel. Because of these reasons, staff recommends revision to Code Requirement No. 2(d). The applicant **is not in concurrence** with the revised code requirement.

Revised Code Requirement No. 2(d) reads:

The existing southerly driveway approach on the Beach Boulevard frontage road shall be removed and replaced with curb, gutter and sidewalk per City Stand Plan Nos. 202 and 207. (ZSO 230.84)

Summary

Staff is recommending approval of the proposed project based on the suggested findings and subject to the revised suggested conditions of approval and code requirements. The project furthers the General Plan goals and polices which encourages the modernization and expansion of uses that support the needs of Hunting Beach residents. The proposed project will be compatible with the surrounding land uses. Finally, the proposed project complies with all applicable zoning regulations in terms of minimum building setbacks, minimum landscaping, maximum floor area ratio, and maximum building height, except for the parking variance approved concurrently.

The conditions of approval and code requirements in the appeal letter were re-evaluated by staff. As a result, some of the conditions of approval and code requirements were modified as discussed above. The applicant **is not in concurrence** with the following conditions and code requirements:

- **Condition of Approval No. 1(a)(i-iv)** - the requirement of the Design Review Board to include a plaza/courtyard, north to south pedestrian walkways, paths of travel from parking areas to building entrances, and a public art element.

- **Condition of Approval No. 3** - the allowance of the proposed curb cut and access opening to the development between Beach Boulevard and the frontage road based on the submittal of an acceptable design for review and approval by the Public Works Department.
- **Condition of Approval No. 4** - the exclusion of encroachments into the frontage road except for those identified in Conditions 2(c)(1), 2(c)(2), and 3.
- **Code Requirement No. 1(d)** - the requirement of the installation separate backflow protection devices on all existing and new domestic and irrigation water services to buildings owned by the developer.
- **Code Requirement No. 2(a)** - the construction of an ADA compliant curb access ramp at the southeast corner of Atlanta Avenue and the frontage road.
- **Code Requirement No. 2(d)** - the removal of the existing southerly driveway approach on the Beach Boulevard frontage road.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval – Conditional Use Permit No. 08-013 and Variance No. 08-007
2. Site Plan, Floor plans, and Elevations received and dated September 23, 2008
3. Project Narrative received and dated September 23, 2008
4. Zoning Administrator Notice of Action – CUP No. 08-013 and VAR No. 08-007, December 11, 2008
5. Draft minutes of the December 10, 2008 Zoning Administrator meeting
6. Code Requirements Letters – CUP No. 08-013 and VAR No. 08-007 (Building & Safety Dept.: October 14, 2008; Economic Development Dept.: November 6, 2008; Fire Dept.: October 1, 2008; Planning Dept.: November 11, 2008; Police Dept.: October 30, 2008; Public Works Dept.: October 30, 2008)
7. Applicant’s Appeal Letter received and dated December 19, 2008
8. Revised Code Requirements Letters – CUP No. 08-013 and VAR No. 08-007 (Fire Dept.: January 27, 2009; Public Works Dept.: February 4, 2009)
9. Economic Development Department’s Response to the Applicant’s Appeal, January 16, 2009
10. Letters Received Regarding the Proposed Project

SH:HF:TN:lw

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 2008-013 AND VARIANCE NO. 2008-007

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission 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 an addition of less than 10,000 sq. ft. of floor area to existing structures on a site where public services and facilities area 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 is a minor expansion and façade remodel of an existing neighborhood shopping center. 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. The project complies with land use limitations, minimum landscaping and building setbacks and maximum floor area ratio, among others.
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.
2. Because of special circumstances applicable to the subject property, including size, 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 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 to 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:**

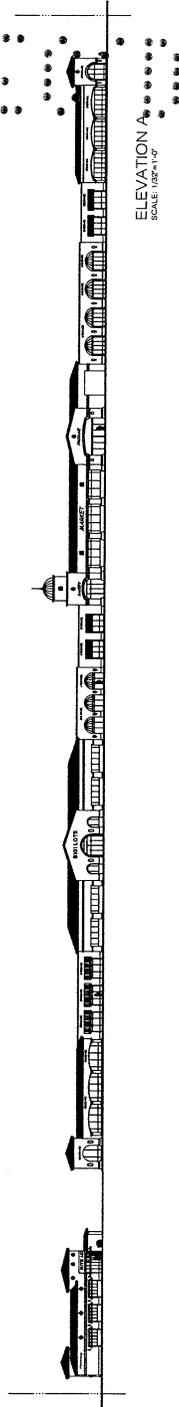
1. The site plan, floor plans, and elevations received and dated September 23, 2008 shall be the conceptually approved design with the following modifications:
 - a. Plans shall be revised to be consistent with the approval by the Design Review Board on August 18, 2008 including the following modifications: **(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. A public art element, approved by the Design Review Board, Director of Planning, and Director of Huntington Beach Art Center, shall be designated on the plans. Public Art shall be innovative, original, and of artistic excellence; appropriate to the design of the project; and reflective of the community's cultural identity (ecology, history, or society). 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. A private fire hydrant shall be located adjacent to the southeast corner of building number 3. The applicant shall contact the Fire Department for additional information on hydrant location and specifications. **(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)**
 - g. The loading door facing Beach Boulevard shall have a decorative design compatible with the building elevation to the approval of Planning staff.
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. “Master metering” of individual meters of multiple businesses in the same building shall be allowed. **(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 only be allowed if the applicant submits an acceptable design for the review and approval by the Public Works Department. All costs associated with the curb cut and access opening shall be the responsibility of the applicant.**(PW)**

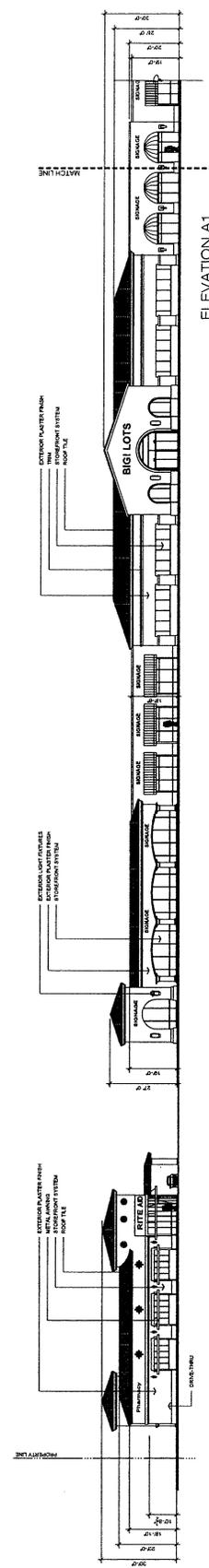
4. Except as identified in Conditions of Approval 2.c.1 and 3, no encroachment into the frontage road shall be allowed. Encroachments include the driveway at the southwest corner of the property, curb, gutter, pavement, landscaping, lighting, or signage. **(ED)**
5. Incorporating sustainable or “green” 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:

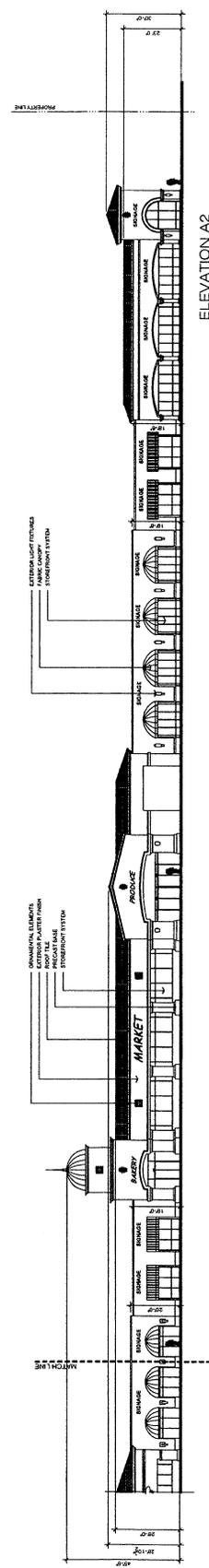
The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, 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.



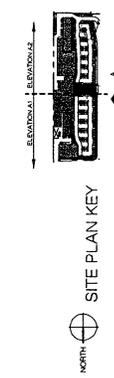
ELEVATION A
SCALE: 1/32" = 1'-0"



ELEVATION A1



ELEVATION A2



NORTH
SITE PLAN KEY

White Malcolm Architects, LLP
 10000 Wilshire Blvd
 Suite 200
 Beverly Hills, CA 90210
 Tel: (310) 274-8815
 Fax: (310) 274-8815
 www.white-malcolm.com

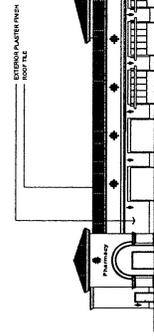
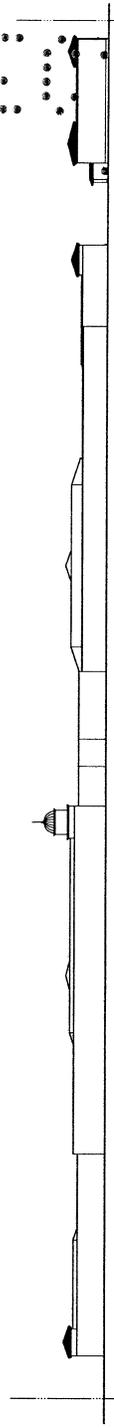
BEACH PROMENADE
 HUNTINGTON BEACH, CA
 EXTERIOR ELEVATIONS

Sassounian Development Co.
 21190 Beach Boulevard
 Huntington Beach, CA 92648
 sassounian@aaci.com

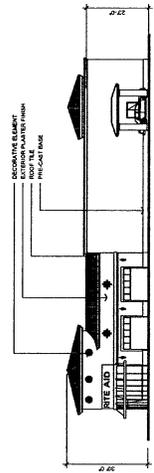
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 DATE: 08.19.2008

SSA

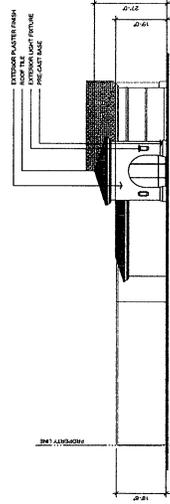
ELEVATION F
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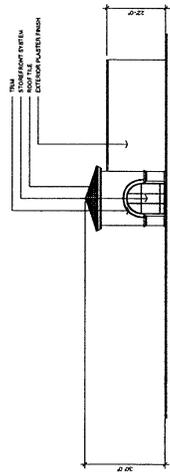
ELEVATION C



ELEVATION E



ELEVATION B



ELEVATION D

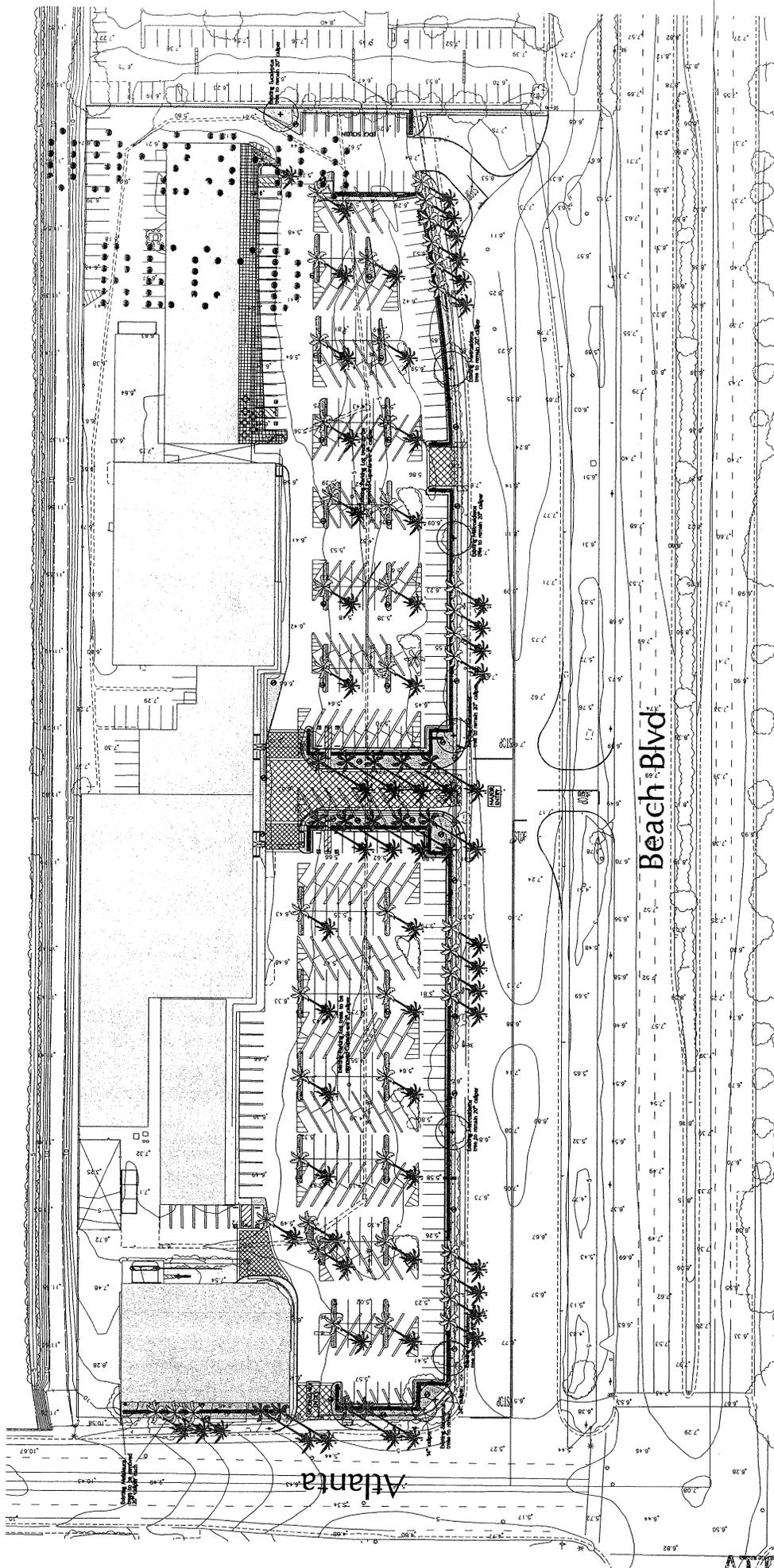


NORTH

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www.wilhelm-malcom.com

BEACH PROMENADE
HUNTINGTON BEACH, CA
EXTERIOR ELEVATIONS

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21190 Beach Boulevard
Huntington Beach, CA 92648
sassounian@aol.com



Conceptual Landscape Plan



 Maleric Land Planning

 3333 N. Hwy. 100, Suite 200

 Newport Beach, CA 92660

 (949) 261-2200

 maleric.com

 7/31/08

 2356P06

 1"=30'

PLANTING LEGEND

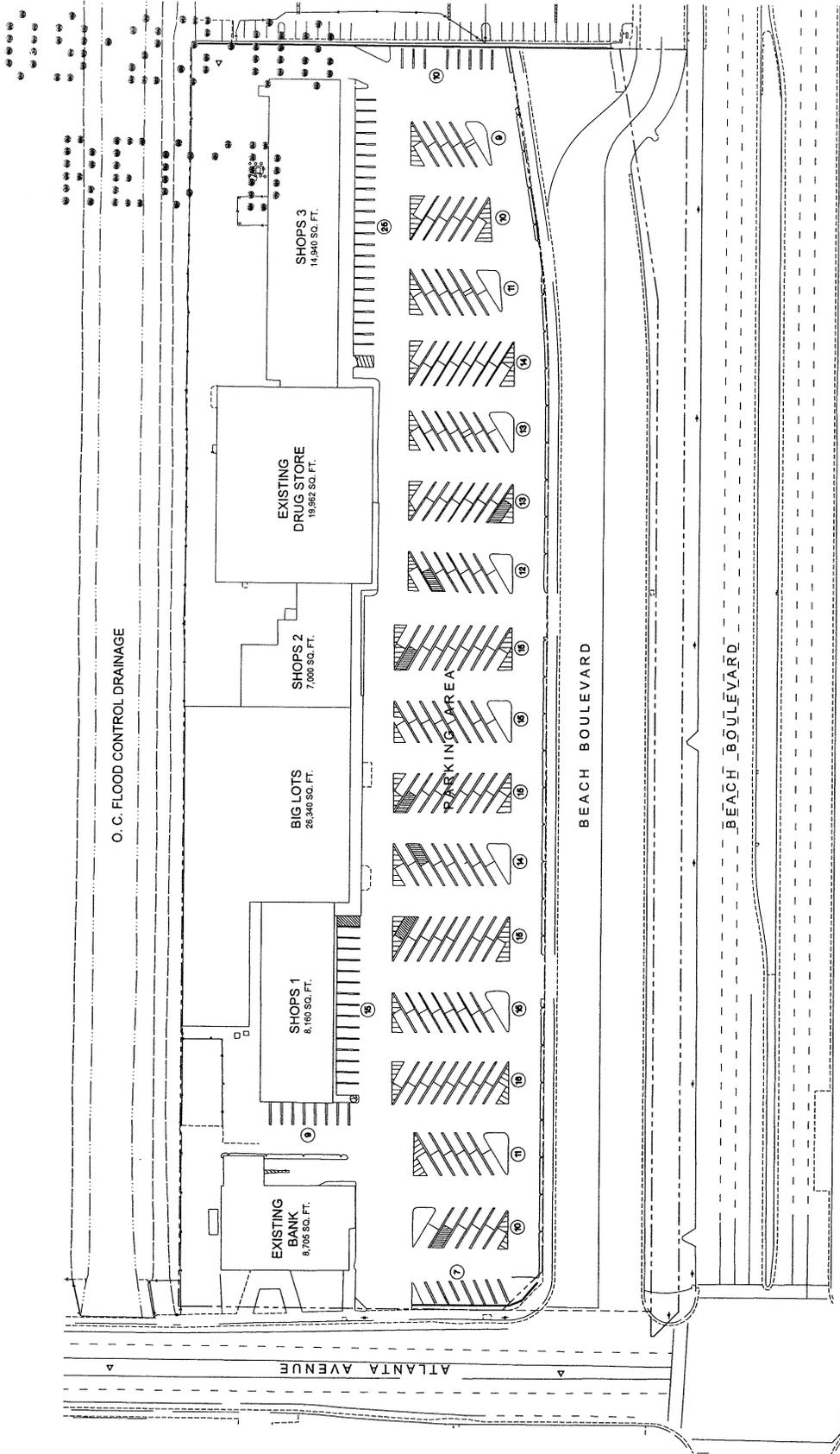
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-  BEACH-ATLANTA STREET EDGE
 - Archontophoenix cunninghamiana (King Palm) 12'-13' of trunk height
-  INTERIOR PARKING ACCENT
 - Washingtonia robusta (Mexican Fan Palm) 12' brown trunk
-  EDGE SCREEN
 - Lagunaria patersonii (Primrose Tree) 24" box
-  PARKING EDGE SCREENING
 - Pittosporum tobira variegata (Variegated Mock Orange) pruned to 30" height five gallon

Suggested Shrub List

- Canispa 'Green Carpet' (Green Carpet Natal Plum)
- Escallonia organensis (Escallonia)
- Caura siskiyou 'Pink' (Caura)
- Hemerocallis 'mixed colors' (Daylily)
- Leptospermum cultivars
- Rhaphelepis cultivars
- Lavandula dentata (French Lavender)
- Rosmarinus 'Tuscan Blue' (Tuscan Blue Rosemary)
- Westringia fruticosa (Coast Rosemary)
- Phorium cultivars
- Senecio repens (Blue Pickle)
- Pelargonium peltatum (Ivy Geranium)
- Agapanthus cultivars (Lily of the Nile)

Turfed Parking Areas

-  Paspalum vaginatum (Seashore Paspalum)



EXISTING BUILDING AREA	
EXISTING BANK	8,705 SQ. FT.
SHOPS 1	8,160 SQ. FT.
BIG LOTS	26,340 SQ. FT.
SHOPS 2	7,000 SQ. FT.
EXISTING DRUG STORE	19,982 SQ. FT.
SHOPS 3	14,940 SQ. FT.
TOTAL	85,107 SQ. FT.

PARKING	
EXISTING PARKING SPACES	274

NORTH
 SCALE: 1" = 30'-0"
 0 30 60 90 120

Withee Malcolm Architects, LLP
 10000 Wilshire Blvd., Suite 1000
 Culver City, CA 90230
 Tel: (310) 217-9822
 Fax: (310) 217-9823

JOB NO.: A6077.000
 DATE: 11-29-07

BEACH PROMENADE
 HUNTINGTON BEACH, CA
Existing Site Plan

Sassounian Development Co.
 21190 Beach Boulevard
 Huntington Beach, CA 92648
 sassounian@aol.com

WDH Consulting Services
Development Strategies and Solutions

September 22, 2008

CITY OF HUNTINGTON BEACH

SEP 23 2008

Ms. Tess Nguyen, Associate Planner
Planning Department
2000 Main Street
Huntington Beach, CA 92648

Subject: Design Review No. 2008-13 and Conditional Use Permit No. 2008-13
Beach Promenade Shopping Center Remodel
REVISED SITE PLAN & ELEVATIONS

Dear Tess:

As I mentioned to you over the phone last week, Rite Aid Corporation has been evaluating different floor plan and fixture plan options for their proposed relocation to the vacant bank building at 21002 Beach Boulevard to gain their corporate approval. On our June 19, 2008 plan submittal, we had requested a slight reduction in footage from 12,000 to 11,700 square feet for this building, but after additional review, Rite Aid would like us to revise the building back to 12,000 square feet as previously proposed, with one pharmacy drive-through lane located on the south side of the building.

At your request, I am submitting 12 sets of the following revised plans for the remodel of the center:

1. Architectural Elevations (two sheets) showing the minor changes to the elevations of the Rite Aid building to reflect the revised footprint
2. Architectural Site Plan reflecting the revised Rite Aid building footprint and square footage, buildings summary and zoning conformance matrix
3. Civil Engineer Preliminary Site Plan reflecting revised Rite Aid building footprint, revised sidewalk and expanded plaza seating area in front of the Shops 3 building, and revised ATM kiosk location
4. Conceptual Landscape Plan, revised to match the site plan

For your convenience, a revised project narrative reflecting the corrected square footages is also enclosed. There is no change to the number of parking spaces provided (344) nor the variance request filed on August 6, 2008 to permit a minimum of 340 parking spaces (A revised variance justification letter is attached, with minor changes highlighted). The amount of landscaped area proposed has increased to 6.9 percent as described below. The ATM kiosk has also been relocated to provide better pedestrian access and reduce conflicts with vehicular movements. An enlarged detail of the ATM location and specifications are also attached.

21190 Beach Boulevard
Huntington Beach, CA 92648

(949) 887-0118
bholman2008@gmail.com

ATTACHMENT NO. 3.1

The revised site plan also incorporates the Design Review Board's recommendations for additional areas of enhanced paving to define the pedestrian path of travel at vehicular crossings, as well as a new sidewalk across the south end of the frontage road to provide a pedestrian connection to the apartment development to the south.

We have also expanded the sidewalk in front of the proposed market from 10 feet to 12 feet and in front of the Shops 3 building to provide a 15-20 foot wide plaza for seating areas per the DRB's recommendation to provide a plaza or courtyard, which Scott Hess agreed could be counted as landscape area with proper enhancements. While we feel this area is adequate, additional seating and landscaping areas could be provided in front of the Shops 3 building with the removal of 2-3 parking spaces at this location. If the staff and Zoning Administrator were willing to approve the additional parking variance, we would be willing to enlarge this amenity.

Please call me if you have any questions regarding the revised plans or if you require additional information to complete your review of this application. We are anxious to proceed to a public hearing.

Thank you for your continued assistance with this project.

Very truly yours,



Bill Holman

Enclosures: Revised Project Narrative
Revised Variance Justification Letter
Enlarged ATM Kiosk area exhibit and specifications
Revised Architectural Site Plan and Exterior Elevations
Revised Engineer's Preliminary Site Plan
Revised Conceptual Landscape Plan

cc: Bijan Sassounian

BEACH PROMENADE REMODEL NARRATIVE
REVISED SEPTEMBER 17, 2008

Location: 21022-21190 Beach Boulevard
 Southeast corner of Beach Boulevard and Atlanta Avenue

Request: Zoning Administrator approval of Conditional Use Permit and Design Review applications for remodel and minor expansion (5,870 net square feet) of existing retail center. Remodel includes construction of new building façades and architectural enhancements, revised access, restriping of parking lot for 70 additional parking spaces, and provision of additional landscaping.

Zoning and General Plan: The property is zoned Commercial General (CG). The General Plan designation for the site is Commercial General with Density F1 (.35 F.A.R.).

Site Area: 6.74 net acres

Project Description: Applicant proposes to make the following minor modifications to three existing buildings to accommodate a new gourmet market anchor for the center. In addition, applicant proposes to update and improve the appearance of the center by constructing new Mediterranean-style façade improvements and adding site landscaping.

<u>Existing Buildings</u>			<u>Proposed Modifications</u>	
Address	Size (sq ft)	Use		Rev. Size
21022	8,705	bank (vacant)	remodel & expand building by 3,295 sf for drug store use with drive-through pharmacy	12,000
21032-21076	8,160	shops	new façade improvements	8,160
21062	26,340	dept store	new façade improvements	26,340
21094-21116	7,000	shops	new façade improvements	7,000
21132	19,962	drug	add 3,475 sq ft storage area & loading dock for new gourmet market	23,437
21142-21190	<u>14,940</u>	shops	remove 900 sq ft shops (replaced by loading dock)	<u>14,040</u>
Total	85,107			90,977

Parking: The center currently provides 274 striped parking spaces. The proposed site plan provides 344 spaces, an increase of 70 spaces.

Access: A new primary access point (right-in, right-out) is proposed to be provided to Beach Boulevard to improve access and circulation to the center and to reduce congestion at the Beach/Atlanta intersection.

Surrounding Uses

North: Medium density residential, single family homes across Atlanta Avenue
 East: Flood control channel and medium density residential townhomes
 South: Medium-high density residential apartments
 West: Medium density residential townhomes across Beach Boulevard

September 23, 2008

SEP 23 2008

Ms. Tess Nguyen, Associate Planner
Planning Department
2000 Main Street
Huntington Beach, CA 92648

Subject: Variance Application – **REVISED (revisions shown in bold)**
Beach Promenade Retail Center, Beach Boulevard & Adams Avenue
Conditional Use Permit No. 2008-013, Design Review No. 2008-013

Dear Tess:

Enclosed please find an application for a variance to permit a deviation of less than 20 percent to the parking requirements for the minor expansion of the Beach Promenade Retail Center, as outlined in your Notice of Filing Status letter dated July 15, 2008.

The following are our justifications for requesting this deviation:

- (a) What exceptional circumstances apply to the subject property (including size, shape, topography, location or surroundings) that deprive it of privileges normally enjoyed?

The subject property is a condominium (multi-owner) shopping center constructed in the mid-1960's. At that time, the State of California had plans to extend the 605 Freeway through Huntington Beach to Newport Beach. As part of development of the shopping center, the original developer in 1966 deeded a strip of the frontage of the property along Beach Boulevard, approximately 110 feet in width, to the State of California for freeway right of way, and constructed a frontage road (89 feet wide) within a portion of this area. The frontage road also extended an additional 500 feet south of the commercial center toward Pacific Coast Highway.

Shortly thereafter, Caltrans abandoned the freeway extension project, and in 1967 the State of California relinquished the frontage road adjacent to the center (and to the south of the center) to the City of Huntington Beach. The State in 1981 deeded the 22-foot wide parcel of land between the frontage road and Beach Boulevard to Sassoon-Mayer Development Company.

In 1982, the City approved the Breakers residential project immediately south of the shopping center, and abandoned and deeded the portion of the 89-foot wide frontage road within the residential project to the residential developer in exchange for developer construction of a 32-foot wide frontage road directly adjacent to Beach Boulevard. Street improvement plans for the extension of the 32-foot wide frontage road north to Atlanta Avenue in front of the shopping center were approved by the City, but the formal abandonment of the existing frontage road was deferred indefinitely by the City Administrator pending an analysis of the need for and functionality of a frontage road at all to serve the commercial development along Beach Boulevard.

The Applicant at this time desires to renovate the shopping center and construct minor expansions to two of the center's six buildings totaling **5,870** square feet, or **6.9** percent of the center's current total leasable area of 85,107 square feet. The Applicant also proposes

to remodel the parking areas of the site to provide a major landscaped entry drive, to increase the amount of site landscaping from 0.87 percent of the site to 6.9 percent of the site, and to increase the number of parking spaces from 274 to a minimum of 340 spaces*, an increase of 66 spaces, or 24 percent. (*the final number of parking spaces provided may change slightly depending on the final approved locations of required fire detection checks, backflow prevention devices, **additional seating areas**, etc.).

Staff has indicated that an additional **30** spaces are required for the proposed expansion, but that the revised total of 340 spaces is deficient by 38 spaces. Applicant submitted an alternate site plan to provide substantial additional parking spaces within a portion of the underutilized frontage road and offered to construct such parking improvements as part of the shopping center renovation project. This alternate site plan was rejected by the Economic Development Department, leaving Applicant no choice but to request a variance to allow a deficiency of up to ten percent of required parking spaces, based on exceptional circumstances.

Applicant engaged LSA Associates to prepare an "Access and Parking Analysis" for the center based on existing uses, parking usage and proposed uses at the shopping center. The LSA Analysis calculates the required parking for the center, including the proposed building expansions, at between 263 and 276 spaces. A copy of this analysis is attached.

- (b) Explain why the request will not constitute a grant of special privilege.

The requested reduction in the number of additional parking spaces provided does not grant any special privileges to the owners of the shopping center, who propose to invest several hundred thousand dollars in their desire to renovate the 40 year-old center. The 274 existing spaces in the parking areas of the center are rarely utilized to 50 percent of capacity, let alone full capacity. Applicant is unable to provide the required site landscaping and entry road required by code and design guidelines without some impact on the total number of parking spaces provided. Applicant believes the redesign and reconstruction of the center's access and parking field and addition of significant areas of landscaping to conform with the design guidelines justifies the slight reduction (10 percent) to the amount of parking recommended by staff.

- (c) Why is this request necessary for the preservation and enjoyment of one or more substantial property rights when compared with other properties in the same zoning designation?

The Beach Promenade Center was designed and developed in the 1960's using different code requirements for buildings, utilities, parking and landscaping. Over the years, City and State building codes, zoning ordinances and community design standards have become more restrictive and burdensome, particularly in the areas of handicap access and parking, fire access and prevention, energy efficiency, landscaping, refuse collection, water quality, etc., making rehabilitation of older centers increasingly expensive from a cost standpoint and difficult to achieve without loss of leasable area (income) to center owners.

Applicant could continue to enjoy his property rights and operate the center as-is, however, in this case, applicant and other owners at the center are proposing to improve and update the appearance and efficiency of the center in order to retain and attract high quality retail tenants in a very competitive marketplace, as well as make the center more aesthetically pleasing for the community it serves. Applicant is seeking a minor parking variance to be

able to improve the center for the benefit of the center's owners, tenants and community at large.

- (d) State reasons why the granting of the request will not be materially detrimental to the public welfare.

As stated above, granting of the request for a minor reduction in the number of additional parking spaces provided will serve to benefit the public by resulting in a shopping center that is more modern, efficient and attractive to both merchants and customers, which should result in increased patronage, sales activity and sales tax revenues for the City of Huntington Beach. The privately financed improvements to the structures and property will also generate substantial permit fees and increased property assessments and tax revenues for the City.

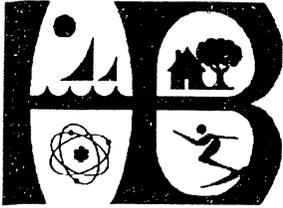
For the above reasons, we respectfully request the Zoning Administrator's favorable consideration of this variance application.

Sincerely,

0/4


Bijan Sassounian

Enclosure: LSA Parking Demand Survey



**OFFICE of the ZONING ADMINISTRATOR
CITY OF HUNTINGTON BEACH • CALIFORNIA**

P.O. BOX 190

CALIFORNIA 92648

(714) 536-5271

NOTICE OF ACTION

December 11, 2008

Mike Adams
21190 Beach Boulevard
Huntington Beach, CA 92648

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

APPLICANT: Mike Adams

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).

PROPERTY OWNERS: Bijian 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

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

PROJECT PLANNER: Tess Nguyen

DATE OF ACTION: December 10, 2008

On Wednesday, December 10, 2008, the Huntington Beach Zoning Administrator took action on your application, and your application was **conditionally approved**. Attached to this letter are the findings and conditions of approval.

Please be advised that the Zoning Administrator reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your total application. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

ATTACHMENT NO. 4.1

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator becomes final at the expiration of the appeal period. A person desiring to appeal the decision shall file a written notice of appeal to the Secretary of the Planning Commission within ten (10) calendar days of the date of the Zoning Administrator's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal. Said appeal must be accompanied by a filing fee of One Thousand Two Hundred Eighty-Seven Dollars (\$1287.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and One Thousand Five Hundred Sixty-Nine Dollars (\$1569.00) if the appeal is filed by any other party. In your case, the last day for filing an appeal and paying the filing fee is December 22, 2008, at 5:00 PM.

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, unless actual construction has begun.

Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020.

If you have any questions regarding this Notice of Action letter or the processing of your application, please contact Tess Nguyen, the project planner, at (714) 374-1744 or via email at Tnguyen@surfcity-hb.org or the Planning Department Zoning Counter at (714) 536-5271.

Sincerely,



Ricky Ramos
Zoning Administrator

RR:TN:kdc
Attachment

c: Honorable Mayor and City Council
Chair and Planning Commission
Fred Wilson, City Administrator
Scott Hess, Director of Planning
William H. Reardon, Division Chief/Fire Marshal
Herb Fauland, Planning Manager
Terri Elliott, Principal Civil Engineer
Gerald Caraig, Permit-Plan Check Manager
Bijian 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
Project File

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 2008-013
VARIANCE NO. 2008-007

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 an addition of less than 10,000 sq. ft. of floor area to existing structures on a site where public services and facilities are available and the surrounding area is not environmentally sensitive.

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 is a minor expansion and façade remodel of an existing neighborhood shopping center. 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. The project complies with land use limitations, minimum landscaping and building setbacks and maximum floor area ratio, among others.
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.

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.
2. Because of special circumstances applicable to the subject property, including size, 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 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 to 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.

**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. A public art element, approved by the Design Review Board, Director of Planning, and Director of Huntington Beach Art Center, shall be designated on the plans. Public Art shall be innovative, original, and of artistic excellence; appropriate to the design of the project; and reflective of the community's cultural identity (ecology, history, or society). 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)**
 - g. The loading door facing Beach Boulevard shall have a decorative design compatible with the building elevation to the approval of Planning staff.
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 only be allowed if the applicant submits an acceptable design for the review and approval by the Public Works Department. All costs associated with the curb cut and access opening shall be the responsibility of the applicant. **(PW)**
4. Except as identified in Conditions of Approval 2.c.1, 2.c.2, and 3, no encroachment into the frontage road shall be allowed. Encroachments include the driveway at the southwest corner of the property, 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.

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

WEDNESDAY, DECEMBER 10, 2008 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Andrew Gonzales, Tess Nguyen, Jill Arabe, Rami Talleh,
Kimberly De Coite (recording secretary)

MINUTES: September 24, 2008
October 22, 2008
APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: ENTITLEMENT PLAN AMENDMENT NO. 2008-009 (SARTOR RESIDENCE-AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 2007-009; CONDITIONAL USE PERMIT NO. 2007-040)

APPLICANT: Walter Heim
PROPERTY OWNER: Gary and Milly Sartor, 16136 Tortola Circle, Huntington Beach, CA 92649
REQUEST: An entitlement plan amendment to permit the demolition of an existing two-story, attached residential unit and construction of a new 2,547 sq. ft. three-story, attached unit within a Planned Unit Development. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/privacy issues, such as window alignments, building pad height, and floor plan layout.
LOCATION: 16136 Tortola Circle, 92649 (south of Edinger Avenue, between Trinidad and Bimini Lanes- Huntington Harbour)
PROJECT PLANNER: Andrew Gonzales

Andrew Gonzales, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Mr. Gonzales stated that staff had received no inquiries regarding the project. Mr. Gonzales stated that the Homeowners Association had approved the project.

Mr. Ramos reviewed the plans with Mr. Gonzales.

THE PUBLIC HEARING WAS OPENED.

Gary Sartor, property owner, stated that he had no comments or concerns about the request.

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

Mr. Ramos stated that, based on the information provided, he could approve the request as recommended by staff.

ENTITLEMENT PLAN AMENDMENT NO. 2008-009 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING 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 15303 of the CEQA Guidelines, because the project is located within an urbanized residential zone and involves the construction of a new single-family dwelling.

FINDING FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 2008-009 (AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 2007-009):

1. Entitlement Plan Amendment No. 2008-009 to permit the demolition of an existing two-story, attached residential unit and construction of a new 2,547 sq. ft. three-story, attached unit within a Planned Unit Development, conforms to the General Plan, including the Local Coastal Program Land Use designation of Residential Low-Density. The proposed project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage new development to locate within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposal is a new attached residential unit on a site developed with other attached housing units.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The project complies with all applicable development regulations, including maximum building height, minimum yard setbacks, and minimum on-site parking.
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 addition will be constructed on a previously developed site in 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 to coastal resources.

FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 2008-009 (AMENDMENT TO CONDITIONAL USE PERMIT NO. 2007-040):

1. Entitlement Plan Amendment No. 2008-009 to permit the demolition of an existing two-story, attached residential unit and construction of a new 2,547 sq. ft. three-story, attached unit within a Planned Unit Development 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 proposed residential unit is compatible with the existing planned unit condominium development. The unit matches the building heights, setbacks, exterior finishes, and colors of the adjoining attached units. The unit complies with the requirements of the Zoning & Subdivision Ordinance and requires no additional on-site parking. The proposed unit will result in a negligible increase from the existing building envelope and overall floor area. The proposed unit is not anticipated to create a detriment as it is consistent with previously approved improvements in the surrounding area.
2. The entitlement plan amendment will be compatible with surrounding uses because the proposed residential unit will not significantly alter the design, size, or massing from the existing dwelling. The proposed unit will not increase the overall height above the existing dwelling and is designed to match the materials and colors of the attached dwelling units
3. The proposed Entitlement Plan Amendment No. 2008-009 will also comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, including maximum building height, minimum yard setbacks, maximum site coverage and minimum on-site parking.
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 RL-7 (Residential Low-Density – maximum 7 units per acre) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

LU 9.2.1: Require that all new residential development within existing neighborhoods be compatible with existing structures, including the:

LU 9.2.1b: Use of building heights, grade elevations, orientation, and bulk that are compatible with surrounding development.

LU 9.2.1c: Maintenance of privacy on abutting residence.

The proposed dwelling unit will be constructed to maintain the height of the existing dwelling. The new unit will be constructed largely within the existing volume of the residence and will feature a roof pitch which closely matches the existing roof, thus maintaining compatibility with structures in the complex. Windows in the proposed addition are oriented toward the street and the harbor channel, and consequently will have no detrimental impact to the privacy of abutting residences

CONDITIONS OF APPROVAL - ENTITLEMENT PLAN AMENDMENT NO. 2008-009:

1. The site plan, floor plans, and elevations received and dated October 26, 2007 shall be the conceptually approved design.
2. 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