

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

WEDNESDAY, MARCH 26, 2008 - 1:30 P.M.

ZONING ADMINISTRATOR: Herb Fauland, Acting Zoning Administrator

STAFF MEMBER: Tess Nguyen, Rami Talleh, Judy Demers (acting recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2008-002 (HUNTINGTON PACIFICA PARKING REDUCTION – CONTINUED FROM THE MARCH 19, 2008 MEETING)

APPLICANT: Jeff Packard, Sapetto Group, Inc., 2 Park Plaza, Suite 735, Irvine, CA 92614

PROPERTY OWNER: David Steven, Huntington-Monterey, LLC, 25821 Paseo Real, Monterey, CA 93940

REQUEST: To permit a 34-space parking reduction based on a parking demand analysis and a transportation demand management plan. The reduction in parking is requested to permit the conversion of 10,934 sq. ft. of general office space to medical office use within an existing 41,950 sq. ft. office building.

LOCATION: 18377 Beach Boulevard, 92648 (west side of Beach Boulevard, north of Ellis Avenue)

PROJECT PLANNER: Tess Nguyen

Tess Nguyen, Associate Planner, stated that the applicant has proposed changes to the submitted application, therefore, the applicant has requested the item be continued to the April 9, 2008 meeting.

Herb Fauland, Acting Zoning Administrator, confirmed and approved the date with staff.

AS THERE WERE NO PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST THE PUBLIC HEARING WAS NOT OPENED.

CONDITIONAL USE PERMIT NO. 2008-002 WAS CONTINUED TO THE APRIL 9, 2008 MEETING AT THE APPLICAN'TS REQUEST.

ITEM 2: ENTITLEMENT PLAN AMENDMENT NO. 2008-002 (ROYAL STREET COMMUNICATIONS WIRELESS COMMUNICATION FACILITY – AMENDMENT TO CONDITIONAL USE PERMIT NO. 2006-042)

APPLICANT: Jane Norine, Metro PCS, 350 Commerce Drive, Suite # 200, Irvine, CA 92602
REQUEST: To delete a condition of approval requiring completion of an environmental assessment for the LeBard Park Master Plan prior to issuance of a building permit for a wireless communications facility.
LOCATION: 20470 Ravenwood Lane, 92646 (south of Warwick Drive, west of Santa Ana River - Southern California Edison easement)
PROJECT PLANNER: Tess Nguyen

Tess Nguyen, 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.

Staff stated that no correspondence for or against the proposal was received

Herb Fauland, Acting Zoning Administrator, disclosed that he has had discussions with staff but has not met with the applicant. He also mentioned that he has visited the site of the proposed project.

THE PUBLIC HEARING WAS OPENED.

Jane Norine, applicant, noted that she was given new requirements for approval by staff prior to the hearing. The new code requirements were submitted by the Public Works Department. Ms. Norine stated that she would like verification of the location of the recommendations made for the grading and landscaping of the project. She is planning on meeting with staff at a later time to get the new information.

Ms. Nguyen stated that she had received additional code requirements prior to the meeting and has forwarded them to the applicant. She will be happy to meet with the applicant to review the updated requirements.

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

ENTITLEMENT PLAN AMENDMENT NO. 2008-002 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR 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 15303 of the CEQA Guidelines, because the project consists of the installation of small new equipment and facilities in small structures.

FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 2008-002:

1. Entitlement Plan Amendment No. 2008-002 to delete a condition of approval requiring completion of an environmental assessment for the Le Bard Park Master Plan prior to issuance of a building permit for a wireless communication facility 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 previously approved plans provided vehicular access for maintenance purposes through Le Bard Park. Subsequent to the approval of the project, the location of the access easement was changed from north of the facility through Le Bard Park to south of the facility from Atlanta Avenue through the Southern California Edison (SCE) right-of-way. Since the access easement is not located within Le Bard Park, the condition of approval is no longer applicable.
2. The entitlement plan amendment will be compatible with surrounding uses because the access easement will be located entirely on existing Southern California Edison right-of-way where there are existing transmission towers and a landscaping nursery. The new access easement location in the SCE right-of-way is separated from residential structures and streets, thus minimizing any potential impacts to residents in the vicinity.
3. The proposed Entitlement Plan Amendment No. 2008-002 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 Section 230.96—Wireless Communication Facilities. No other modifications are proposed.
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 P (Public) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

LU 4.2.4: Require that all development be designed to provide adequate space for access, parking, supporting functions, open space and other pertinent elements.

Entitlement Plan Amendment No. 2008-002 provides an alternate means of access the wireless communication facility without impact the design of LeBard Park or any of the nearby residential streets.

CONDITIONS OF APPROVAL - ENTITLEMENT PLAN AMENDMENT NO. 2008-002:

1. The site plan, floor plans, and elevations received and dated January 23, 2008 shall be the conceptually approved design.

2. All conditions of approval required under Conditional Use Permit No. 06-042, with the exception of Condition of Approval No. 2, shall remain valid and shall be completed at the appropriate stage of development.

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: VARIANCE NO. 2008-002 (BROOKHURST PLAZA FAÇADE IMPROVEMENT)

APPLICANT: Donald B. Ayres III, 355 Bristol Suite A, Costa Mesa, CA 92626
REQUEST: To permit 5.1% of on-site landscaping in lieu of the minimum required 6% of onsite landscaping and allow a 5 ft. wide landscape planter along Hamilton Ave. in lieu of the minimum required 6 ft. wide landscape planter in conjunction with a façade improvement of an existing shopping center.
LOCATION: 21431 Brookhurst Street, 92646 (Southwest corner of Brookhurst Street and Hamilton Avenue)
PROJECT PLANNER: Rami Talleh

Rami Talleh, 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.

Staff stated that no correspondence for or against the proposal was received.

Heb Fauland, Acting Zoning Administrator, stated that he had no questions but did want to mention that he had met with the applicant in the preliminary stage of the process. He also has visited the site.

THE PUBLIC HEARING WAS OPENED.

Cyril Chok, the project architect, clarified that the project description was correct.

Staff verified that the description is correct and briefly explained the language.

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

VARIANCE NO. 2008-002 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR 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 15305 of the CEQA Guidelines, because the project represents a minor alteration in land use limitations which will not result in any changes in land use or density.

FINDINGS FOR APPROVAL - VARIANCE NO. 2008-002:

1. The granting of Variance No. 2008-002 to permit 5.1% of on-site landscaping in lieu of the minimum required 6% of onsite landscaping and allow a five ft. wide landscape planter along Hamilton Ave. in lieu of the minimum required six ft. wide landscape planter will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The project site will be provided with 8,059 sq. ft. of additional on-site landscaping for a total of 10,264 sq. ft. of landscaping. The landscaped planter along Hamilton Avenue is proposed to be widened by an additional two ft. for a total width of five ft. However, the project site can fully not comply with the applicable landscape code requirements and simultaneously maintain compliance with applicable parking requirements without demolishing at least a portion of the existing building, which would constitute undue hardship. Consequently, the requested variance provides for the remodeling of an aging commercial center, which would not be inconsistent with the limitations on other properties in the vicinity.
2. The project site is constrained by special circumstances which include its existing legal non-conforming condition with respect to the width of the landscape planter along the Hamilton Avenue frontage and overall on-site landscaping. While the project site will be provided with substantially more landscaping than that existing on-site, the project site can not meet current code requirements for the width of the landscape planter and minimum on-site landscaping requirements and maintain conformance with current parking standards, due to the existing location of the building and other site improvements which can not be relocated.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The requested variance is necessary in order to allow for the remodel of the existing commercial center. The City's Zoning Ordinance requires that the property meet certain minimum requirements for landscaping as a prerequisite to allow exterior modifications. In this case, the project can not meet the applicable landscape requirements due to the existing location of buildings and other site improvements. Consequently, strict application of the Zoning Ordinance would deprive the property owner of the right to remodel and improve the property to meet objectives for community character.

4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The requested variance will allow the project site to provide additional on-site landscaping and widen the landscape planter along Hamilton Ave. to the maximum extent possible and provide for the remodeling of the existing commercial center, which will benefit the public welfare and surrounding property owners by improving the appearance and value of the subject property. In addition, the project will be conditioned to provide additional on-site landscaping in the form of vehicle overhangs which is not counted towards the minimum on-site landscaping requirements.
5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CN-F1 (Commercial Neighborhood – 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 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character and in accordance with the Development “Overlay” Schedule as appropriate.

The requested variance accounts for the unique characteristics of the project site by allowing a minor reduction in the street side landscape width and overall landscape requirements, in order to allow for the remodel of the commercial center and thereby meet objectives for community character.

CONDITIONS OF APPROVAL VARIANCE NO. 2008-002:

1. The site plan, floor plans, and elevations received and dated January 18, 2008 shall be the conceptually approved design with the following modifications:
 - a. Provide three foot wide landscaped planters at the end of each new row of parking spaces located in the northwest corner of the site. Where landscaped planters abut each other provide one merged planter.
 - b. A minimum 20 ft. wide decorative paving band shall be provided at the main driveway entrances along Brookhurst St. and Hamilton Ave.
 - c. Provide a two ft. wide landscaped vehicle overhang where ever possible.
 - d. Remove the wall along Hamilton Avenue and replace it with a minimum two ft. high berm including landscaping.
 - e. Provide potted plants along the southern elevation closest to Hamilton Avenue.
 - f. The design of the major tenants’ façade shall be consistent with the elevations received and dated February 12, 2008. Additional stone veneer shall be provided in front of the major tenants’ entrance and cart coral up to two thirds of the height of the building.
2. Prior to issuance of a Certificate of Occupancy for a use within the former Ralph’s suite, the Conditions stated herein shall be completed.
3. 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

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 4: COASTAL DEVELOPMENT PERMIT NO. 2007-016; TENTATIVE PARCEL MAP NO. 2007-138 (SANDOVER RESIDENTIAL DEVELOPMENT)

APPLICANT: Ed Mountford, 6 Executive Circle, Ste. 250, Irvine CA, 92614
PROPERTY OWNER: Ray Pacini, Signal Landmark, 6 executive Circle, Ste. 250, Irvine CA, 92614
REQUEST: TPM: To permit the subdivision of an area consisting of an entry gate and landscaping into two lots for purposes of constructing two single family homes and a new entry gate and landscaping.
CDP: To permit the construction of two single family homes and relocate an existing entry gate.
LOCATION: 4990 Sandover Drive, 92649 (east side of Bolsa Chica Street south of Los Patos Avenue – Sandover Residential Development)
PROJECT PLANNER: Rami Talleh

Rami Talleh, Associate Planner, stated that the applicant has requested to continue the item to a date uncertain.

AS THERE WERE NO PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST THE PUBLIC HEARING WAS NOT OPENED.

COASTAL DEVELOPMENT PERMIT NO. 2007-016 AND TENTATIVE PARCEL MAP NO. 2007-138 WERE CONTINUED TO A DATE UNCERTAIN.

THE MEETING WAS ADJOURNED AT 2:01 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, APRIL 2, 2008 AT 1:30 PM.


Herb Fauland
Acting Zoning Administrator