

**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 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.

#### **ITEM 2: CONDITIONAL USE PERMIT NO. 2008-013; VARIANCE NO. 2008-007 (BEACH PROMENADECOMMERCIAL CENTER)**

APPLICANT: Mike Adams  
PROPERTY OWNER: Bijan Sassounian, 21190 Beach Boulevard, Huntington Beach, CA 92648  
James Diebold, PNS Stores, Inc., 300 Phillip Road, Columbus, OH 43228  
Sigma Enterprises, Inc., 111 S. Kraemer Boulevard #C, Brea, CA 92821  
REQUEST: **CUP:** To permit the construction of two additions totaling approximately 5,870 sq. ft. to an existing commercial/retail shopping center. **VAR:** To allow 340 parking spaces in lieu of the minimum required 380 parking spaces (40 space reduction).  
LOCATION: 21022-21190 Beach Boulevard, 92648 (southeast corner of Beach Boulevard and Atlanta Avenue)  
PROJECT PLANNER: Tess Nguyen

Tess Nguyen, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the subject sites. Staff presented an overview of the proposed project and the suggested findings for approval as presented in the executive summary.

Ms. Nguyen stated that staff had received one letter in opposition to the parking variance. Ms. Nguyen also stated that the applicant does not concur with several conditions of approval and applicable code requirements.

Mr. Ramos verified with staff that the proposed building additions are only requested for specific portions of the center. He confirmed with staff that the cumulative parking requirements were being met.

#### **THE PUBLIC HEARING WAS OPENED.**

Bill Holman, applicant, thanked staff for their thoroughness. He asked if Mr. Ramos had received his letter, dated December 9, 2008. Mr. Ramos confirmed that he had received the letter and had reviewed it with staff.

Mr. Holman stated that the frontage road prevented the applicant from meeting some of the parking and landscape requirements the city normally places on a retail center. He stated that the number of parking spaces at the center would increase from 274 to approximately 334 spaces but would not be sufficient to meet the code requirements. He asked that there be some flexibility in the number of spaces as the final design of the project is not completed and there may be changes to the number of parking spaces.

Mr. Holman requested relief from Condition No. 1(b), as the property in question is not owned by Mr. Sassounian. Mr. Holman stated that he would be willing to work with the Fire Department to provide adequate turn around space but that the applicant could not make any physical changes to the building in question.

Mr. Holman requested that Condition No. 1(c) be clarified to allow the flexibility to use potted plants in lieu of hard landscaping, which he indicated had been discussed in the meeting with the Design Review Board. He also asked the Condition No. 1(d) be clarified to note that portion of the site between the Rite Aid building and the adjacent building is an open loading dock and not building area.

Mr. Holman stated that his greatest concerns were Condition Nos. 2(c), 3 and 4, which would prohibit the requested new access point along Beach Boulevard through the frontage road. He indicated that an access point along Beach Boulevard would be beneficial to northbound traffic as well as traffic exiting the center. He stated that the traffic analysis noted no significant negative or positive impacts on traffic from this proposal which he believes indicates that the additional access point should be allowed.

Mr. Holman stated that the Economic Development Department suggested condition of approval prohibiting any encroachments or improvements to the frontage road was in direct conflict with the Public Works Department suggested conditions of approval requiring improvements to the public right-of-way. He asked that this conflict be addressed and resolved.

Mr. Holman asked that that Condition Nos. 3 and 4 be removed.

Mr. Holman asked for clarification of Condition No. 2(c)(2) regarding the replacement of water meters. He believed that only two meters serving the buildings being modified would need to be replaced and requested that the remaining existing meters stay in their current condition.

Mr. Holman stated that Condition No. 2(c)(2) requires backflow devices to be placed outside of the frontyard setback. He stated that this would force them to be placed in the public right-of-way. He indicated that he would like to install the devices in the landscaped frontyard setback.

Mr. Holman began discussing a code requirement to replace the eight inch water line with a twelve inch water line. He indicated that this requirement would be a significant expense. He would like the option to prove that the eight inch water line provides sufficient capacity.

Mr. Ramos stated that this item was a code requirement. Steve Bogart, Public Works Department Senior Civil Engineer, confirmed this. Mr. Ramos stated that it was not in the Zoning Administrator's purview to waive code requirements. Mr. Holman asked if those items could be appealed. Ms. Nguyen stated the code requirement letter was sent on November 11, 2008 to the applicant and it indicated that code requirements may be appealed to the Planning Commission.

Mr. Ramos stated that the publication of a legal notice is required for any request to alter the number of parking spaces. He indicated that if an additional parking variance is requested for the project then it would need to be addressed at a future public hearing. He indicated that Mr. Holman could ask for a continuance if he wished to modify the request.

Mr. Ramos stated that Condition No. 1(b) was also a code requirement. He asked if Fire Department staff had a chance to review the comments from Mr. Holman. Darin Maresh, Fire Development Specialist, indicated that he had reviewed Mr. Holman's comments. He stated that after reviewing the Fire Code and city specifications, the redesign of the building layout and increase of square footage is subject to compliance with the Fire Code. Mr. Maresh reviewed Section 17.56.110 of the Fire Code, indicating that it specifies that Condition No. 1(b) is required.

Mr. Ramos asked the applicant to confirm that he needed clarification on Condition No. 1(c). Mr. Holman noted that there was a discussion at the Design Review Board meeting regarding allowing potted plants in lieu of hard landscaping and Mr. Holman did not feel that allowance was accounted for in Condition No. 1(c).

Mr. Bogart indicated that the City Landscape Architect was in support of allowing potted plants.

Kellee Fritzel, Deputy Director of Economic Development, stated that the Public Works Department's requirements for curb repair were acceptable within the frontage road. Mr. Ramos asked for the reasoning behind Condition No. 4. She stated that the purpose of Condition No. 4 was to prevent encroachment upon the frontage road as it is in use and indicated Economic Development Department staff had discussed Condition No. 4 with Public Works Department staff.

Mr. Ramos asked staff for the rationale for Condition No. 3 since the analysis provided by LSA did not indicate a significant negative impact on traffic. Daren Sam, Senior Traffic Engineer, stated that the applicant did not submit a plan that staff felt they could support.

Mr. Ramos asked staff if Condition No. 3 was a code requirement. Mr. Sam indicated that it was not. Mr. Ramos stated that he understood why the driveway was being requested. He asked if staff would be opposed to a modified condition that would require the applicant to

provide additional analysis to allow staff to support the driveway request or if staff felt the driveway request could not be justified.

Mr. Sam indicated that staff believed the intersection at Beach Boulevard and Atlanta Avenue provided an acceptable level of service to the site and that the site can function without the additional access point within the frontage road.

Mr. Ramos asked if it would be possible for the applicant to provide a design that would potentially be supportable by staff even if staff felt the additional driveway was not needed. Mr. Bogart indicated that he would not be able to answer either way without seeing specific plans. Mr. Ramos asked if there was anything in the traffic analysis that convinced staff that there was no way the driveway could be supported. Mr. Sam stated that staff could not support the additional driveway due to the proposed design submitted to staff.

Mr. Ramos asked if encroachments on frontage roads had been allowed on previous requests. Ms. Fritzal indicated that she did not know. Mr. Bogart stated that he was not aware of any.

Mr. Holman stated the response from staff indicated that the driveway along the frontage road would not be considered at all. He stated that he would appreciate it if staff would be willing to look at alternative designs.

Meghan Macias, LSA Associates, stated that the traffic analysis looked at the potential level of service to the proposed driveway. She indicated that most of the traffic turning on to the frontage road from Atlanta Avenue was entering the shopping center. She stated that it would be helpful to know the specific concerns from Public Works staff in order to further examine the site. She indicated that the analysis concluded that there would not be significant impact to the traffic flow from the addition of an access point across the frontage road.

Mr. Ramos clarified that Mr. Holman would like to limit Condition No. 2(c)(2) to only the new buildings. Mr. Holman confirmed this and stated that he did not want the project to impact the other property owners at the site.

Mr. Ramos asked staff if Condition No. 2(c) has been applied to similar projects. Mr. Bogart stated that the condition was consistent with past projects. Mr. Ramos confirmed with staff that Condition No. 2(c)(2) is a condition not a code requirement.

Dan Schaeffer, 7971 Moonmist Circle, asked for details on the project. Ms. Nguyen briefly summarized the request.

Mr. Schaeffer asked if the City owned the frontage road. Ms. Nguyen confirmed that the City owns the frontage road. Mr. Schaeffer asked what was the purpose of the frontage road. Mr. Ramos indicated that the road may be a remnant of Cal Trans freeway plans. Mr. Schaeffer stated that it is a traffic hazard and did not serve a purpose. He stated that the current site is an eyesore.

Jeanie Reed, 8126 Deerfield Drive, asked if the applicant proposes to improve the appearance of the shopping center. Mr. Ramos indicated that there would be extensive façade improvements throughout the site. She asked if the addition would be to the front or back. Ms. Nguyen stated that the Bank of America building would have additions to the front and side and the Rite Aid building would have a rear addition. Ms. Reed expressed concern that the

vehicles would not have enough room to the rear of the site. Mr. Holman stated that the buildings would be no closer to the flood control channel than existing buildings and access would not be affected.

Ms. Reed stated that the frontage road is used as a racetrack by drivers and that it is dangerous. She stated that she would prefer that the frontage road area become a portion of the site parking lot.

Robin Taylor, 21326 Ashburn Circle, asked for clarification on the parking variance. Mr. Ramos stated that variance would be for forty spaces. Ms. Taylor stated that parking was at a premium at the site, particularly during the summertime. She suggested using the access for the Breakers Apartments instead of creating an access across the frontage road. There was a brief discussion on the different entrances to the site and frontage road.

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

Mr. Ramos stated that he was inclined to modify Condition No. 3 to enable the applicant to submit further information in order to create a design that would be acceptable to staff. He stated that the Public Works Department would retain the power to approve the entrance through the frontage road.

Mr. Ramos considered a modification to Condition No. 4 so that it would exclude the improvements required by the Public Works Department.

Mr. Holman asked for clarification on Condition No. 4 regarding the driveway on the southwest corner. Mr. Ramos asked staff if he was correct in thinking that Condition No. 4 required the removal of the southwest corner driveway. Mr. Sassounian stated that would create a legal issue by landlocking his parcel. Mr. Holman stated that the city had constructed encroachments that deny access to that driveway.

Simone Slifman, Economic Development Project Manager, stated the condition was intended to prevent that driveway from being reopened.

Mr. Ramos reviewed his modification to Condition No. 3. Mr. Sassounian requested that Mr. Ramos include the word "reasonable" into the condition. Mr. Holman stated that he would like to make sure that staff would not reject any proposed designs without proper consideration. Mr. Ramos asked staff if they were comfortable with the proposed modifications.

Bob Stachelski, Transportation Manager, stated that Condition No. 4 would make any approvals highly unlikely. Mr. Ramos confirmed with staff that they would allow for a modification to Condition No. 4 to include an exception to Condition No. 3. He stated that he would like the applicant to have the opportunity to submit a design.

Mr. Ramos clarified with Public Works staff that the intent of Condition No. 2(c)(2) was to locate the backflow device as close to the meter as possible without interfering with the public right-of-way. Mr. Duncan Lee confirmed this. Mr. Ramos stated that Condition No. 2(c)(2) would not be modified.



Mr. Ramos stated that he would approve the request with minor changes to the findings and the previously stated modifications to the conditions as well as additional modifications to the language of Condition No. 1(a) and adding Condition No. 1(g) requiring the loading dock door to be more decorative than the typical industrial door.

**CONDITIONAL USE PERMIT NO. 2008-013; VARIANCE NO. 2008-007 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 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.

#### **ITEM 3: COASTAL DEVELOPMENT PERMIT NO. 2008-020 (BLUFF TOP PARK RESTROOMS)**

APPLICANT:	City of Huntington Beach, Community Services Department
PROPERTY OWNER:	State of California, Department of Parks and Recreation, 3030 Avenida del Presidente, San Clemente, CA 92672
REQUEST:	To permit the construction of seven detached restroom buildings ranging in size from 70 sq. ft. to 140 sq. ft. The project also includes the installation of one handicap accessible ramp, the upgrade of an existing ramp in compliance with the Americans with Disabilities Act standards, and the resurfacing of

approximately 4,000 linear ft. of a ten foot wide asphalt path for handicap accessibility to four of the restroom buildings.

LOCATION: 913 Pacific Coast Highway, 92648 (ocean side of Pacific Coast Highway, between 9th Street and Seapoint Street- Bluff Top Park)

PROJECT PLANNER: Jill Arabe

Jill Arabe, Planning Aide, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses 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.

Ms. Arabe stated that the application was reviewed by the Design Review Board, which recommended that the roofs of the restrooms match the designs of the restrooms located at South Beach in terms of roof material.

Ms. Arabe stated that one public comment was received regarding the installation of drinking fountains and showers alongside the restrooms and forwarded the comment to the applicant. She stated that showers are proposed with the restrooms if construction allows access to the sewer line and pipe systems. She stated that if the restrooms are required to use individual vault systems than showers would then be addressed in a future proposal. She stated that drinking fountains are not included in the proposal.

Mr. Ramos asked staff if the current surrounding walkways would be maintained. Ms. Arabe verified this and stated that there is already access through the existing path.

#### **THE PUBLIC HEARING WAS OPENED.**

Dave Dominguez, Manager of Facilities, Development, and Concessions, indicated that he had no comments or concerns.

#### **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 would approve the request as recommended by staff.

**COASTAL DEVELOPMENT PERMIT NO. 2008-020 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 consists of

the construction of small structures where necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-020:**

1. Coastal Development Permit No. 2008-020 for the development project, as proposed, conforms with the General Plan, including the Local Coastal Program. The project is consistent with the Coastal Element Goals and Policies:

C 1.2.1: Accommodate existing uses and new development in accordance with the Coastal Element Land Use Plan and the Development and Density Schedule Table C-1.

C 4.2.2: Require that the massing, height, and orientation of new development be designed to protect public coastal views.

C 3.1.1: Prohibit development of permanent above ground structures on the beach sand area with the exception of public restrooms and beach concession stands when located immediately adjacent to paved parking or access areas.

The project will consist of replacing existing portable restrooms with permanent restroom structures. Access to the restrooms will be maintained to include an upgrade of an existing ramp in compliance with Americans with Disabilities Act (ADA) standards, and installation of a new handicap accessible ramp. The proposed restrooms will be located along an existing oil service road. The existing service road will be resurfaced with a width of 10-feet and approximate length of 4,000 feet for handicap accessibility. Four of the seven restrooms, between 9<sup>th</sup> Street and Goldenwest Street, will be situated below the bluff and will not impede on coastal views. They will be oriented towards the beach and will match in roof design to existing restrooms north and south of the pier. The restrooms will not encroach into the sandy area of the beach. Three of the seven restrooms, north of Goldenwest Street, will be situated above the bluff and in close proximity to parking lot areas. They will not be located within landscaped areas. The restrooms above the bluff will consist of single-stall restrooms as opposed to double-stall restrooms, as proposed for the restrooms, south of Goldenwest Street.

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 proposed restrooms are permitted as ancillary development to publicly owned coastal beaches. The structures will not encroach onto the sandy beach and will be designed with materials to withstand the beach environment. The structures will comply with development standards including setbacks and building height.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project will be constructed on a developed park with access to existing utilities including sewer, water, 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. Existing and upgraded paths and ramps in compliance with current ADA standards will provide accessibility to the restrooms. The structures south of Goldenwest Street will be below the bluff and minimally visible from the street. The structures north of Goldenwest Street will be visible, but provide minimal impact to public views because the structures are smaller in size and screened with landscaping. The distance between restrooms is approximately 1,400 feet.

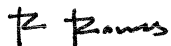
**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-020 :**

1. The site plan, floor plans, and elevations received and dated October 15, 2008 shall be the conceptually approved design with the modification that the proposed roof shall match the tile roof of existing restrooms located south of the pier.
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 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.

**THE MEETING WAS ADJOURNED AT 2:38 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, DECEMBER 17, 2008 AT 1:30 PM.**



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Ricky Ramos  
Zoning Administrator

RR:kdc