

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

**WEDNESDAY, SEPTEMBER 7, 2011 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Tess Nguyen, Andrew Gonzales, Judy Demers (recording secretary)

**MINUTES:** **NONE**

**ORAL COMMUNICATION:** **NONE**

**ITEM 1: VARIANCE NO. 11-003 (BEACH PROMENADE MAIN ENTRY AND TRANSFORMERS MODIFICATIONS)**

APPLICANT/

PROPERTY OWNER: Bijan Sassounian, Beach Promenade

REQUEST: To permit (a) a 45 ft. driveway width (Caltrans requirement) in lieu of a minimum 52 ft. for a main entry drive of an existing multi-tenant commercial shopping center with 516 onsite parking spaces, and (b) the placement of three above-ground Southern California Edison (SCE) transformers at a 20 ft. setback in lieu of a minimum 25 ft. along Beach Boulevard.

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 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.

Ms. Nguyen stated that she had not received any public comments regarding the proposed project

Ricky Ramos, Zoning Administrator, asked staff if the variance was needed as the setback complies with the current zoning of the Beach and Edinger Corridors Specific Plan (SP14).

Ms. Nguyen explained that the application was processed under the previous zoning guidelines.

**THE PUBLIC HEARING WAS OPENED.**

Mike Adams, representing the applicant, stated that if the project were to comply with the 25 ft. setback requirement, there would be a loss of 3 parking spaces. He asked if Condition No. 2

could be deleted from the conditions of approval. He explained that Condition No. 2 prohibits the structures from being occupied until the transformers are in place. He believes this is redundant as the Certificate of Occupancy process covers these types of issues.

A discussion took place regarding the possible impacts of removing Condition No. 2.

Mr. Ramos stated that he would delete Condition No. 2 since a prior code requirements letter already addressed the issue.

**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.

**VARIANCE NO. 11-003 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING 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 15303 of the CEQA Guidelines, because the project consists of the construction of a main entry driveway and installation of three above-ground transformers at an existing multi-tenant commercial shopping center.

**FINDINGS FOR APPROVAL - VARIANCE NO. 11-003:**

1. The granting of Variance No. 11-003 to permit (a) a 45 ft. driveway width (Caltrans requirement) in lieu of a minimum 52 ft. for a main entry drive of an existing multi-tenant commercial shopping center with 516 onsite parking spaces, and (b) the placement of three above-ground Southern California Edison (SCE) transformers at a 20 ft. setback in lieu of a minimum 25 ft. along Beach Boulevard will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The proposed main entry driveway will provide vehicular access to and from Beach Boulevard. The proposed driveway improvements will require Caltrans approval as the right-of-way is owned and maintained by the State. The 45 ft. driveway width will be consistent with Caltrans' maximum driveway width standard. The Public Works Department Traffic Division reviewed the 45 ft. wide entry driveway and determined that the configuration will adequately provide safe vehicular ingress and egress along Beach Boulevard. The proposed driveway width will be consistent with other driveways located along Beach Boulevard. Electric transformers are required to be located outside of the required front setback and screened from public view. The proposed 20 ft. setback for the SCE transformers along Beach Boulevard will be consistent with the front setback requirement established by the Neighborhood Center segment of the Beach and Edinger Corridors Specific Plan (BECSP). The transformers will be sited in a location that is consistent with all future transformers along the subject segment. Furthermore, the transformers will be screened from public view with enhanced landscaping as required by the BECSP.

2. Because of special circumstances applicable to the subject property, including size, shape, topography, 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 project site is located adjacent to Beach Boulevard, which is within Caltrans' right-of-way. The design of the main entry driveway, serving as access along Beach Boulevard, is required to comply with all Caltrans specifications, specifically the requirement limiting the entry driveway width to a maximum 45 ft. Permitting the proposed driveway width ensures that the subject property enjoys the same privileges as other properties in the vicinity. In addition, the project was required to comply with the development standards of the Commercial General (CG) zoning district before the adoption of the BECSP. As a result of the rezoning, the Neighborhood Center segment of the BECSP requires a smaller front yard setback. The proposed setback of 20 ft. for the SCE transformers will bring the project into conformance with the established setback requirement as enjoyed by other properties under the identical zoning classification. In addition, the Planning Commission previously approved Variance No. 10-001 to allow a minimum five foot front yard setback along Beach Boulevard for three retail buildings which will be served by the subject site transformers.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The proposed 45 ft. driveway width for the main entry driveway will be consistent with the maximum Caltrans' driveway width standard, which is a requirement for all driveways along Beach Boulevard. The approval of the BECSP allows all properties within the Neighborhood Center segment a minimum 10 ft. setback for SCE transformers along Beach Boulevard. The proposed setback will be consistent with the development standards established within this segment of the BECSP. Approval of the variance requests will allow the subject site to enjoy the right to develop the site in a manner which is in compliance with both Caltrans and the BECSP requirements.
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 main entry drive will conform to Caltrans' requirement on Beach Boulevard. The Public Works Department Traffic Division reviewed the driveway configuration and determined that it would not result in any unsafe driving conditions. The SCE transformers will be located outside of the current front yard setback and screened from public view by landscaping and adjacent buildings. No detrimental impacts to surrounding properties are anticipated.
5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M-sp-d (Mixed Use – Specific Plan Overlay – Design Overlay) on the subject property, including the following policies:

Policy CE 2.3.2: Limit driveway access points and require adequate driveway widths onto arterial roadways and require driveways be located to ensure the smooth and efficient flow of vehicles, bicycles and pedestrians.

Policy U 5.1.3: Review requests for new utility facilities, relocations, or expansions to existing facilities.

The proposed 45 ft. driveway width will be consistent with Caltrans' standard for the maximum allowable width permitted along a State highway. The proposed driveway width will ensure that a Caltrans compliant driveway is provided along Beach Boulevard. Three electrical above-ground transformers will serve three new commercial buildings along Beach Boulevard. The visual impact of the electrical transformers will be minimized by providing enhanced landscape screening.

**CONDITIONS OF APPROVAL VARIANCE NO. 11-003:**

1. The site plan received and dated July 13, 2011, shall be the conceptually approved design with the modifications:
  - a. Depict on the site plan the main entry driveway as 45 ft. wide in accordance with Caltrans' standards.
  - b. Depict on the site plan and landscape plans, as appropriate, the enhanced landscape screening that will serve in hiding all sides of the SCE electrical transformers per Section 230.76 of the Huntington Beach Zoning and Subdivision Ordinance.
2. All conditions of approval required under Entitlement Plan Amendment No. 09-009, Tentative Parcel Map No. 09-079, Conditional Use Permit No. 10-005, and Variance No. 10-001 shall remain valid and shall be completed at the appropriate stage of development.
3. Variance No. 11-003 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.
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/green-building-guidelines-rating/>).

**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 2:02 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, SEPTEMBER 21, 2011, AT 1:30 PM.**



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Ricky Ramos  
Zoning Administrator

RR:jd