

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-7 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, JANUARY 13, 2010 - 1:30 P.M.

ZONING ADMINISTRATOR: Jason Kelley

STAFF MEMBER: Andrew Gonzales, Kimberly De Coite (recording secretary)

MINUTES: December 16, 2009
December 23, 2009
CONTINUED TO THE JANUARY 27, 2010 MEETING

ORAL COMMUNICATION: **NONE**

ITEM 1: ENTITLEMENT PLAN AMENDMENT NO. 2009-013 (DECRON PROPERTIES BUILDING – AMENDMENT TO USE PERMIT NO. 1990-024 AND VARIANCE NO. 1990-024)

APPLICANT/
PROPERTY OWNER: Decron Properties Corporation, c/o Doug Lambeck
REQUEST: To amend a condition of approval that restricts the floor area arrangement of uses within an existing multi-story, multi-tenant commercial building.
LOCATION: 17131 Beach Boulevard, 92647 (northwest corner of Beach Boulevard and Cypress Drive)
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 for approval as presented in the executive summary.

Mr. Gonzales reviewed modifications to Condition No. 2 and stated that staff had received no public comments.

THE PUBLIC HEARING WAS OPENED.

Doug Lambeck, applicant, stated that the site contains 26 onsite parking spaces, which exceeds the minimum by code. Mr. Kelley asked Mr. Lambeck if he had reviewed the modifications to Condition No. 2. Mr. Lambeck stated that he spoke with Mr. Gonzales prior to the meeting and received a copy of the modifications but had not reviewed them in detail. Mr. Kelley clarified with the applicant and staff that any future changes to occupancy would require the submittal of a parking study.

Tom Schiff, Decron Properties Corporation, stated that Decron Properties Corporation is in agreement with the modifications.

Mr. Kelley asked staff if a current parking study has been submitted and Mr. Gonzales confirmed that the information had been provided.

Mr. Schiff stated that any future tenants would be informed of the parking study requirement and that he had no concerns with the condition.

Len Lichter, 17111 Beach Blvd, asked why the empty lot at the rear of the property is not being utilized for additional parking. Mr. Gonzales indicated that the lot in question is owned by the City of Huntington Beach Redevelopment Agency not Decron Properties Corporation.

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

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

ENTITLEMENT PLAN AMENDMENT NO. 2009-013 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 15301 of the CEQA Guidelines, because the project consists of the operation and minor alteration of an existing commercial structure involving negligible or no expansion of use beyond that previously existing.

FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 2009-013:

1. Entitlement Plan Amendment No. 2009-013 to amend a condition of approval that restricts the floor area arrangement of uses within an existing multi-story, multi-tenant commercial building 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 involves the removal of Condition No. 1b, required under Conditional Exception No. 90-024 and Use Permit No. 90-024, which restricts the type and size of uses within the building. The rearrangement will not enlarge the building but rather provide for a wider diversity of commercial uses thereby expanding the range of goods and services provided. The project is not anticipated to generate additional noise, traffic, or other impacts detrimental to surrounding property and inconsistent with the subject property's commercial zoning. As conditioned, the project is not anticipated to generate additional parking beyond that which can be accommodated onsite and will have minimal impacts on adjacent properties.
2. The entitlement plan amendment will be compatible with surrounding uses because the floor area arrangement of land uses will occur entirely within the interior of the building at an established commercial building containing similar and complimentary uses. The allocation of the building's interior land uses will allow the site to accommodate a wider

diversity of commercial businesses which are compatible to retail, personal service, and office related commercial uses located in the surrounding area.

3. The proposed entitlement plan amendment 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 and any specific condition required for the proposed project in the district in which it is located. The existing building conforms to applicable site development requirements including required minimum setbacks, maximum building height, and maximum floor area ratio. As conditioned, the project will provide the minimum onsite parking to accommodate all onsite land uses.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial General on the subject property. In addition, it is consistent with the following policy and objective of the General Plan:

A. Land Use Element

Policy LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, and capitalize on Huntington Beach's recreational resources.

B. Economic Development Element

Objective ED 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The entitlement plan amendment to allow the rearrangement in the floor area of commercial uses within the interior of an existing building will expand service-based commercial opportunities in the City and market its service to local residents and residents in the surrounding region. The rearrangement will provide the site with a greater diversity of commercial land uses that will assist in providing the area with a wider range of goods and services.

CONDITIONS OF APPROVAL - ENTITLEMENT PLAN AMENDMENT NO. 2009-013:

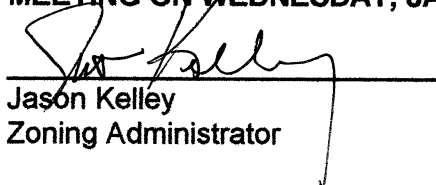
1. The site plan and floor plans received and dated October 29, 2009, shall be the conceptually approved design.
2. Prior to the issuance of a Certificate of Occupancy:
 - a. A parking study shall be submitted and approved by the Planning and Building Department to verify that adequate onsite parking can be demonstrated and/or provided.

- b. The property owner shall sign, notarize, and record with the County Recorder a covenant assuring that a parking study be provided and approved by the City prior to the change of any occupancy.
3. All conditions of approval required under Conditional Exception No. 90-024 and Use Permit No. 90-024, with exception of Condition of Approval No. 1b, shall remain valid.
4. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

THE MEETING WAS ADJOURNED AT 1:41 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, JANUARY 27, 2010, AT 1:30 PM.


Jason Kelley
Zoning Administrator

JK:kdc