



City of Huntington Beach Planning and Building Department
STUDY SESSION REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Jill Arabe, Assistant Planner 
DATE: February 9, 2010

SUBJECT: **APPEAL OF DESIGN REVIEW BOARD'S DENIAL OF DESIGN REVIEW NO. 2009-031 (WELLS FARGO ATM)**

APPLICANT: Hamilton Pacific, 751 N. Todd Road, Azusa, CA 91702

PROPERTY

OWNER: Jamal Abdelmuti, 7575 Reynolds Circle, Huntington Beach, CA 92647

LOCATION: 101 Main Street, 92648 (northwest corner of Main Street and Pacific Coast Highway - Downtown)

PROJECT REQUEST AND SPECIAL CONSIDERATIONS

This item represents an appeal filed by the applicant of the Design Review Board's denial of Design Review (DR) No. 09-031 on November 12, 2009. Design Review No. 09-031 represents a request to review the design, colors, and materials of a new Wells Fargo automated teller machine (ATM) located at 101 Main Street (Oceanview Promenade). The ATM is specifically located west of Main Street at the building exterior between Jamba Juice and Jack's Girls. The proposal to permit the ATM is pursuant to Section 244.02 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). A copy of the appeal letter, filed November 23, 2009, is provided as Attachment No. 1.

Wells Fargo Bank had an existing ATM on the eastside of the second block of Main Street adjacent to Coach's Restaurant (200 Main Street, Suite 105). The lease on this ATM location expired and has since been occupied by a new tenant. The proposal for a new ATM is a result of the loss of the former location. The proposal to install the ATM at the building exterior is primarily for Wells Fargo to retain visibility on Main Street.

CURRENT LAND USE, HISTORY OF SITE, ZONING AND GENERAL PLAN DESIGNATIONS

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property, North and East of Subject Property (across Main St.)	MV-F12-sp-pd (Mixed Use Vertical – 3.0 max floor area/30 du/ac – specific plan – pedestrian overlay)	SP-5 – CZ – District #3 (Downtown Specific Plan – Coastal Zone – Visitor-Serving Commercial)	Mixed use
South of Subject Property (across PCH)	CV-d (Commercial Visitor – design overlay)	SP-5 – CZ – District #10 (Downtown Specific Plan – Coastal Zone – Pier-Related Commercial)	Restaurants
West of Subject Property (across PCH)	OS-S (Open Space – Shoreline)	SP-5 – CZ – District #11 (Downtown Specific Plan – Coastal Zone – Beach Open Space)	Beach

CEQA ANALYSIS/REVIEW

The proposed project is Categorically Exempt, pursuant to Section 15301, Class 1 of the California Environmental Quality Act, because the project consists of a minor alteration of an existing building with no expansion of existing use. The minor alteration involves the installation of an ATM machine at the exterior of the existing building.

APPLICATION PROCESS AND TIMELINES

<u>DATE OF COMPLETE APPLICATION:</u>	<u>MANDATORY PROCESSING DATE(S):</u>
November 11, 2009	January 10, 2010

DR No. 09-031 was filed on October 12, 2009, and deemed complete on November 11, 2009. The DRB denied the request on November 12, 2009, in compliance with mandatory processing times. The appeal is tentatively scheduled for the Planning Commission meeting of February 26, 2010.

COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES

The Departments of Public Works, Police, and Building have reviewed the application and identified applicable code requirements in Attachment No. 4.

PUBLIC MEETINGS, COMMENTS AND CONCERNS

On November 12, 2009, the DRB reviewed the applicant’s request for the installation of an ATM located on the building exterior of Jack’s Surfboards, within the first block of Main Street.

Staff presented design and queuing concerns with the proposed ATM to the DRB and recommended denial. Staff stated that the project should be consistent with design guidelines and the pedestrian overlay of the General Plan. Design recommendations included incorporating the ATM into the building, providing colors and materials compatible with the building, and reducing the projection of the ATM from the building wall. The applicant agreed to redesign the project as necessary with DRB recommendations,

but asserted that the property owner may not concede with any changes to the building exterior. Staff recommends that an alternate location within this property adjacent to Jack's Surfboards on Pacific Coast Highway would provide a greater area for queuing on private property.

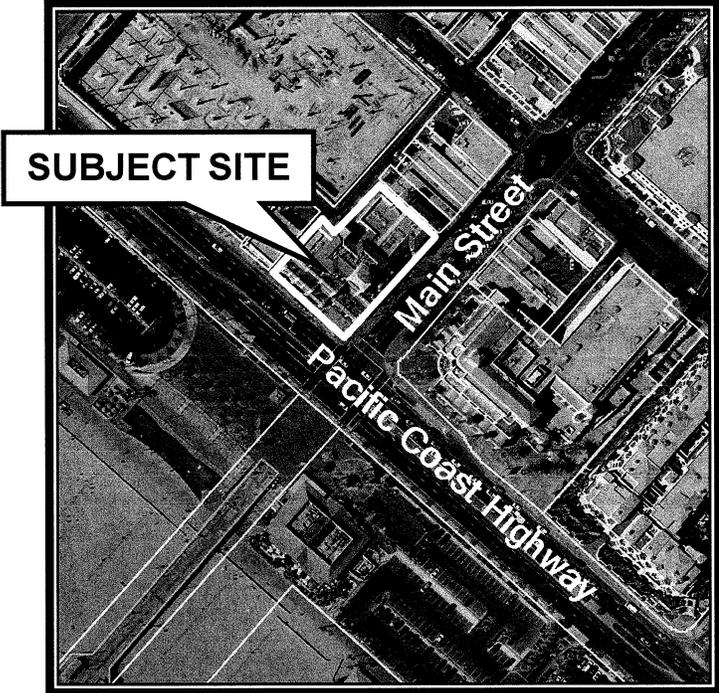
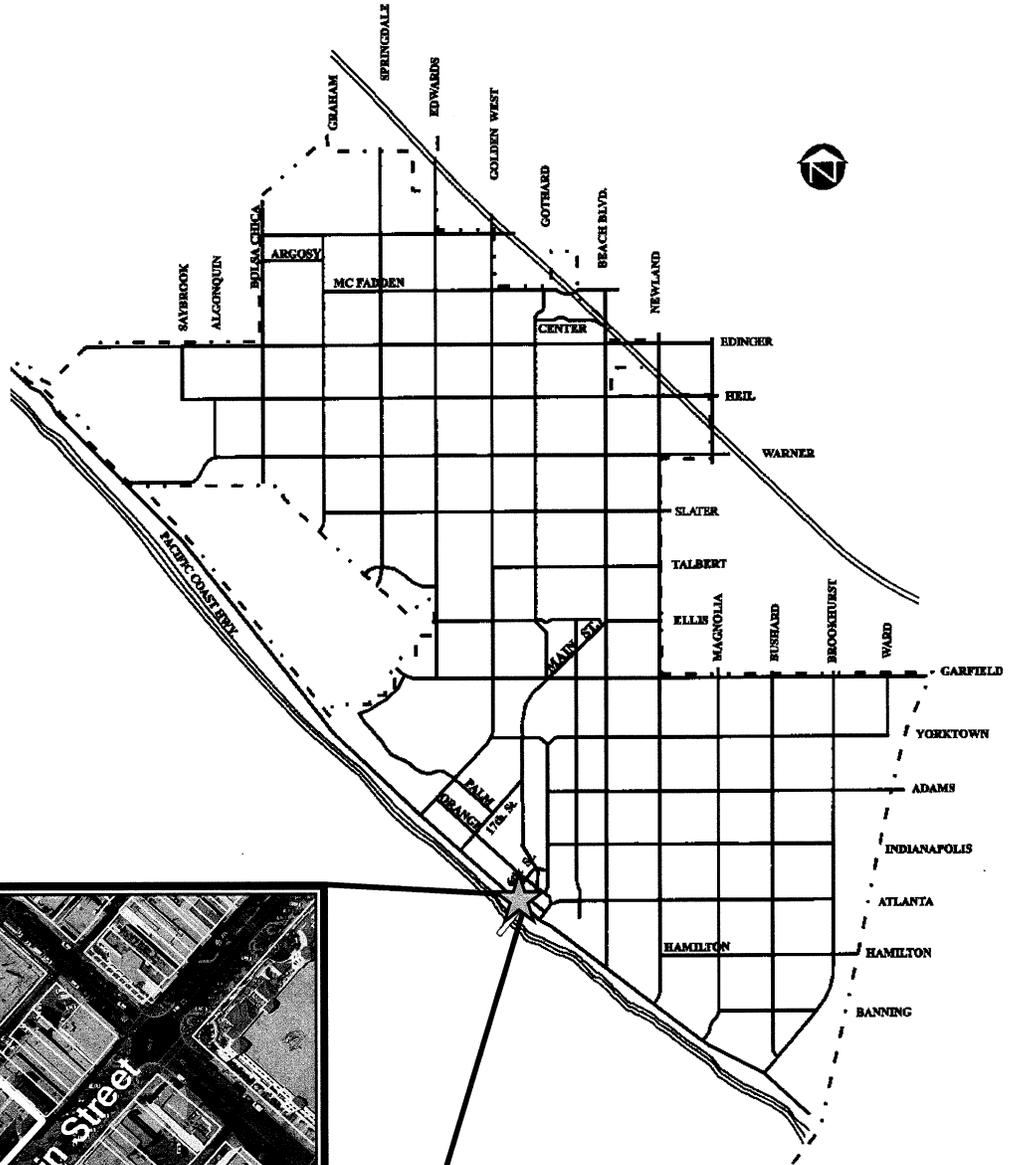
The DRB's primary concern was related to queuing and the project's potential obstruction to pedestrian traffic. The DRB denied the installation of the ATM as proposed. To date, there have been no comments from the public regarding this request.

PLANNING ISSUES

The primary issues for the Planning Commission to consider are compliance with the City's Urban Design Guidelines for the ATM design and the Downtown Specific Plan's General Plan Pedestrian Overlay District to ensure there are no pedestrian conflicts along primary sidewalks and street frontages due to potential queuing.

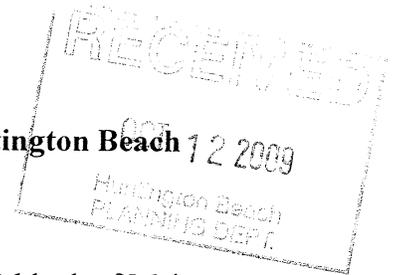
ATTACHMENTS:

1. Vicinity Map
2. Narrative dated October 12, 2009
3. Plans dated October 12, 2009 and November 6, 2009
4. Appeal letter received and dated November 23, 2009
5. Design Review Board Notice of Action – DR No. 09-031 dated November 13, 2009
6. Departments of Building, Public Works, and Police Code Requirements



VICINITY MAP
DESIGN REVIEW NO. 2009-031
(WELLS FARGO ATM- 101 MAIN STREET)

Project: Proposed Wells Fargo Bank ATM, 101 Main Street, Huntington Beach



Wells Fargo Bank currently has an operational ATM located in the 300 block of Main St.; the landlord at the existing location will not renew the lease necessitating the removal of the ATM from this site. Wells Fargo wishes to maintain its presence in the area by installing a replacement ATM at a new location on the east side of Jacks Surf, located at 101 Main Street, and within the boundary of the private property there.

The ATM and kiosk are to be positioned directly in front of a column separating Jamba Juice and Jacks Girls. The combined elements will sit on a concrete footing that is 60 inches wide along the face and returning 42 inches back toward the existing structure and rising 4 inches above the surrounding concrete walkway, the total square footage is @ 17-1/2 sq. ft. The kiosk has a cantilevered canopy roof that will shade the ATM users from sunlight and rain; the underside of the canopy has can lights that project straight down to illuminate the face of the ATM and provide a portion of the AB-244 requirements. Utilities servicing the ATM will come from existing source points in Jacks and will be positioned in the completed installation so as not to be visible, or reachable, from the exterior of the combined elements or Jacks.

The ATM will be operational 24 hours a day seven days a week, as is the existing ATM that's to be removed. In addition to the lighting on the canopy a minimum of three lights will be installed at the top of the adjacent columns to fulfill the remainder of the AB-244 requirements; the light fixtures will compliment the color of those fixtures already present but will have be of a type that will provide the required lumens at the property line in front and fifty feet to each side of the ATM. A steel tube guard rail will be installed on each side of the ATM/Kiosk to mitigate the potential damage to either, caused by the parking of bikes, surfboards or the like. The ATM will be serviced by Wincor's first line maintenance staff and the cash will be serviced by Brinks. A security review by Wells Fargo may require the installation of a wall mounted camera in addition to the one proposed for the kiosk and ATM.

The ATM will serve the general public frequenting the numerous retail and restaurant establishments that exist on the block as well as across the street and in the surrounding blocks. Access to the ATM is by foot, customers driving in vehicles will have to park in metered or short term, green painted curb areas, as is done now at the closing location. Installation of the ATM will not impede pedestrian traffic on the public sidewalk or on private property during the construction or subsequent use of the ATM.



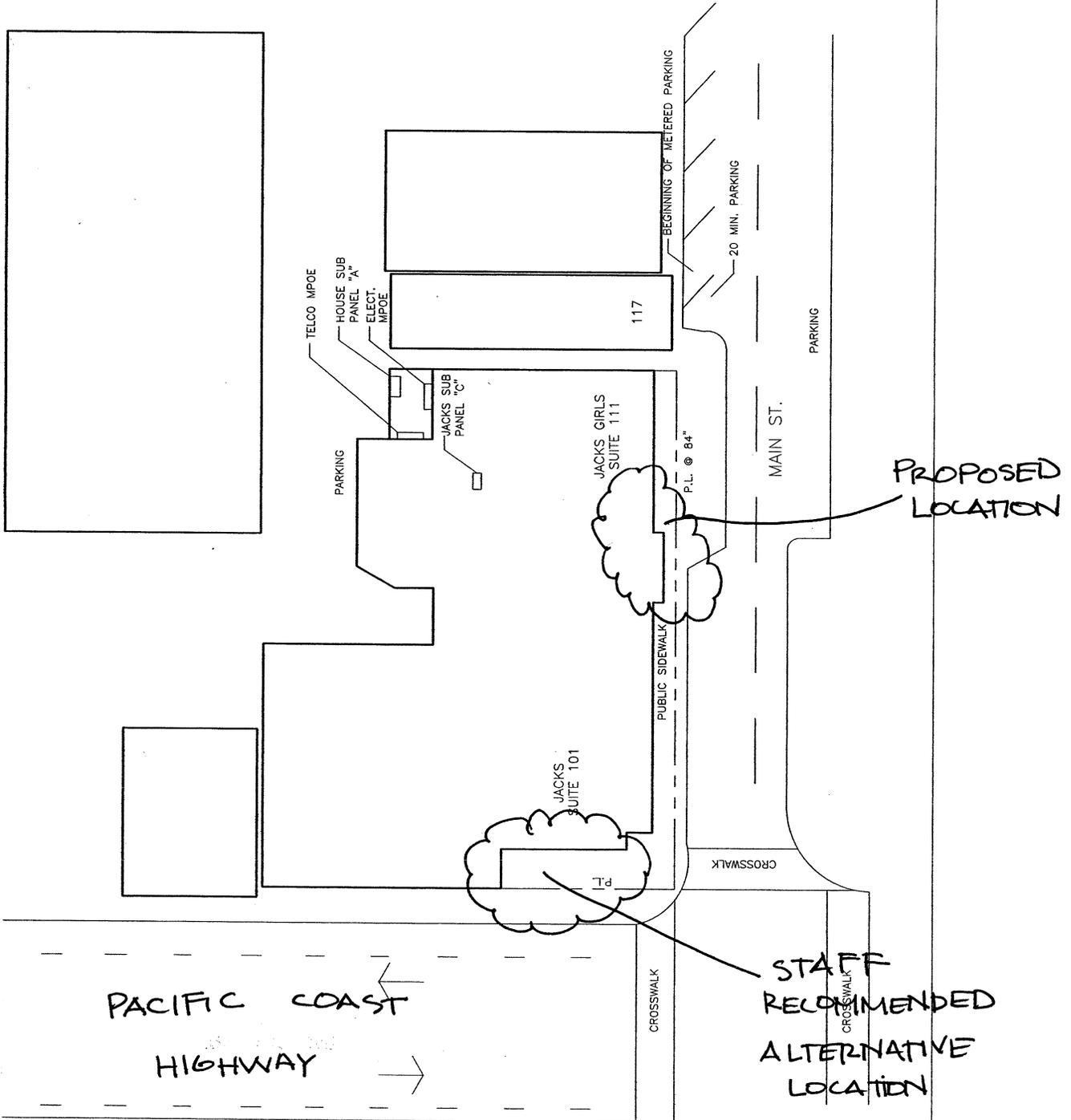
Hamilton
Pacific
751 N. Todd Ave.
Azusa, CA 91702

REVISIONS

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WELLS FARGO BANK
JACKS GIRLS
101 MAIN ST. SUITE 101, 111
HUNTINGTON BEACH, CA 92648

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Checked	CSH
Date	7-30-09
Project No.	09000007
Project Name	EXISTING SITE PLAN
Scale	N/A
Sheet No.	SP(E)-1



SITE PLAN



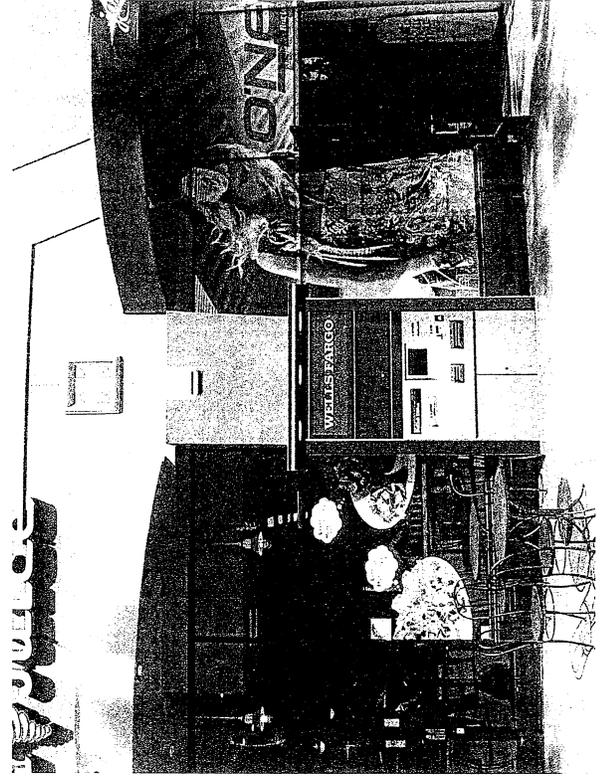
Hamilton
Pacific
755 H. Todd Ave
Azusa, CA 91702

NO.	DATE	DESCRIPTION

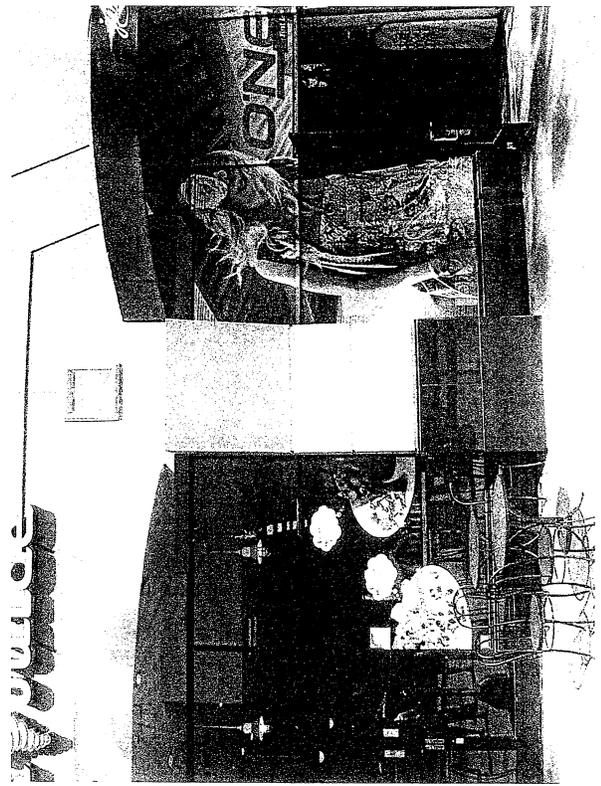
WELLS FARGO BANK
JACKS GIRLS
101 MAIN ST. SUITE 101, 111
HUNTINGTON BEACH, CA 92648

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Date	7-30-08
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Scale	NIS
Sheet	A-5

PROPOSED



EXISTING



MAIN ST. ELEVATION

ATTACHMENT NO. 3.4



November 20, 2009

City of Huntington Beach
Planning

Scott Hess, Secretary of the Planning Commission
Jill Arabe, Assistant Planner
City of Huntington Beach
2000 Main St.
Huntington Beach, CA 92648

NOV 23 2009

Rec'd PAID *[Signature]*

Re: Design Review NO. 2009-031 (Wells Fargo ATM)

Dear Mr. Hess:

We are in receipt of the Notice of Action for the proposed project. This letter shall serve as written notice to the Secretary of the Planning Commission that Wells Fargo Bank is appealing the decision of the Design Review Board. A filing fee of \$2,002.00 will be paid.

We are addressing the recommendation for security with the placement of convex mirrors to allow the user to view a person approaching from the rear or side. The ATM will have AB 244 compliant lighting and a surveillance camera as well as an internal ATM camera. Video will be retained as noted by the police department and the machine is alarmed. All of these items are standard Wells Fargo requirements.

The request from Public Works will be addressed and there is the required distance between the ATM and the tree well. This will be noted on revised plans to be submitted.

The ATM enclosure will be revised to a custom enclosure that is partially recessed into the building column and will be finished in stucco and granite panel to match the building. The awning over the ATM will be sloped and canvas covered to meet the city guidelines.

Wells Fargo has previously maintained an ATM at 200 Main Street #116 and has reviewed the record of the transactions at that location. The records indicate that there are generally single transactions with no queuing or one person queuing. Infrequently, there may be two persons queuing.

We respectfully request that this project be reconsidered and design modifications be accepted.

Please let us know if you have any questions or need further information at this time.

Best Regards,

Diane Frank
Branch Manager
dfrank@hamiltonpacific.com





CITY OF HUNTINGTON BEACH

2000 MAIN STREET

CALIFORNIA 92648

DESIGN REVIEW BOARD

Phone 536-5271
Fax 374-1540
374-1648

NOTICE OF ACTION

November 13, 2009

Robert J. Lopez
c/o Hamilton Pacific
751 N. Todd Road
Azusa, CA 91702

APPLICATION: DESIGN REVIEW NO. 2009-031 (WELLS FARGO ATM)

APPLICANT: Robert J. Lopez, c/o Hamilton Pacific, 751 N. Todd Road, Azusa, CA 91702

PROPERTY OWNER: Jamal Abdelmuti, 7575 Reynolds Circle, Huntington Beach, CA 92647

REQUEST: Review the design, colors, and materials of a new Wells Fargo ATM.

PROJECT LOCATION: 101 Main Street, 92648 (northwest corner of Pacific Coast Highway and Main Street)

DATE OF ACTION: November 12, 2009

The Design Review Board of the City of Huntington Beach denied your application on November 12, 2009.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Design Review Board 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 calendar days of the date of the Design Review Board's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the basis for the appeal. A filing fee of \$2,002 shall also accompany the notice of appeal. In your case, the last day for filing an appeal and paying the filing fee is **November 23, 2009**.

You are also 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.

ATTACHMENT NO. 5.1

If you have any questions, please contact Jill Arabe, Assistant Planner at (714) 374-5357 or via email at jarabe@surfcity-hb.org or the Planning Department Zoning Counter at (714) 536-5271.

Sincerely,



Tess Nguyen, Secretary
Design Review Board

TN:JA

- c: Honorable Mayor and City Council
Chair and Planning Commission
Fred Wilson, City Administrator
Scott Hess, Director of Planning
Herb Fauland, Planning Manager
William H. Reardon, Division Chief/Fire Marshall
Steve Bogart, Acting Principal Civil Engineer
Gerald Caraig, Permit-Plan Check Manager
Jamal Abdelmuti, Property Owner
Project File

Arabe, Jill

From: Arabe, Jill
Sent: Tuesday, November 03, 2009 2:15 PM
To: Bogart, Steve; Small, Ken; Caraig, Gerald
Subject: Planning Application No. 2009-0270
Attachments: Code Requirements - 11.3.09.doc

I apologize for the late notice. If I could receive your comments in time for the DRB meeting of 11/12/09, it would be very much appreciated. Thanks.

PETITION(S): Planning Application No. 2009-0270
Design Review No. 2009-031 (Wells Fargo ATM)

REQUEST(S): To review the design, colors, and materials of a proposed Wells Fargo ATM.

LOCATION: 101 Main St., 92648 (west side of Main Street, north of PCH)

ZONE: SP5-CZ – District 3 (Downtown Specific Plan – Coastal Zone)

GENERAL PLAN: MV – F6/25 – sp-pd

EXISTING USE: retail

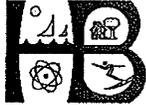
Please submit your concerns and recommended changes or conditions in writing on or before **November 10, 2009**

Jill Ann Arabe
Assistant Planner
City of Huntington Beach
(P) 714.374.5357

*BUILDING & SAFETY (CODE COMMENT ONLY)
PROPOSED ATM SHALL MEET ~~THE~~ CURRENT PROVISIONS
OF THE 2007 CBC FOR ACCESS & 2007 CEC FOR
ELECTRICAL.*

CARAIG X1575

ATTACHMENT NO. 6.1



CITY OF HUNTINGTON BEACH

PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: NOVEMBER 9, 2009
PROJECT NAME: WELLS FARGO ATM
ENTITLEMENTS: DR 09-031
PLNG APPLICATION NO: 2009-0270
DATE OF PLANS: OCTOBER 12, 2009
PROJECT LOCATION: 101 MAIN STREET
PROJECT PLANNER: JILL ARABE, ASSISTANT PLANNER
TELEPHONE/E-MAIL: (714) 374-5357 / JARABE@SURFCITY-HB.ORG
PLAN REVIEWER: JOSH MCDONALD, CIVIL ENGINEERING ASSISTANT 
TELEPHONE/E-MAIL: 714-536-5509 / JOSHUA.MCDONALD@SURFCITY-HB.ORG
PROJECT DESCRIPTION: TO REVIEW THE DESIGN, COLORS, AND MATERIALS OF A PROPOSED WELLS FARGO ATM AND CANOPY ATTACHED TO A COLUMN OF AN EXISTING MIXED USE BUILDING. THE SCOPE OF WORK WILL INCLUDE THE INSTALLATION OF THREE LIGHT FIXTURES AND GUARDRAILS.

The following is a list of code requirements deemed applicable to the proposed project based on plans as stated above. The items below are to meet the City of Huntington Beach's Municipal Code (HBMC), Zoning and Subdivision Ordinance (ZSO), Department of Public Works Standard Plans (Civil, Water and Landscaping) and the American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), the Orange County Drainage Area management Plan (DAMP), and the City Arboricultural and Landscape Standards and Specifications. The list is intended to assist the applicant by identifying requirements which shall be satisfied during the various stages of project permitting, implementation and construction. If you have any questions regarding these requirements, please contact the Plan Reviewer or Project Planner.

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A BUILDING PERMIT:

1. The proposed ATM shall not encroach into the public right-of-way. Per Section 3202.2 of the 2007 California Building Code, "Encroachments into the public right-of-way above grade and below 8 feet in height shall be prohibited."
2. An Encroachment Permit is required for all work within the City's right-of-way. (MC 12.38.010/MC 14.36.030)

ATTACHMENT NO. 6.2



**HUNTINGTON BEACH
PUBLIC WORKS DEPARTMENT
SUGGESTED CONDITIONS OF APPROVAL**

DATE: NOVEMBER 9, 2009
PROJECT NAME: WELLS FARGO ATM
ENTITLEMENTS: DR 09-031
PLNG APPLICATION NO: 2009-0270
DATE OF PLANS: OCTOBER 12, 2009
PROJECT LOCATION: 101 MAIN STREET
PROJECT PLANNER: JILL ARABE, ASSISTANT PLANNER
TELEPHONE/E-MAIL: (714) 374-5357 / JARABE@SURFCITY-HB.ORG
PLAN REVIEWER: JOSH MCDONALD, CIVIL ENGINEERING ASSISTANT 
TELEPHONE/E-MAIL: 714-536-5509 / JOSHUA.MCDONALD@SURFCITY-HB.ORG
PROJECT DESCRIPTION: TO REVIEW THE DESIGN, COLORS, AND MATERIALS OF A PROPOSED WELLS FARGO ATM AND CANOPY ATTACHED TO A COLUMN OF AN EXISTING MIXED USE BUILDING. THE SCOPE OF WORK WILL INCLUDE THE INSTALLATION OF THREE LIGHT FIXTURES AND GUARDRAILS.

**THE FOLLOWING CONDITIONS ARE REQUIRED TO BE COMPLIED WITH FOR THE
SUBJECT USE:**

1. The site plan received and dated October 12, 2009 shall be the conditionally approved layout, except for the following:
 - a. The Site Plans dated October 12, 2009 shall be revised to correctly show the property line on the east side of the building.
 - b. A minimum ten foot wide pedestrian walkway shall be maintained between the ATM and adjacent tree well.



**CITY OF HUNTINGTON BEACH
PLANNING DEPARTMENT**

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: November 6, 2009
PROJECT: WELLS FARGO ATM
PROJECT LOCATION: 1010 MAIN STREET (West of Main, North of PCH)
REQUESTS: TO REVIEW THE DESIGN OF A PROPOSED ATM
PROJECT PLANNER: JILL ARABE
PLAN REVIEWER: JAN THOMAS
TELEPHONE/E-MAIL: (949) 348-8186 JCKTHOMAS@COX.NET

The following is a list of code requirements deemed applicable to the proposed project based on plans received. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Zoning Administrator in conjunction with the requested entitlement(s), if any, will also be provided should the project be approved. If you have any questions regarding these requirements, please contact the Plan Reviewer.

Recommended conditions of approval

Concern:

This ATM is located in a visible area on Main Street. Therefore, the location is beneficial to public safety. However, this is a 24-hour ATM. Therefore it may be used at all hours, including times where there may be little or no activity on Main Street. Keeping these situations in mind, it is important that the ATM user see on either side of the kiosk before approaching the ATM, as well as have the ability to see behind oneself when using the ATM.

Recommendation:

Maximizing visibility while approaching and using the ATM can be partially accomplished by installing two convex mirrors. Each mirror, if placed on the upper right and left hand corner of the kiosk (and back a few inches) would allow the user to see if someone is lying in wait on the other side of the kiosk, and, while using the ATM, someone possibly approaching from behind.

Mirrors are also installed to provide ATM customers with a rear view to prevent "shoulder surfing," a common means of compromising personal identification numbers.

NOTE:

The applicant stated they are complying with the required provisions of the statewide law known as AB244. Although AB244 does not require it, this applicant has proposed installation of a wall mounted camera in addition to the one proposed for the kiosk and ATM. This is appreciated and optimal. Police request that video be retained for 30 days.