

AGENDA HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, OCTOBER 24, 2006
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:45 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL: *Shier-Burnett, Livengood, Scandura, Dingwall, Farley, Horgan, Dwyer*

AGENDA APPROVAL

A. PROJECT REVIEW (FUTURE AGENDA ITEMS):

A-1. **ZONING TEXT AMENDMENT NO. 06-07 (CHAPTER 231 – BICYCLE PARKING)** – Rosemary Medel

B. STUDY SESSION ITEMS:

B-1. **PROPOSITION 90 (GOVERNMENT ACQUISITION, REGULATION OF PRIVATE PROPERTY, INITIATIVE CONSTITUTIONAL AMENDMENT)** – COMMISSIONER SCANDURA

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) – Herb Fauland

D. PLANNING COMMISSION COMMITTEE REPORTS

E. PUBLIC COMMENTS – Regarding Study Session portion of Meeting

Anyone wishing to speak on Project Review or Study Session items during PUBLIC COMMENTS may do so by filling out a Request To Speak form and giving it to the Secretary. (4 MINUTES PER PERSON, NO DONATING OF TIME TO OTHERS)

F. PLANNING COMMISSION COMMENTS

6:30 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL: *Shier-Burnett, Livengood, Scandura, Dingwall, Farley, Horgan, Dwyer*

AGENDA APPROVAL

A. ORAL COMMUNICATIONS

Anyone wishing to speak during ORAL COMMUNICATIONS must fill out and submit a form to speak. The Planning Commission can take no action on this date, unless the item is agendaized. Any one wishing to speak on items not on tonight's agenda, a closed public hearing item, or on non-public hearing items may do so during ORAL COMMUNICATIONS. Please note comments on closed public hearing items will not be part of the permanent entitlement record. Speakers on items scheduled for PUBLIC HEARING will be invited to speak during the public hearing. (4 MINUTES PER PERSON, NO DONATING OF TIME TO OTHERS)

B. PUBLIC HEARING ITEMS

Anyone wishing to speak during an open PUBLIC HEARING must fill out and submit a form to speak. The public may address the Planning Commission only during the open PUBLIC HEARING items or during ORAL COMMUNICATIONS. Please review the agenda to determine whether the PUBLIC HEARING item is open or closed. If the PUBLIC HEARING on an item is closed, you will not be permitted to speak during that portion of the agenda and may wish to address your concerns during the ORAL COMMUNICATIONS portion of the agenda. Speakers on items scheduled for PUBLIC HEARING will be invited to speak during the public hearing. (4 MINUTES PER PERSON, WITH A MAXIMUM TIME DONATION OF 8 MINUTES, FOR A TOTAL OF 12 MINUTES PER SPEAKER)

PROCEDURE: Commission Disclosure Statement(s), Staff Report Presentation, Commission Questions, Public Hearing, Discussion/Action.

B-1. ZONING TEXT AMENDMENT NO. 06-03 (FREEWAY SIGNS): **Applicant: Jennifer Blanchart **Request:** To amend the North Huntington Center Specific Plan (SP1) to allow freeway-oriented signage for businesses located within the North Huntington Center and the Crossings (Bella Terra) Specific Plan areas. The proposed signage will be installed on an existing parking structure located within the North Huntington Center Specific Plan area. **Location:** Area bounded by: 405 freeway, Center Ave., Beach Blvd., and Southern Pacific Railroad tracks. **Project Planner:** Jennifer Villasenor**

STAFF RECOMMENDATION: Motion to "Approve Zoning Text Amendment No. 06-03 with findings for approval and forward Draft Ordinance, including the legislative draft to the City Council for adoption."

- B-2. CONDITIONAL USE PERMIT NO. 06-28 (MOBIL MINI-MART): Applicant:** Kaiser Korkis **Request:** To permit the conversion of an automobile repair facility to a convenience store as an ancillary use to an existing automobile service station. The request also includes the following exterior modifications: New storefront, design enhancements, landscape and parking upgrades, and the closure of one drive approach located on Edinger Avenue. **Location:** 16001 Beach Blvd. (southwest corner Beach Blvd. and Edinger Ave.) **Project Planner:** Rami Talleh

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 06-28 with findings and suggested conditions of approval."

- B-3. CONDITIONAL USE PERMIT NO. 06-34 (THE TATTOO GALLERY):** **Applicant:** Dan McNab **Request:** To permit the establishment of a tattoo studio (approximately 400 square feet) in conjunction with an art gallery, in an existing 1,076 square foot retail suite. **Location:** 19921 Beach Boulevard (west side of Beach Boulevard, north of Adams Avenue) **Project Planner:** Tess Nguyen

STAFF RECOMMENDATION: Motion to "Approve Conditional Use Permit No. 06-34 with suggested findings and conditions of approval."

C. CONSENT CALENDAR:

C-1. PLANNING COMMISSION MINUTES DATED JULY 25, 2006

RECOMMENDED ACTION: Motion to: "Approve the July 25, 2006, Planning Commission Minutes as submitted."

C-2. PLANNING COMMISSION MINUTES DATED AUGUST 8, 2006

RECOMMENDED ACTION: Motion to: "Approve the August 8, 2006, Planning Commission Minutes as submitted."

C-3. PLANNING COMMISSION MINUTES DATED AUGUST 22, 2006

RECOMMENDED ACTION: Motion to: "Approve the August 22, 2006, Planning Commission Minutes as submitted."

C-4. PLANNING COMMISSION MINUTES DATED SEPTEMBER 26, 2006

RECOMMENDED ACTION: Motion to: "Approve the September 26, 2006, Planning Commission Minutes as submitted."

D. NON-PUBLIC HEARING ITEMS - NONE

E. PLANNING ITEMS

- E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING**
- E-2. CITY COUNCIL ITEMS FOR NEXT MEETING**
- E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING**

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS – NONE

F-2. PLANNING COMMISSION COMMENTS

Commissioner Shier-Burnett -

Commissioner Livengood -

Vice-Chairperson Scandura -

Chairperson Dingwall -

Commissioner Farley -

Commissioner Horgan –

Commissioner Dwyer -

ADJOURNMENT:

Adjourn to the next regularly scheduled meeting of November 14, 2006.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Planning Commission is final unless an appeal is filed to the City Clerk by you or by an interested party. Said appeal must be in writing and must set forth in detail the action and grounds by which the applicant or interested party deems himself aggrieved. Said appeal must be accompanied by a filing fee of One Thousand Five Hundred Forty-One Dollars (\$1,541.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property or Two Thousand Three Hundred Seventy-Nine Dollars (\$2,379.00) if the appeal is filed by any other party. The appeal shall be submitted to the City Clerk within ten (10) calendar days of the date of the Planning Commission's action.

Copies of staff reports and/or written materials on each agenda item are on file in the Planning Department, for inspection by the public. A copy of the agenda packet is also available at the Central Library (7111 Talbert Avenue).

VIDEO TAPES OF MEETINGS AVAILABLE FOR PUBLIC CHECK OUT AT THE CENTRAL LIBRARY, AND FOR DUPLICATION SERVICES IN THE CITY CLERK'S OFFICE.

HUNTINGTON BEACH PLANNING COMMISSION Public Hearing Procedures

This statement has been prepared to provide a better understanding of the procedures for public hearings before the Planning Commission.

Regular meetings of the Planning Commission are held on the second and fourth Tuesdays of each month beginning at 5:15 p.m. in Room B-8 for a study session and then at 7:00 PM in the Council Chambers. Adjourned meetings, special meetings, and Study Sessions may be scheduled at other times.

Planning Commission proceedings are governed by the Planning Commission By-Laws, Robert's Rules of Order and the Brown Act. The following is the typical sequence of events on public hearing items:

- A. The Chairperson shall announce the item and if the public hearing is open or closed.
- B. The Planning Commission shall disclose any discussions, conversations, etc., with applicants, applicant's representatives or property owners.
- C. The staff report is presented.
- D. Questions by the Planning Commission concerning the staff report may be answered at this time.
- E. The public hearing is opened by the Chairperson.
- F. The applicant or appellant is given an opportunity to address the Commission. Time is not limited but left to the Chairperson's discretion.
- G. Public Comments: Staff will call all speakers by name. Please proceed to the podium. Individuals favoring and opposing the proposal are given an opportunity to address the Commission (up to four (4) minutes), or may choose to donate their time to another speaker if the "Request to Speak" form is filled out and given to the Secretary. A speaker who addresses the Commission on behalf of individuals who donate time are allowed a maximum of 12 minutes. Individuals who donate time must be present when the item is being discussed. Please state your name before addressing the Commission.
- H. The Commission may ask questions of speakers addressing the Commission.
- I. The public hearing is closed.
- J. The Commission will deliberate the matter at this time.
- K. The Commission then acts on the matter by continuing, approving, conditionally approving, or denying the petition.

The Planning Commission receives a staff report packet on the Tuesday preceding the meeting, allowing time to review each case and make further investigations in the field prior to the scheduled meeting.

Staff reports are available in the Planning Department, the Central Library and on the City's website (www.surfcity-hb.org) anytime on Wednesday preceding the Tuesday Planning Commission meeting.



City of Huntington Beach Planning Department
STUDY SESSION REPORT

TO: Planning Commission
FROM: Scott Hess, Acting Director of Planning
BY: Rosemary Medel, Associate Planner *RM*
DATE: October 24, 2006

SUBJECT: ZONING TEXT AMENDMENT NO. 06-07 (AMENDING CHAPTER 231 OFF-STREET PARKING AND LOADING PROVISIONS)

PROJECT REQUEST AND SPECIAL CONSIDERATIONS

Zoning Text Amendment No. 06-07 represents a request for the following:

To amend Chapter 231 Off-Street Parking and Loading Provisions of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to correct the text in Section 231.18 Privacy Gates and Section 231.20 Bicycle Parking.

CURRENT LAND USE, HISTORY OF SITE, GENERAL PLAN DESIGNATION

LOCATION	GENERAL PLAN	ZONING	LAND USE
Citywide	All Land Use Categories	All Zoning Categories	All Land Uses

APPLICATION PROCESS AND TIMELINES

DATE OF COMPLETE APPLICATION: Not applicable
MANDATORY PROCESSING DATE: Legislative Action

The tentative public hearing date for Planning Commission is November 14, 2006 with City Council public hearing to follow.

CEQA ANALYSIS/REVIEW

The proposed zoning text amendment is categorically exempt pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act.

COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES

The City Attorney's Office has suggested that Chapter 230 Site Standards, Section 230.20 Bicycle Parking be corrected to reflect the previously approved legislative draft.

PUBLIC MEETINGS, COMMENTS AND CONCERNS

No meetings have been held. The zoning text amendment will be published as a public hearing ten days before the meeting.

PLANNING ISSUES

Zoning Text Amendment No. 06-07 amends Chapter 231 Off Street Parking and Loading Provisions, specifically Section 231.20 Bicycle Parking. During the 2004 phase of the permit streamlining process, bicycle parking was added to Chapter 231 of the HBZSO by the City Council. The City Council deleted the provisions for compact parking (now prohibited) and inserted new bicycle parking requirements under the same section. The new requirements identify how much bicycle parking is required for non-residential uses as well as multi-family residential uses and the design of the facility. However, the new criteria for bicycle parking underwent several language changes prior to adoption of the ordinance. Although the legislative draft reflected the final language, the ordinance did not fully incorporate what was ultimately approved. This amendment is intended to only correct the discrepancy between the texts.

Additionally, Section 231.18 requires minor cleanup to clarify existing code criteria and incorporate Public Works approval relating to the review of automobile stacking and the location of privacy gates as criteria within Chapter 231 Off Street Parking and Loading Provisions.

ATTACHMENTS:

1. Legislative Draft
2. Draft Ordinance
3. City Council Approved Legislative Draft dated November 2, 2004

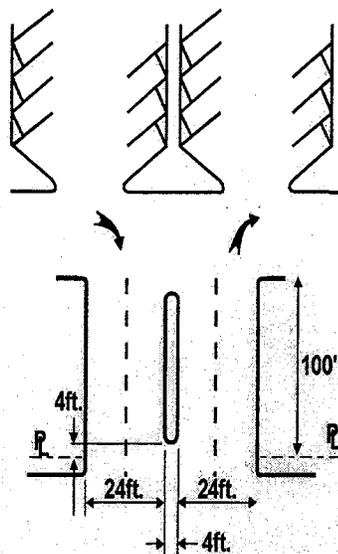
LEGISLATIVE DRAFT

231.18 Design Standards

- A. Public Works Requirements. Drive entrances on arterial highways shall be located in a manner to coordinate with future median openings and in accord with Department of Public Works standards. The paved surface of driveways and drive entrances shall comply with Department of Public Works specifications. Parking facilities shall be prepared, graded, and paved to ensure that all surface waters will drain into a public street, alley, storm drain, or other drainage system approved by the Department of Public Works. Aisle ways without adjacent parking shall be a minimum 24 feet in width. (3334-6/97)

- B. Circulation Design. All off-street parking spaces shall have access to a public street or alley, and shall have internal circulation, safe entrances and exits, drives, and aisles in conformance with City standards. Every required parking space shall have unobstructed access from an aisle without moving another vehicle. All parking spaces, except residential garages and carports for single-family dwellings and duplexes, shall have forward travel to and from parking facilities when access is to a dedicated street. Traffic circulation shall be designed so that no vehicle need enter a public street in order to progress from one aisle to any other aisle within the same development. (3334-6/97)

Commercial centers which have 200 parking spaces or more shall have at least one main entrance designed as depicted in Diagram B. (3334-6/97)

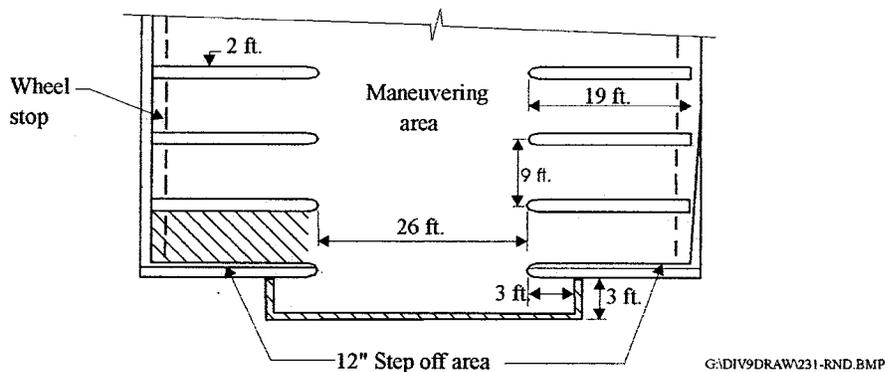


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COMMERCIAL CENTER MAIN ENTRANCE
FOR PARKING LOTS WITH OVER 200 SPACES

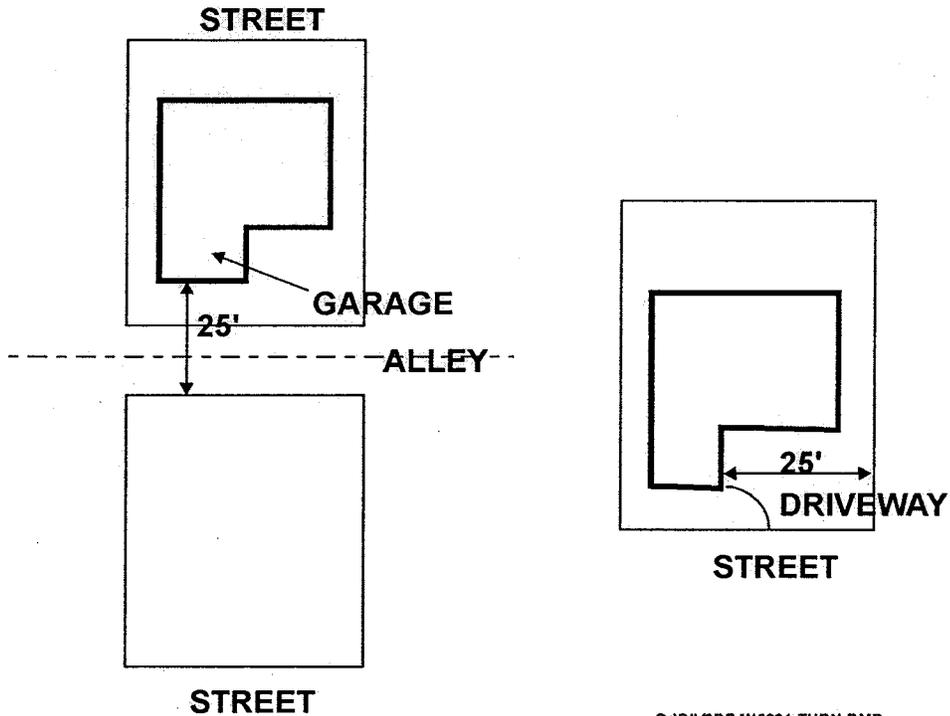
DIAGRAM B

A minimum 3-foot-by-3-foot-wide maneuvering area shall be provided at the end of dead-end parking aisles less than 150 feet in length. A vehicle turnaround space shall be provided at the end of all dead-end parking aisles which exceed 150 feet in length (measured from the closest intersecting aisle with complete circulation). The maneuvering area and turnaround space shall be designed as depicted in Diagram C. Other turnaround arrangements providing the same maneuverability are subject to approval by the Director.



TURN-AROUND SPACE AND MANEUVERING AREA
DIAGRAM C

- C. Illumination. All parking area lighting shall be energy-efficient and designed so as not to produce glare on adjacent residential properties. Security lighting shall be provided in areas accessible to the public during nighttime hours, and such lighting shall be on a time-clock or photo-sensor system. (3334-6/97)
- D. Residential parking. (3334-6/97)
1. Garages and Carports. All required garages and carports, permitted as accessory structures, shall be constructed at the same time as the main building and shall be used only by persons residing on the premises for storage of personal vehicles and other personal property. (3334-6/97)
 2. Assignment of Spaces. Each studio and one bedroom dwelling unit shall have a minimum of one assigned parking space and each two or more bedroom units shall have a minimum of two assigned parking spaces. Each dwelling unit shall have an enclosed, assigned space which shall be within 200 feet walking distance of that unit and designated as such. The assigned spaces shall be provided with the rental of a dwelling unit without any additional cost. All unassigned spaces provided on site shall be open and only used for the parking of vehicles by persons residing on the property or their guests. (3334-6/97)
 3. Turning Radius. The minimum turning radius for any garage, carport or open parking space, entered directly from an alley or driveway, shall be 25 feet. (See Diagram D) (3334-6/97)



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TURNING RADIUS
DIAGRAM D

4. Driveway Width. (3334-6/97)

Length of Drive
150 feet or less

Minimum Driveway Width
10 ft. for single family dwellings

20 ft. for multi-family dwellings

Greater than 150 feet

20 feet clear width

Exception: when designated as fire lane, all Fire Department requirements shall apply.

5. Guest Parking. All guest parking shall be fully accessible. (3334-6/97)

6. Coastal Zone. Each dwelling unit located in the Coastal Zone shall have a minimum of 2 on-site parking spaces. If the total coastal parking requirements exceed the total minimum parking as required by this chapter, the additional required parking spaces may be in tandem with enclosed spaces, provided the tandem space is assigned to an enclosed space and complies with the required turning radius. (3334-6/97)

7. Planned Residential Developments. In a planned residential development where a garage is constructed a minimum of 20 feet from the curb, the driveway in front of the garage may be used to provide one of the required uncovered spaces. (3334-6/97)

8. **Privacy Gates:** Privacy gates may be installed without a conditional use permit provided there is compliance with the following criteria prior to the issuance of building permits: (3526-2/02)
 - 1) Fire Department approval for location and emergency entry. (3526-2/02)
 - 2) Public Works Department approval of stacking and location.**
 - ~~2-3~~ Postmaster approval of location for mail boxes or entry for postal carrier. (3526-2/02)
 - ~~3-4~~ Shall provide a driveway with a minimum of twenty (20) feet for vehicle stacking. (3526-2/02, 3677-12/04)
 - ~~4-5~~ No adverse impacts to public coastal access, including changes in the intensity of use of water, or of access thereto, shall result from installation of the privacy gates. (Resolution No. 2004-80-9/04)
9. **Driveway Air Space.** The air space above all driveways which exceed 150 feet in length shall remain open to the sky, except that eaves or roof overhangs with a maximum 4-foot projection may be permitted above a height of 14 feet. (3334-6/97, 3526-2/02)
10. **Storage Space.** 100 cubic feet of enclosed storage space for each unit shall be provided in a secured parking area where there is no private garage. (3334-6/97, 3526-2/02)
11. **Accessory Dwelling.** One additional off-street parking space shall be required for an accessory dwelling, except that in the coastal zone there shall be a minimum of four (4) parking spaces on-site. (3334-6/97, 3526-2/02)

E. **Non-residential Parking and Loading.** (3334-6/97)

1. **Designated Parking.** Parking spaces within an integrated, non-residential complex shall not be designated for exclusive use of any individual tenant except as authorized by a parking management plan approved by the Director. (3334-6/97)
2. **Parking Controls.** Parking controls, such as valet service, or booths, and/or collection of fees may be permitted when authorized by conditional use permit approval by the Zoning Administrator. Privacy gates may be installed without a conditional use permit provided there is compliance with the following criteria prior to the issuance of building permits: (3334-6/97, 3526-2/02, Resolution No. 2004-80-9/04, 3677-12/04)
 - 1) Fire Department approval for location and emergency entry. (3526-2/02, Resolution No. 2004-80-9/04)
 - 2) Public Works Department approval of stacking and location.**
 - ~~2-3~~ Postmaster approval of location for mail boxes or entry for postal carrier. (3526-2/02, Resolution No. 2004-80-9/04)
 - ~~3-4~~ Shall provide a driveway with a minimum of twenty (20) feet for vehicle stacking. (3526-2/02, Resolution No. 2004-80-9/04)
 - ~~4-5~~ No adverse impacts to public coastal access, including changes in the intensity of use of water, or of access thereto, shall result from installation of the privacy gates. (Resolution No. 2004-80-9/04)
3. **Minimum Driveway Width.** 25 feet when providing access to the rear of a structure. (3334-6/97)
4. **Reciprocal Access.** Reciprocal ingress/egress access with adjacent properties shall be provided for all commercial properties. (3334-6/97)

5. Loading Location. On a site adjoining an alley, a required loading space shall be accessible from the alley unless alternative access is approved by the Director. An occupied loading space shall not prevent access to a required parking space. Truck or rail loading, dock facilities, and doors for such facilities shall not face or be located within 45 feet of property zoned or general planned residential. (3334-6/97)
 6. Loading Design. Any loading facility shall be designed and located so that vehicles need not extend onto the public sidewalks, streets or alleys during loading activities. (3334-6/97)
 7. Landscape Buffer. Where the side or rear yard of a parcel is used for loading activities and abuts an R District, a landscaped buffer along the property line shall be provided. (3334-6/97)
- F. Seasonal and Temporary Parking Lots. Seasonal and temporary parking lots may be allowed upon approval of a conditional use permit by the Zoning Administrator. Seasonal lots may operate only from Memorial Day through the third weekend in September and shall be located within 1,000 yards of the mean high tide line of the Pacific Ocean. Temporary and seasonal commercial parking lots may be permitted for a maximum of five years. The design and layout of seasonal and temporary parking lots shall comply with this chapter, Fire Department requirements, and the following standards: (3334-6/97)
1. Paving shall be 2 inches of asphalt over compacted native soil, or as approved by the Department; except seasonal parking lots shall be surfaced to meet minimum specifications for support of vehicles and to provide dust control as required by the Zoning Administrator. (3334-6/97)
 2. Boundaries of such lots shall be marked off and secured by chain or cable, with posts a minimum of 3 feet in height, solidly built. At a minimum, posts shall consist of 4" x 4" wood or equivalent metal posts a minimum of 1-1/2 inches in diameter securely set in the ground and placed 8 feet on center. The posts shall be connected with at least 1 strand of 1/2-inch cable or chain securely fastened to each post. An opening shall be provided to accommodate vehicle access during business hours. Seasonal lots shall be secured to prevent overnight parking between the closing hour on one business day and the opening hour the following business day. (3334-6/97)
 3. Temporary parking lots shall have landscaped planters with an inside dimension of 3 feet along street-side property lines excluding driveways. Landscaping shall be protected from vehicle and pedestrian damage by wheel bumpers (asphalt, concrete, or wood), or asphalt or concrete curbs, or any other design that will provide adequate protection. (3334-6/97)
 4. Seasonal parking lots are exempt from landscaping requirements of Chapter 232. (3334-6/97)
 5. Directional and informational signs shall be displayed on-site to identify the entrance(s), fees, and hours of operation. Such signs shall be located at the entrance of the parking lot and shall not exceed 12 square feet and shall be 6 feet high. Signs for seasonal parking lots shall be removed from the site each season no later than the third weekend in September. (3334-6/97)
 6. Automatic entry devices or fee collection points shall be set back a minimum of 20 feet from the public right-of-way, or at a distance recommended by the Department of Public Works and approved by the Director. (3334-6/97)

7. An attendant shall be on duty at all times during business hours of seasonal parking lots. (3334-6/97)
8. An approved fire extinguisher shall be provided on the premises during business hours. (3334-6/97)
9. The site shall be maintained in a clean condition, free from trash and debris. Trash containers shall be placed on the site to accommodate and store all trash that accumulates on the lot. (3334-6/97)

For seasonal parking lots, a certificate of insurance for combined single limit bodily injury and/or property damage including products liability in the amount of \$1,000,000 per occurrence shall be filed with the Department of Administrative Services. A hold harmless agreement holding the City harmless shall also be filed with the Department of Administrative Services. (3334-6/97)

Subsequent to approval of an application for any seasonal or temporary parking lot, the applicant shall meet all standards and requirements and install all improvements. The parking lot shall then be inspected and approved by the Director prior to issuance of a Certificate to Operate. (3334-6/97)

G. Parking Structures. Parking structures above or below grade shall be subject to conditional use permit approval by the Planning Commission when no other entitlement is required. In addition, parking structures proposed within the coastal zone shall be subject to approval of a coastal development permit. All parking structures shall comply with the following requirements: (3334-6/97)

1. Transition ramps which are also used as back-up space for parking stalls shall have a maximum slope of 5 percent. The maximum slope for transition ramps with no adjacent parking spaces shall be 10 percent. A ramp used for ingress and egress to a public street shall have a transition section at least 16 feet long and a maximum slope of 5 percent. (3334-6/97)
2. Parking structures with over 300 spaces shall provide secondary circulation ramps and additional ingress and egress if deemed necessary by a traffic study prepared by a state-registered traffic engineer. (3334-6/97)
3. Parking structures shall be provided with a minimum 10-foot-wide perimeter landscape planter at ground level. Parked cars shall be screened on each level through landscape planters or trellises and/or decorative screening wall or railings. The Design Review Board shall approve the landscaping plan. (3334-6/97)
4. All parking structures shall be architecturally compatible with existing or proposed structures and shall be subject to review and approval by the Design Review Board prior to hearing. The Design Review Board shall consider the following factors in reviewing a proposal: bulk, scale, proportion, building materials, colors, signage, architectural features, and landscaping. (3334-6/97)
5. All parking structures proposed for conversion to a fee parking arrangement shall be subject to conditional use permit approval by the Planning Commission. Public parking structures within the coastal zone proposed for conversion to a fee parking arrangement shall be subject to approval of a coastal development permit. (3334-6/97)

1. Bicycle Parking Requirements:

~~A. Non residential developments shall provide one (1) bicycle stall for every twenty (20) parking spaces. Racks shall be made available to both customers and employees.~~

~~B. Residential multiple family projects shall provide at a minimum one (1) bicycle stall per four (4) units in a secured, enclosed and covered area. The Planning Director shall approve location and provisions as set forth.~~

a. Non-Residential Uses:

1) **Buildings up to 50,000 square feet of gross building area: One bicycle space for every twenty-five (25) automobile parking spaces required; minimum of three (3).**

2) **Buildings over 50,000 square feet of gross building area: The Director shall determine the number of bicycle spaces based upon the type of use(s) and number of employees.**

b. **Multiple-Family Residential Uses: One bicycle space for every four units.**

2. **Facility Design Standards:** ~~A. Bicycle parking facility~~ **facilities** shall include provision for locking of bicycles, either in lockers or in secure racks in which the bicycle frame and wheels may be locked by the user. Bicycle spaces shall be conveniently located ~~near the primary~~ **on the lot, close to the building** entrance of structures or ~~central location~~ **as possible for patrons and employees**, and shall be protected from **damage by** automobiles damage. ~~The Planning Director shall approve all the aforementioned criteria.~~

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING CHAPTER 231 OF THE HUNTINGTON BEACH ZONING AND
SUBDIVISION ORDINANCE RELATING TO OFF-STREET PARKING AND
LOADING PROVISIONS

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. In Section 231.18 of the Huntington Beach Zoning and Subdivision Ordinance, subsections 231.18 D.8. and E.2. are hereby amended to read as follows:

231.18 Design Standards

D. Residential Parking

8. Privacy Gates: Privacy gates may be installed without a conditional use permit provided there is compliance with the following criteria prior to the issuance of building permits:
- 1) Fire Department approval for location and emergency entry.
 - 2) Public Works Department approval of stacking and location.
 - 3) Postmaster approval of location for mail boxes or entry for postal carrier.
 - 4) Shall provide a driveway with a minimum of twenty (20) feet for vehicle stacking.
 - 5) No adverse impacts to public coastal access, including changes in the intensity of use of water, or of access thereto, shall result from installation of the privacy gates.

E. Non-residential Parking and Loading.

2. Parking Controls. Parking controls, such as valet service, or booths, and/or collection of fees may be permitted when authorized by conditional use permit approval by the Zoning Administrator. Privacy gates may be installed without a conditional use permit provided there is compliance with the following criteria prior to the issuance of building permits:
- 1) Fire Department approval for location and emergency entry.
 - 2) Public Works Department approval of stacking and location.
 - 3) Postmaster approval of location for mail boxes or entry for postal carrier.
 - 4) Shall provide a driveway with a minimum of twenty (20) feet for vehicle stacking.
 - 5) No adverse impacts to public coastal access, including changes in the intensity of use of water, or of access thereto, shall result from installation of the privacy gates.

SECTION 2. Section 231.20 of the Huntington Beach Zoning and Subdivision Ordinance is hereby amended to read as follows:

231.20 Bicycle Parking

1. Bicycle Parking Requirements:

a. Non-Residential Uses:

- 1) Buildings up to 50,000 square feet of gross building area: One bicycle space for every twenty-five (25) automobile parking spaces required; minimum of three (3).
- 2) Buildings over 50,000 square feet of gross building area: The Director shall determine the number of bicycle spaces based upon the type of use(s) and number of employees.

b. Multiple-Family Residential Uses: One bicycle space for every four units.

- 2. Facility Design Standards: Bicycle parking facilities shall include provision for locking of bicycles, either in lockers or in secure racks in which the bicycle frame and wheels may be locked by the user. Bicycle spaces shall be conveniently located on the lot, close to the building entrance as possible for patrons and employees, and protected from damage by automobiles.

SECTION 3. All other chapters of the Huntington Beach Zoning and Subdivision Ordinance not amended hereby shall remain in full force and effect

SECTION 4. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 200__.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

P. E. De... 10/17/06

City Attorney LU10/17/06

REVIEWED AND APPROVED:

City Administrator

INITIATED AND APPROVED:

Director of Planning

ord 3677

Chapter 231 Off-Street Parking and Loading Provisions

(3334-6/97, 3378-2/98, 3494-5/01, 3526-2/02)

Sections:

- 231.02 Basic Requirements for Off-Street Parking and Loading
- 231.04 Off-Street Parking and Loading Spaces Required
- 231.06 Joint Use Parking
- 231.08 Reduced Parking for Certain Uses
- 231.10 Parking In-Lieu Payments Within Downtown Specific Plan Area
- 231.12 Parking Spaces for the Handicapped
- 231.14 Parking Space Dimensions
- 231.16 Application of Dimensional Requirements
- 231.18 Design Standards
- 231.20 Compact Parking
- 231.22 Driveways; Visibility
- 231.24 Landscape Improvements
- 231.26 Parking Area Plan Required
- 231.28 Oceanside or On-Street Parking within the Coastal Zone

231.02 Basic Requirements for Off-Street Parking and Loading

- A. When Required. At the time of initial occupancy of a site, construction of a structure, or major alteration or enlargement of a site or structure, off-street parking facilities and off-street loading facilities shall be provided in accord with this chapter and parking area landscaping shall be provided in accord with Chapter 232. For the purposes of these requirements, "major alteration or enlargement" shall mean a change of use, an expansion of greater than 50 percent of the existing space in a non-residential building or an addition of bedrooms or units in a residential building. A change in occupancy that does not involve a change in the use classification is not considered a change in use for purposes of this requirement unless the change in occupancy involves an intensification of use or an increase in parking demand. (3334-6/97)
- B. Nonconforming Parking or Loading. No existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street parking or loading facilities required by this chapter, provided that facilities being used for off-street parking and loading as of the date of adoption of this chapter shall not be reduced in number to less than that required by this chapter. Expansion of a use with nonconforming parking shall be subject to the following requirements: (3334-6/97)
 - 1. A multi-family residential use with nonconforming parking may be expanded by adding bedrooms or additional units provided that the expansion complies with current standards contained in this chapter; (3334-6/97)

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2. A single-family residence with nonconforming parking may be expanded by adding bedrooms provided the dwelling complies with current standards contained in this chapter; and (3334-6/97)
 3. A nonresidential use with nonconforming parking may be expanded less than 50 percent of the existing square footage or intensified if additional parking is provided for the expansion or intensification. Expansions of 50 percent or more of the existing square footage require the site to be in total compliance with the current parking standards contained in this chapter. (3334-6/97)
- C. Spaces Required for Alteration or Enlargement. The number of parking spaces or loading spaces required for an alteration or enlargement of an existing use or structure, or for a change of occupancy, shall be in addition to the number of spaces existing prior to the alteration, enlargement, or change of occupancy unless the preexisting number is greater than the number prescribed in this chapter. In this case, the number of spaces in excess of the prescribed minimum shall be counted in determining the required number of parking or loading spaces. (3334-6/97)
- D. Spaces Required for Multiple Uses. If more than one use is located on a site, the number of off-street parking spaces and loading spaces to be provided shall be equal to the sum of the requirements prescribed for each use. This requirement applies not only to multiple uses under separate ownership but also to multiple uses in the same ownership. If the gross floor area of individual uses on the same site is less than that for which a loading space would be required by Section 231.06A, but the aggregate gross floor area of all uses is greater than the minimum for which loading spaces would be required, the aggregate gross floor area shall be used in determining the required number of loading spaces. (3334-6/97)
- E. Location and Ownership. Parking facilities required by this chapter shall be on the same site as the use served, except that an adjacent lot may be used which is in the same person's possession as the structure or use. Such possession may be by deed or long-term lease, approved as to form by the City Attorney, and recorded in the Office of the County Recorder. A copy of the recorded document stipulating the reservation of the property for parking purposes shall be filed with the City prior to issuance of a building permit and/or certificate of occupancy, whichever occurs first. No use shall be continued if the parking is removed from the adjacent lot unless substitute parking is provided. Parking facilities provided by a parking district or parking authority are not subject to these locational requirements. (3334-6/97)
1. Parking in Yards in R Districts. The parking of motor vehicles, trailers, campers and boats shall be prohibited on all landscaped areas within the front one-half of the lot except as provided below. (3334-6/97)
 - (a) Oversized vehicles (see Definitions Chapter 203), campers, trailers and boats on trailers may be parked on the paved driveway area or on a paved area between the driveway and the nearest side property line provided that they do not project over any property line and that the area is kept free of trash, debris and parts. (3334-6/97)
 - (b) Commercial oversized vehicles (see Definitions Chapter 203) or special purpose machines shall be prohibited in any yard area. (3334-6/97)

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2. Parking in Yards in C or I Districts. Required yards may be used for required parking, subject to the landscaping standards of Chapter 232. (3334-6/97)
 3. Access. When a lot abuts an arterial highway and a local street, access to on-site parking shall be from the local street. When a lot abuts an alley, then access to parking shall be provided from the alley unless the Planning Commission approves a different access. When a lot abuts two arterial highways or two local streets, access shall be subject to the approval of the Director of Public Works. (3334-6/97)
 4. Non-residential Parking in R Districts. Non-residential parking serving adjacent commercial or industrial uses shall not be located in any R zoned property. (3334-6/97)
- F. Computation of Spaces Required. If, in the application of the requirements of this chapter, a fractional number is obtained, one additional parking space or loading space shall be required. (3334-6/97)
- G. Other Requirements.
1. Any off-street parking or loading facility which is permitted but not required shall comply with all provisions of this chapter governing location, design, improvement and operation. (3334-6/97)
 2. Any motor vehicle incapable of movement by its own power and/or not licensed to operate on California streets shall be stored either in an enclosed building or entirely screened from view. (3334-6/97)

231.04 Off-Street Parking and Loading Spaces Required

- A. Non-residential uses shall provide one loading space (minimum fourteen [14] feet in width, twenty [20] feet in length, and fourteen [14] feet in height) for each 20,000 square feet, or fraction thereof, of gross floor area; however, a maximum of three (3) such spaces are required for buildings exceeding 60,000 square feet. No loading space is required for non-residential uses with less than 20,000 square feet of gross floor area. (3334-6/97)
- B. Off-street parking spaces shall be provided in accord with the following schedule. References to spaces per square foot are to be computed on the basis of gross floor area, unless otherwise specified. (3334-6/97)

Where the use is undetermined, the approving body shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the Director may require the submission of survey data prepared by a state-registered traffic engineer for the applicant or collected at the applicant's expense. Parking spaces over and above the minimum number specified in this section may be required by the body responsible for reviewing the use itself based on the intensity of the use. (3334-6/97)

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- C. The Director may allow a parking reduction for a change of use if the increase in the required parking is not more than five (5) spaces. The change of use request must be on a site with two or more uses, have minimum of 50 existing parking spaces and provide an upgrade of existing landscaping. This same reduction may be considered for uses complying with State Handicap Regulations as mandated by State Law and applicable to parking requirements. (3526-2/02)

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OFF-STREET PARKING SPACES REQUIRED: SCHEDULE A (3334-6/97)

Use Classification	Spaces
Residential	
Single-family Dwellings	
<u>New construction</u>	
0-4 bedrooms	2 enclosed and 2 open
5 or more bedrooms	3 enclosed per unit and 3 open per unit
<u>Existing Dwellings</u>	
0-4 bedrooms	2 enclosed and 2 open ¹
5 or more bedrooms	2 enclosed per unit and 3 open per unit ¹
<u>In the RMH-A district</u>	2 enclosed spaces per unit with up to three bedrooms, and 1 space for each additional bedroom; 1 additional space per dwelling where no on-street parking is allowed
Multi-family Dwellings	
Studio/one bedroom	1 enclosed space per unit
2 bedrooms	2 spaces (1 enclosed) per unit
3 or more bedrooms	2.5 spaces (1 enclosed) per unit
Guests	0.5 space per unit

¹Open spaces may be behind any required spaces and/or on a street adjacent to the property. On-street parking may not be reserved for residents and/or guests but must be available to the general public on a first-come, first-serve basis.

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OFF-STREET PARKING SPACES REQUIRED: SCHEDULE A (continued) (3334-6/97)

Use Classification	Off-Street Parking Spaces
Senior	
Studio/one bedroom	1 covered space per unit
Two bedrooms	1.5 spaces per unit (1 covered)
Manufactured Homes	2 spaces per unit; one covered, and one may be behind the first
Guest	1 per 3 manufactured homes
Rooming House	1 space per guest room plus 1 space per owner/manager plus 1 space per each 10 guest rooms
Residential Care, Limited	1 per 3 beds
Public and Semi-public	
Clubs and Lodges	1 per 35 sq. ft. used for assembly purposes of 1 per 3 fixed seats (18 inches = one seat), whichever is greater
Cultural Facilities	1 per 300 sq. ft. gross floor area
Day Care, General	1 per staff member plus one per classroom
Government Offices	1 per 250 sq. ft. gross floor area
Heliports	As specified by use permit
Hospitals	1 per 1.5 beds
Maintenance and Service Facilities	1 per 500 sq. ft.
Park and Recreation Facilities	As specified by conditional use permit for private facilities
Public Safety Facilities	As specified by the conditional use permit
Religious Assembly	1 per 35 sq. ft. of public assembly area, or 1 per 3 fixed seats (18 inches = 1 seat), whichever is greater
Residential Care, General	1 per 3 beds; plus additional spaces, as specified by conditional use permit
Schools, Public or Private	
Preschools, nursery day care	1 per staff member, plus one per classroom
Elementary, junior high	1.5 per classroom
High school/college	7 per classroom

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OFF-STREET PARKING SPACES REQUIRED: SCHEDULE A (continued) (3334-6/97)

Use Classification	Off-Street Parking Spaces
Schools, Public or Private-cont. Trade schools, music conservatories	1 per 35 sq. ft. of instruction area
Utilities, Major	As specified by conditional use permit
Commercial	
Ambulance Services	1 per 500 sq. ft.; plus 2 storage spaces
Animal Sales and Services	
Animal boarding	1 per 200 sq. ft.
Animal grooming	1 per 200 sq. ft.
Animal hospitals	1 per 200 sq. ft.
Animal, retail sales	1 per 200 sq. ft.
Artists' Studios	1 per 1,000 sq. ft.
Banks and Savings & Loans Drive-Up Service	1 per 200 sq. ft. Queue space for 5 cars per teller
Building Materials and Services	1 per 1,000 sq. ft. of lot area; minimum 10 plus 1/300 sq. ft. office area
Catering Services	1 per 400 sq. ft.
Commercial Recreation and	
Entertainment	
Bowling Alleys	3 per lane, plus 1 per 250 sq. ft. of public assembly and retail areas
Electronic Game Centers	1 per 200 sq. ft.
Health Clubs	1 per 200 sq. ft. except that area designated for group instruction shall be parked at a ratio of 1 per 100 sq. ft.
Stables	1 per 3 corrals plus 1 horse trailer space for each 10 corrals plus 2 for caretaker's unit
Tennis/Racquetball	3 per court
Theaters	1 per 3 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats
Other Commercial Recreation and Entertainment	As specified by the Zoning Administrator or Planning Commission
Communications Facilities	1 per 500 sq. ft.
Eating and Drinking Establishments with less than 12 seats with more than 12 seats	1 per 200 sq. ft. 1 per 60 sq. ft. or 1 per 100 sq. ft. when on a site with 3 or more uses

OFF-STREET PARKING SPACES REQUIRED: SCHEDULE A (continued) (3334-6/97)

Use Classification	Off-Street Parking Spaces
Eating and Drinking Establishments- cont	
with dancing	Plus 1 per 50 sq. ft. of dancing area
with drive through service	Plus queue space for 5 cars per service window
Food and Beverage Sales	1 per 200 sq. ft.
Furniture and Appliance Stores	1 per 500 sq. ft. excluding areas used for storage or loading, but not less than 5
Funeral and Interment Services	1 per 35 sq. ft. of seating space
Hardware Stores	1 per 200 sq. ft. excluding areas used for storage or loading, but not less than 5
Horticulture, Limited	1 per 2 acres
Laboratories	1 per 500 sq. ft.
Maintenance and Repair Services	1 per 500 sq. ft.
Marine Sales and Services	1 per 500 sq. ft.
Nurseries	1 per 1,000 sq. ft. of indoor/outdoor sales and/or display lot area accessible for public viewing, but no less than 10; plus 1 per 300 sq. ft. office area
Offices, Business and Professional	1 per 250 sq. ft. for less than 250,000 sq. ft.; 1 per 300 sq. ft. for 250,000 sq. ft. or more
Offices, Medical and Dental	1 per 175 sq. ft. (includes out-patient medical/surgery centers)
Pawn Shops	1 per 200 sq. ft.
Personal Enrichment Services	1 per 35 sq. ft. of instruction area; or Maximum 1 per 200 sq. ft. provided the number of students per classroom does not exceed required number of parking spaces, plus instruction area does not exceed 75 percent of floor area.
Personal Services	1 per 200 sq. ft.
Research and Development Services	1 per 500 sq. ft.
Retail Sales Not Listed Under Another Use Classification	1 per 200 sq. ft.
Sex Oriented Business Cabaret	(3378-2/98) with less than 12 seats, 1 per 200 sq. ft.; with 12 seats or more, 1 per 60 sq. ft. or 1 per 100 sq. ft. if on a site with three or more uses (3378-2/98)

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OFF-STREET PARKING SPACES REQUIRED: SCHEDULE A (continued) (3334-6/97)

Use Classification	Off-Street Parking Spaces
Sex Oriented Business (cont.)	
Encounter center	1 per 35 sq. ft. of instruction area (3378-2/98)
Escort bureau	1 per 250 sq. ft. (3378-2/98)
Hotel/Motel	1.1 per guest room; plus 1 per passenger transport vehicle (minimum of 2 stalls) and 2 spaces for any manager's unit and parking for other uses as required by this schedule (3378-2/98)
Mini-motion picture theater, motion picture theater or motion picture arcade	1 per 3 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats (3378-2/98)
Retail sales	1 per 200 sq. ft. (3378-2/98)
Swap Meets, Indoor/Flea Markets	1/100 sq. ft. except as may be modified by the Planning Commission through the conditional use permit process, after submittal, review and approval of a traffic engineering study
Vehicle/Equipment Sales and Services	
Automobile Rentals	1 per 1,000 sq. ft. of indoor/outdoor sales and/or display lot area accessible for public viewing, but no less than 10; plus 1/300 sq. ft. office area; 1/200 sq. ft. auto service area
Automobile Washing (Car Wash)	
Full-service (attended)	10
With fuel sales	12
Self-service (unattended)	1.5 per wash stall
Service Stations	
full-serve/repair garage	1 per 500 sq. ft. but no less than 5
self-serve	2
with convenience markets	1 per 200 sq. ft. of retail space but no less than 8
with self-serve car wash	4
with self-serve car wash	10
and convenience market	
Vehicle/Equipment Repair	1 per 200 sq. ft. but no less than 5
Vehicle/Equipment Sales and Rentals	1 per 1,000 sq. ft. of indoor/outdoor sales and/or display lot area accessible for public viewing, but no less than 10; plus 1 per 300 sq. ft. office area; 1 per 200 sq. ft. auto service area
Vehicle Storage	1 per 5,000 sq. ft. lot area; no less than 5
Visitor Accommodations:	
Bed and Breakfast	1 per guest room plus 1 guest and 1 manager/owner space

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OFF-STREET PARKING SPACES REQUIRED: SCHEDULE A (continued) (3334-6/97)

Use Classification	Off-Street Parking Spaces
Visitor Accommodations (cont.) Hotels, Motels	1.1 per guest room; plus 1 per passenger transport vehicle (minimum of 2 stalls) and 2 spaces for any manager's unit and parking for other uses as required by this schedule
Single Room Occupancy, Residential Hotels	1.0 per unit, 10% shall be designated as visitor parking; 1 per passenger transport vehicle (minimum of 1 stall) one loading space, and 2 spaces for any manager's unit, plus 0.5 per all remaining personnel (3494-5/01)
Warehouse and Sales Outlets	1 per 200 sq. ft.
Industrial	
Speculative buildings	1 per 500 sq. ft. (maximum 10% office area)
Manufacturing, research assembly, packaging	1 per 500 sq. ft.
Wholesaling, warehousing and distributing space	1 per 1,000 sq. ft.
Offices	1 per 250 sq. ft. if office area exceeds 10 percent of gross floor area
Outside uses: Storage, wrecking/ salvage and lumber yards	1 per 5,000 square feet of lot area, but no less than 5
Mini-storage facilities	1 per 5,000 square feet
Single-story Each additional story	1 per 2,000 square feet plus 2 spaces for any caretaker's unit

231.06 Joint Use Parking

In the event that two (2) or more uses occupy the same building, lot or parcel of land, the total requirement for off-street parking shall be the sum of each individual use computed separately except as provided in this section. (3334-6/97)

The Planning Commission or Zoning Administrator may grant a reduction in the total number of required spaces as part of the entitlement for the use or uses, or by conditional use permit when no other entitlement is required, when the applicant can demonstrate that the various uses have divergent needs in terms of daytime versus nighttime hours or weekday versus weekend hours. Such joint use approvals shall be subject to the following: (3334-6/97)

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1. The maximum distance between the building or use and the nearest point of the parking spaces or parking facility shall be 250 feet; and (3334-6/97)
2. There shall be no conflict in the operating hours based on parking space requirements for the different uses on the parcel; and (3334-6/97)
3. Evidence of an agreement for such joint use shall be provided by proper legal instrument, approved as to form by the City Attorney. The instrument shall be recorded in the Office of the County Recorder and shall be filed with the City prior to issuance of building permit and/or certificate of occupancy, whichever occurs first. (3334-6/97)

231.08 Reduced Parking for Certain Uses

- A. The ~~Planning Commission~~ **Zoning Administrator** may approve a conditional use permit to reduce the number of parking spaces to less than the number required per Schedule "A" in Section 231.04, provided that the following findings are made: (3334-6/97, 3526-2/02)
1. The parking demand will be less than the requirement in Schedule A; and (3334-6/97, 3526-2/02)
 2. The proposed use of the building or structure, will not generate additional parking demand; and (3334-6/97, 3526-2/02)
 3. A Transportation Demand Management plan which exceeds the minimum required by Section 230.36 has been approved by the Director. (3334-6/97)
- B. The ~~Planning Commission~~ **Zoning Administrator** may consider survey data prepared by a state-registered traffic engineer and submitted by an applicant or collected at the applicant's request and expense as a basis for approval of a reduction in required parking. (3334-6/97, 3526-2/02)

231.10 Parking In-Lieu Payments Within Downtown Specific Plan Area

Parking requirements for private property uses within the Downtown Specific Plan Area may be met by payment of an "in-lieu" fee for providing parking in a parking facility subject to conditional use permit approval by the Planning Commission. Said fee may be paid in multiple installments. The first installment in an amount established by City Council Resolution for each parking space shall be paid prior to the issuance of building permits or of a certificate of occupancy, whichever comes first. Any successive installments shall be paid and secured by a mechanism established in the conditions of approval. (3334-6/97)

231.12 Parking Spaces for the Handicapped

New and existing parking facilities shall comply with the State Handicapped Regulations as mandated in State law. (3334-6/97)

231.14 Parking Space Dimensions (3334-6/97)

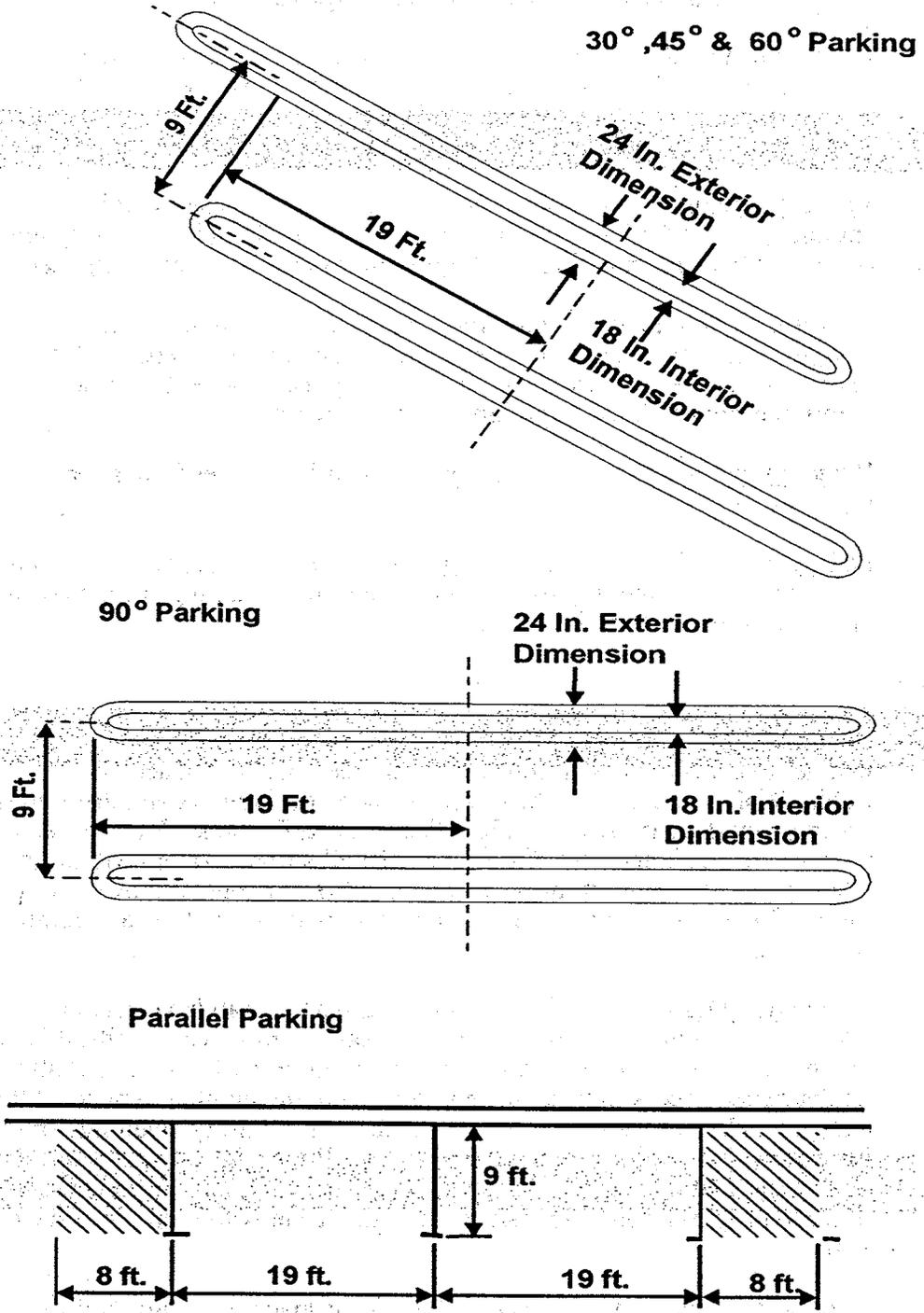
Required parking spaces shall have the following minimum dimensions in feet. Striping requirements are depicted in Diagram A. Directional signs and/or pavement markings shall be provided in any facility in which one-way traffic is established. (3334-6/97)

Angle of Parking	Stall Width	Stall Depth	Aisle Width ¹	
			1-way	2-way
0° (Parallel)	9	19 (with 8 ft. Striped maneuvering area between every 2 spaces)	12	20
30°	9	19	14	20
45°	9	19	15	20
60°	9	19	20	20
90°	9	19	26	26
Residential	9	19	25	25
<u>Compact</u>	8	17	subject to Section 231.20	

¹Minimum 24 feet when determined by Fire Department to be a fire lane.

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**STRIPING REQUIREMENTS
DIAGRAM A**

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231.16 Application of Dimensional Requirements

- A. Relation to Walls and Posts/Columns. A parking space on a site with more than five (5) parking spaces and which is adjacent to a wall over twelve (12) inches in height shall be increased in width by three (3) feet. Post/columns may be permitted along the side of each space only within three (3) feet of the head and foot of each stall. (3334-6/97)
- B. Vertical Clearance. Vertical clearance for parking spaces shall be 7 feet, except that an entrance may be 6.67 feet. When handicapped parking is provided, vertical clearance shall comply with California Code of Regulations (Title 24, Part 2, Chapter 2-71). (3334-6/97)

For residential uses, non-structural improvements including wall-mounted shelves, storage surface racks, or cabinets may encroach into the vertical clearance, provided a minimum 4.5 feet vertical clearance is maintained above the finished floor of the garage within the front 5 feet of a parking space. (3334-6/97)

- C. Wheel Stops. All spaces shall have wheel stops 2.5 feet from a fence, wall, building or walkway. (3334-6/97)
- D. Parking Space Dimension Reduction. When a parking space abuts a landscape planter, the front 2 feet of the required 19 foot length for a parking space may overhang the planter as provided in Chapter 232. (3334-6/97)

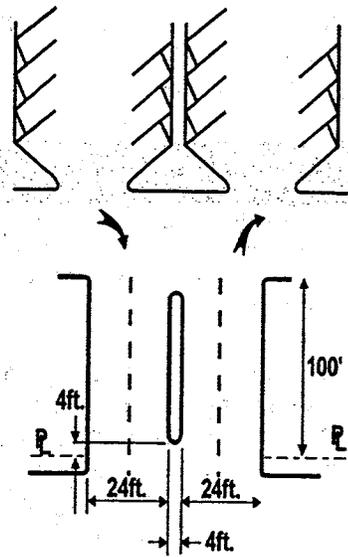
231.18 Design Standards

- A. Public Works Requirements. Drive entrances on arterial highways shall be located in a manner to coordinate with future median openings and in accord with Department of Public Works standards. The paved surface of driveways and drive entrances shall comply with Department of Public Works specifications. Parking facilities shall be prepared, graded, and paved to ensure that all surface waters will drain into a public street, alley, storm drain, or other drainage system approved by the Department of Public Works. Aisle ways without adjacent parking shall be a minimum 24 feet in width. (3334-6/97)
- B. Circulation Design. All off-street parking spaces shall have access to a public street or alley, and shall have internal circulation, safe entrances and exits, drives, and aisles in conformance with City standards. Every required parking space shall have unobstructed access from an aisle without moving another vehicle. All parking spaces, except residential garages and carports for single-family dwellings and duplexes, shall have forward travel to and from parking facilities when access is to a dedicated street. Traffic circulation shall be designed so that no vehicle need enter a public street in order to progress from one aisle to any other aisle within the same development. (3334-6/97)

Commercial centers which have 200 parking spaces or more shall have at least one main entrance designed as depicted in Diagram B. (3334-6/97)

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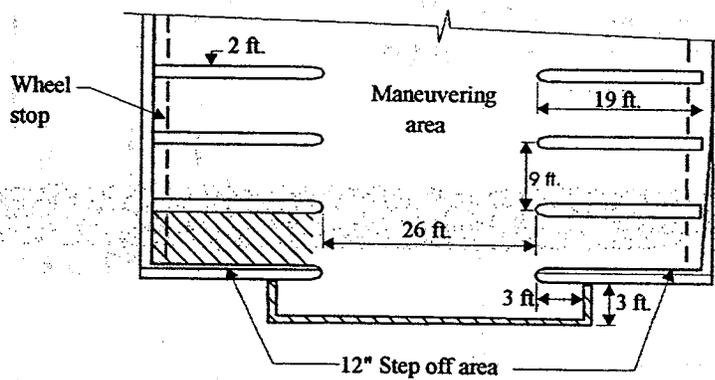


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**COMMERCIAL CENTER MAIN ENTRANCE
FOR PARKING LOTS WITH OVER 200 SPACES**

DIAGRAM B

A minimum 3-foot-by-3-foot-wide maneuvering area shall be provided at the end of dead-end parking aisles less than 150 feet in length. A vehicle turnaround space shall be provided at the end of all dead-end parking aisles which exceed 150 feet in length (measured from the closest intersecting aisle with complete circulation). The maneuvering area and turnaround space shall be designed as depicted in Diagram C. Other turnaround arrangements providing the same maneuverability are subject to approval by the Director.



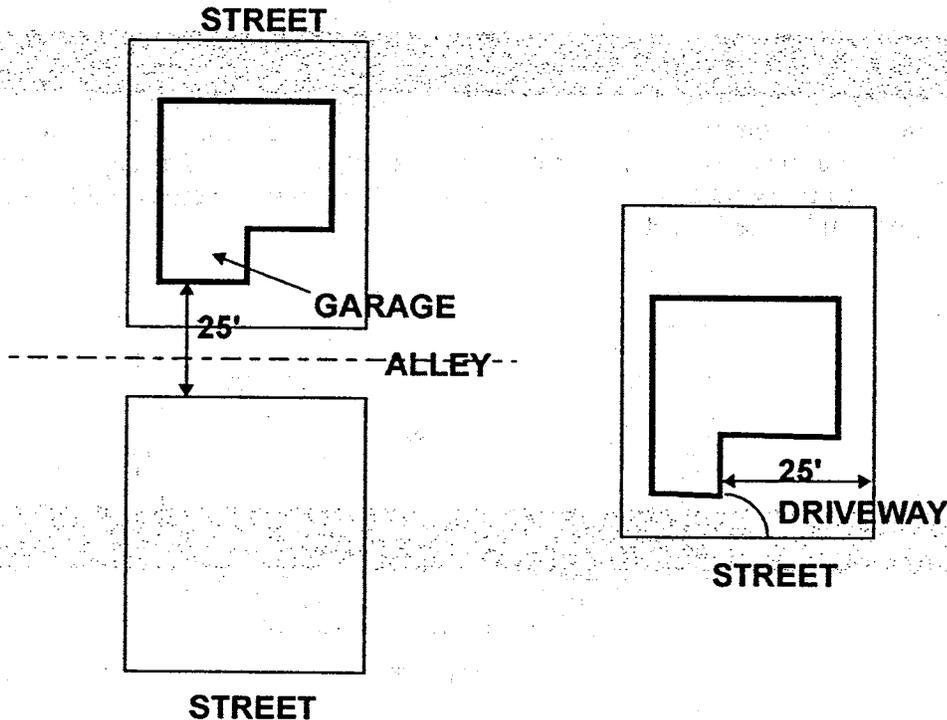
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TURN-AROUND SPACE AND MANEUVERING AREA

DIAGRAM C

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- C. Illumination. All parking area lighting shall be energy-efficient and designed so as not to produce glare on adjacent residential properties. Security lighting shall be provided in areas accessible to the public during nighttime hours, and such lighting shall be on a time-clock or photo-sensor system. (3334-6/97)
- D. Residential parking. (3334-6/97)
1. Garages and Carports. All required garages and carports, permitted as accessory structures, shall be constructed at the same time as the main building and shall be used only by persons residing on the premises for storage of personal vehicles and other personal property. (3334-6/97)
 2. Assignment of Spaces. Each studio and one bedroom dwelling unit shall have a minimum of one assigned parking space and each two or more bedroom units shall have a minimum of two assigned parking spaces. Each dwelling unit shall have an enclosed, assigned space which shall be within 200 feet walking distance of that unit and designated as such. The assigned spaces shall be provided with the rental of a dwelling unit without any additional cost. All unassigned spaces provided on site shall be open and only used for the parking of vehicles by persons residing on the property or their guests. (3334-6/97)
 3. Turning Radius. The minimum turning radius for any garage, carport or open parking space, entered directly from an alley or driveway, shall be 25 feet. (See Diagram D) (3334-6/97)



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TURNING RADIUS

DIAGRAM D

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4. Driveway Width. (3334-6/97)

Length of Drive
150 feet or less

Minimum Driveway Width
10 ft. for single family dwellings

20 ft. for multi-family dwellings

Greater than 150 feet

20 feet clear width

Exception: when designated as fire lane, all Fire Department requirements shall apply.

5. Guest Parking. All guest parking shall be fully accessible. (3334-6/97)

6. Coastal Zone. Each dwelling unit located in the Coastal Zone shall have a minimum of 2 on-site parking spaces. If the total coastal parking requirements exceed the total minimum parking as required by this chapter, the additional required parking spaces may be in tandem with enclosed spaces, provided the tandem space is assigned to an enclosed space and complies with the required turning radius. (3334-6/97)

7. Planned Residential Developments. In a planned residential development where a garage is constructed a minimum of 20 feet from the curb, the driveway in front of the garage may be used to provide one of the required uncovered spaces. (3334-6/97)

8. Privacy gates may be installed without a conditional use permit provided there is compliance with the following criteria prior to the issuance of building permits: (3526-2/02)

- 1) Fire Department approval for location and emergency entry. (3526-2/02)
- 2) Postmaster approval of location for mail boxes or entry for postal carrier. (3526-2/02)
- 3) Shall provide a driveway within a minimum of twenty (20) feet for vehicle stacking. (3526-2/02)

9. Driveway Air Space. The air space above all driveways which exceed 150 feet in length shall remain open to the sky, except that eaves or roof overhangs with a maximum 4-foot projection may be permitted above a height of 14 feet. (3334-6/97, 3526-2/02)

10. Storage Space. 100 cubic feet of enclosed storage space for each unit shall be provided in a secured parking area where there is no private garage. (3334-6/97, 3526-2/02)

11. Accessory Dwelling. One additional off-street parking space shall be required for an accessory dwelling, except that in the coastal zone there shall be a minimum of four (4) parking spaces on-site. (3334-6/97, 3526-2/02)

E. Non-residential Parking and Loading. (3334-6/97)

1. Designated Parking. Parking spaces within an integrated, non-residential complex shall not be designated for exclusive use of any individual tenant except as authorized by a parking management plan approved by the Director. (3334-6/97)

2. Parking Controls. Parking controls, such as valet service, or booths, and/or collection of fees may be permitted when authorized by conditional use permit approval by the ~~Planning Commission~~ **Zoning Administrator**. Privacy gates may be installed without a conditional use permit provided there is compliance with the following criteria prior to the issuance of building permits: (3334-6/97, 3526-2/02)
 - 41) Fire Department approval for location and emergency entry. (3526-2/02)
 - 52) Postmaster approval of location for mail boxes or entry for postal carrier. (3526-2/02)
 - 63) Shall provide a driveway with a minimum of twenty (20) feet for vehicle stacking. (3526-2/02)
 3. Minimum Driveway Width. 25 feet when providing access to the rear of a structure. (3334-6/97)
 4. Reciprocal Access. Reciprocal ingress/egress access with adjacent properties shall be provided for all commercial properties. (3334-6/97)
 5. Loading Location. On a site adjoining an alley, a required loading space shall be accessible from the alley unless alternative access is approved by the Director. An occupied loading space shall not prevent access to a required parking space. Truck or rail loading, dock facilities, and doors for such facilities shall not face or be located within 45 feet of property zoned or general planned residential. (3334-6/97)
 6. Loading Design. Any loading facility shall be designed and located so that vehicles need not extend onto the public sidewalks, streets or alleys during loading activities. (3334-6/97)
 7. Landscape Buffer. Where the side or rear yard of a parcel is used for loading activities and abuts an R District, a landscaped buffer along the property line shall be provided. (3334-6/97)
- F. Seasonal and Temporary Parking Lots. Seasonal and temporary parking lots may be allowed upon approval of a conditional use permit by the Zoning Administrator. Seasonal lots may operate only from Memorial Day through the third weekend in September and shall be located within 1,000 yards of the mean high tide line of the Pacific Ocean. Temporary and seasonal commercial parking lots may be permitted for a maximum of five years. The design and layout of seasonal and temporary parking lots shall comply with this chapter, Fire Department requirements, and the following standards: (3334-6/97)
1. Paving shall be 2 inches of asphalt over compacted native soil, or as approved by the Department; except seasonal parking lots shall be surfaced to meet minimum specifications for support of vehicles and to provide dust control as required by the Zoning Administrator. (3334-6/97)

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2. Boundaries of such lots shall be marked off and secured by chain or cable, with posts a minimum of 3 feet in height, solidly built. At a minimum, posts shall consist of 4" x 4" wood or equivalent metal posts a minimum of 1-1/2 inches in diameter securely set in the ground and placed 8 feet on center. The posts shall be connected with at least 1 strand of 1/2-inch cable or chain securely fastened to each post. An opening shall be provided to accommodate vehicle access during business hours. Seasonal lots shall be secured to prevent overnight parking between the closing hour on one business day and the opening hour the following business day. (3334-6/97)
3. Temporary parking lots shall have landscaped planters with an inside dimension of 3 feet along street-side property lines excluding driveways. Landscaping shall be protected from vehicle and pedestrian damage by wheel bumpers (asphalt, concrete, or wood), or asphalt or concrete curbs, or any other design that will provide adequate protection. (3334-6/97)
4. Seasonal parking lots are exempt from landscaping requirements of Chapter 232. (3334-6/97)
5. Directional and informational signs shall be displayed on-site to identify the entrance(s), fees, and hours of operation. Such signs shall be located at the entrance of the parking lot and shall not exceed 12 square feet and shall be 6 feet high. Signs for seasonal parking lots shall be removed from the site each season no later than the third weekend in September. (3334-6/97)
6. Automatic entry devices or fee collection points shall be set back a minimum of 20 feet from the public right-of-way, or at a distance recommended by the Department of Public Works and approved by the Director. (3334-6/97)
7. An attendant shall be on duty at all times during business hours of seasonal parking lots. (3334-6/97)
8. An approved fire extinguisher shall be provided on the premises during business hours. (3334-6/97)
9. The site shall be maintained in a clean condition, free from trash and debris. Trash containers shall be placed on the site to accommodate and store all trash that accumulates on the lot. (3334-6/97)

For seasonal parking lots, a certificate of insurance for combined single limit bodily injury and/or property damage including products liability in the amount of \$1,000,000 per occurrence shall be filed with the Department of Administrative Services. A hold harmless agreement holding the City harmless shall also be filed with the Department of Administrative Services. (3334-6/97)

Subsequent to approval of an application for any seasonal or temporary parking lot, the applicant shall meet all standards and requirements and install all improvements. The parking lot shall then be inspected and approved by the Director prior to issuance of a Certificate to Operate. (3334-6/97)

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- G. **Parking Structures.** Parking structures above or below grade shall be subject to conditional use permit approval by the Planning Commission when no other entitlement is required. In addition, parking structures proposed within the coastal zone shall be subject to approval of a coastal development permit. All parking structures shall comply with the following requirements: (3334-6/97)
1. Transition ramps which are also used as back-up space for parking stalls shall have a maximum slope of 5 percent. The maximum slope for transition ramps with no adjacent parking spaces shall be 10 percent. A ramp used for ingress and egress to a public street shall have a transition section at least 16 feet long and a maximum slope of 5 percent. (3334-6/97)
 2. Parking structures with over 300 spaces shall provide secondary circulation ramps and additional ingress and egress if deemed necessary by a traffic study prepared by a state-registered traffic engineer. (3334-6/97)
 3. Parking structures shall be provided with a minimum 10-foot-wide perimeter landscape planter at ground level. Parked cars shall be screened on each level through landscape planters or trellises and/or decorative screening wall or railings. The Design Review Board shall approve the landscaping plan. (3334-6/97)
 4. All parking structures shall be architecturally compatible with existing or proposed structures and shall be subject to review and approval by the Design Review Board prior to hearing. The Design Review Board shall consider the following factors in reviewing a proposal: bulk, scale, proportion, building materials, colors, signage, architectural features, and landscaping. (3334-6/97)
 5. All parking structures proposed for conversion to a fee parking arrangement shall be subject to conditional use permit approval by the Planning Commission. Public parking structures within the coastal zone proposed for conversion to a fee parking arrangement shall be subject to approval of a coastal development permit. (3334-6/97)

231.20 Bicycle Parking ~~Compact Parking~~ (3334-6/97)

1. Bicycle Parking Requirements:

a. Non-Residential Uses:

- 1) **Buildings up to 50,000 square feet of gross building area: One bicycle space for every twenty-five (25) automobile parking spaces required; minimum of three (3).**
- 2) **Buildings over 50,000 square feet of gross building area: The Director shall determine the number of bicycle spaces based upon the type of use(s) and number of employees.**

b. Multiple-Family Residential Uses: One bicycle space for every four units.

2. **Facility design standards: Bicycle parking facilities shall include provision for locking of bicycles, either in lockers or in secure racks in which the bicycle frame and wheels**

G-19-5.39

may be locked by the user. Bicycle spaces shall be conveniently located on the lot, close to the building entrance as possible for patrons and employees, and protected from damage by automobiles.

~~The Planning Commission, City Council, or Zoning Administrator or Director whichever is the review body, may allow use of compact parking to satisfy a portion of the required parking upon finding that compact parking will result in a more effective and efficient circulation pattern and parking layout and enhance the general appearance of the development and its surroundings. Compact spaces shall be distributed throughout the parking area and have the same aisle width as full-size spaces. Compact spaces shall be marked "COMPACT" on the foot of the stall. The number permitted shall be subject to the following standards: (3334-6/97)~~

~~A. Non-residential developments with a minimum of 20 spaces shall be permitted to have 20 percent of the total spaces as compact parking. (3334-6/97)~~

~~B. Residential developments with a minimum of 50 units may have 20 percent of the non-guest parking spaces as compact provided that an equitable system of assignment and distribution has been established. (3334-6/97)~~

231.22 Driveways; Visibility

Visibility of a driveway crossing a street or alley property line or of intersecting driveways shall be consistent with the requirements of Section 230.88. (3334-6/97)

231.24 Landscape Improvements

Landscape, planting and irrigation plans shall be prepared consistent with the requirements of Chapter 232. (3334-6/97)

231.26 Parking Area Plan Required

Prior to the construction, reconstruction, or restriping of an off-street parking area, a parking area plan shall be submitted to the Director for the purpose of indicating compliance with the provisions of this section. This plan shall include: (3334-6/97)

- A. Location and description of fencing and architectural screen walls. (3334-6/97)
- B. Location and placement of parking stalls, including bumpers, striping and circulation, all dimensioned to permit comparison with approved parking standards. (3334-6/97)
- C. Location and placement of lights provided to illuminate the parking area. (3334-6/97)
- D. A drainage plan showing drainage to a public way in accordance with accepted standards or practices. (3334-6/97)

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- E. A landscape, planting and irrigation plan prepared consistent with the requirements of Chapter 232. (3334-6/97)
- F. Existing off-street parking areas that were approved at a reduced dimension (e.g. width, length, aisle width) may be reconstructed and re-striped or only re-striped at their previous reduced dimension.
- G. When re-striping, parking stalls shall be as depicted in Section 231.14, Diagram A.
- H. If a parking area is proposed to only be re-striped; no landscape, drainage, or lighting plan is required.

Single-family dwellings on pre-existing lots are exempt from this requirement. (3334-6/97)

231.28 Oceanside or On-Street Parking within the Coastal Zone

If any existing oceanside or on-street parking within the coastal zone is removed, it shall be replaced on a one for one basis in an area that would not result in the loss of any sandy beach area and within walking distance of the existing site. Replacement parking shall be assured prior to the issuance of the coastal development permit and shall be provided before any existing parking is removed so that there will be no reduction in the number of parking spaces available. (3334-6/97)

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**GOVERNMENT ACQUISITION, REGULATION OF PRIVATE PROPERTY.
INITIATIVE CONSTITUTIONAL AMENDMENT.**

- Bars state and local governments from condemning or damaging private property to promote other private projects or uses.
- Limits government's authority to adopt certain land use, housing, consumer, environmental and workplace laws and regulations, except when necessary to preserve public health or safety.
- Voids unpublished eminent domain court decisions.
- Defines "just compensation."
- Government must occupy condemned property or lease property for public use.
- Condemned private property must be offered for resale to prior owner or owner's heir at current fair market value if government abandons condemnation's objective.
- Exempts certain governmental actions.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Increased annual state and local government costs to pay property owners for (1) losses to their property associated with certain new laws and rules, and (2) property acquisitions. The amount of such costs is unknown, but potentially significant on a statewide basis.

ANALYSIS BY THE LEGISLATIVE ANALYST**SUMMARY**

This measure amends the California Constitution to:

- Require government to pay property owners for substantial economic losses resulting from some new laws and rules.
- Limit government authority to take ownership of private property.

This measure applies to all types of private property, including homes, buildings, land, cars, and "intangible" property (such as ownership of a business or patent). The measure's requirements apply to all state and local governmental agencies.

PAYING PROPERTY OWNERS FOR ECONOMIC LOSSES

State and local governments pass laws and other rules to benefit the overall public health, safety, or welfare of the community, including its long-term economy. (In this analysis, we use the term "laws and rules" to

cover a variety of government requirements, including statutes, ordinances, and regulations.)

In some cases, government requirements can reduce the value of private property. This can be the case, for example, with laws and rules that (1) limit development on a homeowner's property, (2) require industries to change their operations to reduce pollution, or (3) restrict apartment rents.

PROPOSAL

This measure requires government to pay property owners if it passes certain new laws or rules that result in substantial economic losses to their property. Below, we discuss the types of laws and rules that would be exempt from the measure's requirements and those that might require government compensation.

What Laws and Rules *Would Not* Require Compensation?

All *existing* laws and rules would be exempt from the measure's compensation requirement. New laws

★★★ ANALYSIS BY THE LEGISLATIVE ANALYST (CONTINUED)

and rules also would be exempt from this requirement if government enacted them: (1) to protect public health and safety, (2) under a declared state of emergency, or (3) as part of rate regulation by the California Public Utilities Commission.

What Laws and Rules *Could* Require Compensation?

While the terms of the measure are not clear, the measure provides three examples of the types of new laws and rules that could require compensation. These examples relate to land use and development and are summarized below.

- ***Downzoning Property.*** This term refers to decisions by government to reduce the amount of development permitted on a parcel. For example, a government action to allow construction of three homes on an acre where five homes previously had been permitted commonly is called “downzoning.”
- ***Limitations on the Use of Private Air Space.*** This term generally refers to actions by government that limit the height of a building. For example, a government rule limiting how tall a building may be to preserve views or maintain historical character often is called a limitation of “air space.”
- ***Eliminating Any Access to Private Property.*** This term could include actions such as closing the only public road leading to a parcel.

In addition to the examples cited above, the broad language of the measure suggests that its provisions could apply to a variety of future governmental requirements that impose economic losses on property owners. These laws and rules could include requirements relating, for example, to employment conditions, apartment prices, endangered species, historical preservation, and consumer financial protection.

Would Government Pay Property Owners for All Losses?

Under current law and court rulings, government usually is required to compensate property owners for losses resulting from laws or rules if government’s action deprives the owners of virtually all beneficial use of the property.

This measure specifies that government must pay property owners if a new law or rule imposes “substantial economic losses” on the owners. While the measure does not define this term, dictionaries define “substantial” to be a level that is fairly large or considerable. Thus, the measure appears to require government to pay property owners for the costs of many more laws and rules than it does today, but would not require government to pay for smaller (or less than substantial) losses.

EFFECTS ON STATE AND LOCAL GOVERNMENTS

The measure’s provisions regarding economic losses could have a major effect on future state and local government policymaking and costs. The amount and nature of these effects, however, is difficult to determine as it would depend on how the courts interpreted the measure’s provisions and how the Legislature implemented it. Most notably:

- ***How Many Laws and Rules Would Be Exempt From the Requirement That Government Pay Property Owners for Losses?*** The measure does not require government to compensate property owners under certain circumstances (such as actions to protect public health and safety). If these exemptions were interpreted broadly (rather than narrowly), fewer new laws and rules could require compensation.
- ***How Big Is a Substantial Economic Loss?*** If relatively small losses (say, less than a 10 percent reduction in fair market value) to a property owner required compensation, government could be required to pay many property owners for costs resulting from new laws and rules. On the other hand, if courts ruled that a loss must exceed 50 percent of fair market value to be a substantial economic loss, government would be required to pay fewer property owners.

Under the measure, state and local governments probably would modify their policymaking practices to try to avoid the costs of compensating property owners for losses. In some cases, government might decide not to create laws and rules because of these costs. In other cases, government might take alternative approaches to achieving its goals. For example, government could:

PROP 90 GOVERNMENT ACQUISITION, REGULATION OF PRIVATE PROPERTY. INITIATIVE CONSTITUTIONAL AMENDMENT.

ANALYSIS BY THE LEGISLATIVE ANALYST (CONTINUED)

- Give property owners incentives to voluntarily carry out public objectives.
- Reduce the scope of government requirements so that any property owners' losses were not substantial.
- Link the new law or rule directly to a public health and safety (or other exempt) purpose.
- Restricting the purposes for which government may take property.
- Increasing the amount that government must pay property owners.
- Requiring government to sell property back to its original owners under certain circumstances.

There probably would be many cases, however, where government would incur additional costs as a result of the measure. These would include situations where government anticipated costs to compensate property owners at the time it passed a law—as well as cases when government did not expect to incur these costs. The total amount of these payments by government to property owners cannot be determined, but could be significant on a statewide basis.

Below, we discuss the major changes proposed by the measure, beginning with the situations under which government could—and could not—take property.

Under What Circumstance Could Government Take Property?

Under the measure, government could take private property to build public roads, schools, parks, and other government-owned public facilities. Government also could take property and lease it to a private entity to provide a public service (such as the construction and operation of a toll road). If a public nuisance existed on a specific parcel of land, government could take that parcel to correct the public nuisance. Finally, government could take property as needed to respond to a declared state of emergency.

LIMITING GOVERNMENT AUTHORITY TO TAKE PROPERTY

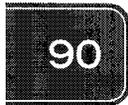
Eminent domain (also called “condemnation”) is the power of local, state, and federal governments to take private property for a public use so long as government compensates the property owner. (In some cases, government has given the power of eminent domain to private entities, including telephone and energy companies and nonprofit hospitals. In this analysis, these private entities are included within the meaning of “government.”)

What Property Takings Would Be Prohibited?

Before taking property, the measure requires government to state a “public use” for the property. The measure narrows the definition of public use in a way that generally would prevent government from taking a property:

Over the years, government has taken private property to build roads, schools, parks, and other public facilities. In addition to these uses of eminent domain, government also has taken property for public purposes that do not include construction of public facilities. For example, government has taken property to: help develop higher value businesses in an area, correct environmental problems, enhance tax revenues, and address “public nuisances” (such as hazardous buildings, blight, and criminal activity).

- **To Transfer It to Private Use.** The measure specifies that government must maintain ownership of the property and use it only for the public use it specified when it took the property.
- **To Address a Public Nuisance, Unless the Public Nuisance Existed on That Particular Property.** For example, government could not take *all* the parcels in a run-down area unless it showed that each and every parcel was blighted.
- **As Part of a Plan to Change the Type of Businesses in an Area or Increase Tax Revenues.** For example, government could not take property to promote development of a new retail or tourist destination area.



PROPOSAL

This measure makes significant changes to government authority to take property, including:

★ ★ ★ ANALYSIS BY THE LEGISLATIVE ANALYST (CONTINUED)

In any legal challenge regarding a property taking, government would be required to prove to a jury that the taking is for a public use as defined by this measure. In addition, courts could not hold property owners liable to pay government's attorney fees or other legal costs if the property owner loses a legal challenge.

How Much Would Government Have to Pay Property Owners?

Current law requires government to pay "just compensation" to the owner before taking property. Just compensation includes money to reimburse the owner for the property's "fair market value" (what the property and its improvements would sell for on an open market), plus any reduction in the value of remaining portions of the parcel that government did not take. State law also requires government to compensate property owners and renters for moving costs and some business costs and losses.

The measure appears to increase the amount of money government must pay when it takes property. Under the measure, for example, government would be required to pay more than a property's fair market value if a greater sum were necessary to place the property owner "in the same position monetarily" as if the property had never been taken. The measure also appears to make property owners eligible for reimbursement for a wider range of costs and expenses associated with the property taking than is currently the case.

When Would Government Sell Properties to Former Owners?

If government stopped using property for the purpose it stated at the time it took the property, the former owner of the property (or an heir) would have the right to buy back the property. The property would be assessed for property tax purposes as if the former owner had owned the property continuously.

EFFECTS ON STATE AND LOCAL GOVERNMENTS

Government buys many hundreds of millions of dollars of property from private owners annually.

Relatively few properties are acquired using government's eminent domain power. Instead, government buys most of this property from *willing* sellers. (Property owners often are aware, however, that government could take the property by eminent domain if they did not negotiate a mutually agreeable sale.)

A substantial amount of the property that government acquires is used for roads, schools, or other purposes that meet the public use requirements of this measure—or is acquired to address specific public nuisances. In these cases, the measure would not reduce government's authority to take property. The measure, however, likely would increase somewhat the amount that government must pay property owners to take their property. In addition, the measure could result in willing sellers increasing their asking prices. (This is because sellers could demand the amount that they would have received if the property were taken by eminent domain.) The resulting increase in government's costs to acquire property cannot be determined, but could be significant.

The rest of the property government acquires is used for purposes that do not meet the requirements of this measure. In these cases, government could not use eminent domain and could acquire property only by negotiating with property owners on a voluntary basis. If property owners demanded selling prices that were more than the amount government previously would have paid, government's spending to acquire property would increase. Alternatively, if property owners did not wish to sell their property and no other suitable property was available for government to purchase, government's spending to acquire property would decrease.

Overall, the net impact of the limits on government's authority to take property is unknown. We estimate, however, that it is likely to result in significant net costs on a statewide basis.

PROP 90 GOVERNMENT ACQUISITION, REGULATION OF PRIVATE PROPERTY.
INITIATIVE CONSTITUTIONAL AMENDMENT. ★ ★ ★

ARGUMENT IN FAVOR OF PROPOSITION 90

Proposition 90 stops eminent domain abuse!

Local governments can take homes, businesses, and churches through unfair use of eminent domain. They can also take away your property value with the stroke of a pen.

We are three average Californians, and it happened to us.

Local governments unfairly tried to take our property away from us and turn it over to developers to build condos, hotels, and other commercial projects.

Why? Because these developers are politically connected, and their projects will generate more tax revenue for local governments.

If government can take our property, it can take yours too.

- Manuel Romero had eminent domain used against his family restaurant so that a Mercedes-Benz dealership next door could use the space for a parking lot.
- Bob Blue had eminent domain used against his small luggage store—in his family for almost sixty years—so that a luxury hotel could be built.
- Pastor Roem Agustin had his church threatened with condemnation so that a developer could build condominiums.

It's wrong for senior citizens, small business owners, or anyone who can't fight back to be forced to give up their property so wealthy developers can build giant retail stores, shopping malls, and upscale housing developments.

Government can also take property without compensating property owners.

When governments pass regulations that reduce the value of your property, it's called regulatory taking. When this happens you should be compensated by the government for your lost value.

Government should not be able to take your home—outright or through regulations that reduce the value of your property—without it being for a legitimate PUBLIC use and without paying for what it takes.

That's simple fairness.

That's why California needs Proposition 90, the Protect Our Homes Act.

Proposition 90 will:

- restore homeowners' rights that were gutted last year by the Supreme Court's outrageous *Kelo* decision. That ruling allows eminent domain to be used to take homes and businesses and turn them over to private developers.
- return eminent domain to legitimate public uses, such as building roads, schools, firehouses, and other needs that serve the public and not the financial interests of the government and powerful developers.
- restrict government's ability to take away people's use of their property without compensating them.

Those who benefit financially from the status quo are spending millions to mislead voters and claim the sky is falling.

Opponents are engaging in scare tactics in order to divert attention from their REAL MOTIVE—maintaining the status quo so they can continue to profit from taking our private property.

For example, opponents falsely claim that the measure will hurt the enforcement of environmental regulations. But all existing California environmental laws and regulations are expressly protected.

The Protect Our Homes Act protects *all of us*—and helps families for future generations—while stopping government from taking your property simply to boost tax revenue.

Save our homes and businesses.

Please vote YES on Proposition 90.

For more information, visit www.protectourhomes2006.com.

MANUEL ROMERO, Eminent Domain Abuse Victim

BOB BLUE, Eminent Domain Abuse Victim

PASTOR ROEM AGUSTIN, Eminent Domain Abuse Victim

REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 90

Of course we can all agree that Californians deserve protection from eminent domain abuse. And, if Prop. 90 was a well-designed reform of eminent domain, many thoughtful Californians would support it.

However, the out-of-state drafter of Prop. 90 is attempting a bait and switch on voters. This poorly-written proposition is loaded with unrelated and far-reaching provisions that will harm, not protect, homeowners and be very expensive for all California taxpayers.

We can't afford to be misled.

The hidden provisions in Prop. 90 create a new category of lawsuits that allow wealthy landowners and corporations to sue for huge new payouts. These lawsuits and payouts would cost California taxpayers billions of dollars every year.

That's why groups representing taxpayers, homeowners, businesses, police and fire, environmentalists, and farmers all urge you to Vote NO on 90.

THE LEAGUE OF WOMEN VOTERS OF CALIFORNIA says: "*Prop. 90 would fundamentally change our system of*

representative democracy and put the interests of a few above the well-being of ALL Californians."

Prop. 90 is anti-taxpayer and anti-homeowner.

That's why THE LEAGUE OF CALIFORNIA HOMEOWNERS OPPOSES PROP. 90 and says: "*Prop. 90 is a trap that actually hurts homeowners. It would cost taxpayers billions and erode basic laws that protect our communities, our neighborhoods, and the value of our homes.*"

Say NO to the Taxpayer TRAP. Vote NO on 90.

www.NoProp90.com

KENNETH W. WILLIS, President
League of California Homeowners

CHIEF MICHAEL L. WARREN, President
California Fire Chiefs Association

JACQUELINE JACOBBERGER, President
League of Women Voters of California

GOVERNMENT ACQUISITION, REGULATION OF PRIVATE PROPERTY. PROP
★ ★ ★ INITIATIVE CONSTITUTIONAL AMENDMENT. 90

ARGUMENT AGAINST PROPOSITION 90

The handful of wealthy landowners that paid to put Prop. 90 on the ballot are trying a classic bait and switch on California voters.

They want you to believe Prop. 90 is about eminent domain. That's the bait. But, hidden in the fine print of the measure is the trap—a far-reaching section unrelated to eminent domain that would lead to huge new costs for *all California taxpayers*.

Prop. 90 would change California's constitution to enable large landowners and corporations to demand huge payouts from state and local taxpayers just by *claiming* a law has harmed the value of their property or business—no matter how important the law may be or far-fetched the claim.

According to William G. Hamm, formerly California's nonpartisan legislative analyst, "PROP. 90 could require BILLIONS OF DOLLARS IN NEW TAXPAYER COSTS EACH YEAR, if communities and the state continue to pass or enforce basic laws to protect neighborhoods, limit unwanted development, protect the environment, restrict unsavory businesses, and protect consumers."

With no limit on the total costs, Prop. 90 traps taxpayers into signing a *blank check*. We all pay, while large landowners and corporations reap windfall payouts.

Here's an example of how the "taxpayer trap" works:

If local voters pass a measure to limit a new development to 500 houses—instead of 2,000 houses that a developer *wants* to build—under Prop. 90, the developer could demand a payment for the value of the remaining 1,500 houses. Even if local community services and infrastructure would be strained by the larger development, Prop. 90 would put taxpayers at risk for payment.

Prop. 90 is not just limited to land-use laws. Read the official analysis. Statewide consumer protection laws, restrictions on telemarketing, and worker protections would all trigger new demands for payouts.

As a result, Prop. 90 would lead to thousands of expensive lawsuits that would tie up our courts and result in added bureaucracy and red tape.

The cost of these lawsuits and payouts would rob local communities of billions of dollars in limited resources that fund fire and police protection, paramedic response, schools, traffic congestion relief, and other vital services. That's why the CALIFORNIA FIRE CHIEFS ASSOCIATION, CALIFORNIA POLICE CHIEFS ASSOCIATION, and CALIFORNIA SCHOOL BOARDS ASSOCIATION oppose Prop. 90.

PROP. 90 would trap taxpayers in a *LOSE-LOSE situation*. If communities act to protect their quality of life, taxpayers could be forced to make huge payouts. Or, if communities couldn't afford the payouts, basic quality-of-life protections simply couldn't be enacted. That's why conservation groups, including the CALIFORNIA LEAGUE OF CONSERVATION VOTERS and the PLANNING AND CONSERVATION LEAGUE, warn the measure would drastically limit our ability to protect California's coastline, open spaces, farmland, air and water quality.

For more information on Prop. 90, visit www.NoProp90.com.

When you vote, please join groups representing California taxpayers, firefighters, law enforcement officers, educators, small businesses, land conservationists, the environment, and homeowners.

Say NO to the TAXPAYER TRAP. Vote NO on PROPOSITION 90.

CHIEF MICHAEL L. WARREN, President
California Fire Chiefs Association

CHIEF STEVE KRULL, President
California Police Chiefs Association

EDWARD THOMPSON, JR., California Director
American Farmland Trust

REBUTTAL TO ARGUMENT AGAINST PROPOSITION 90

DON'T BE FOOLED BY SPECIAL INTERESTS!!!

Proposition 90 protects our fundamental right to own—and keep—our homes and private property. It's called the "AMERICAN DREAM," and government should not be in the business of destroying it.

Proposition 90 fixes the Supreme Court's outrageous *Kelo* decision.

Opponents—those who profit most from abusing eminent domain and taking private property—are shamelessly trying to mislead you and distort what Proposition 90 does.

Opponents say read the fine print. WE AGREE. You'll see:

Proposition 90 MAINTAINS EVERY current state and local environmental, consumer protection, and public safety law and regulation. Read Section 6, which states, "the provisions added to this section shall not apply to any statute, charter provision, ordinance, resolution, law, rule or regulation in effect on the date of enactment."

Proposition 90 HAS NOTHING TO DO with funding for police or firefighters.

The public health and safety are PROTECTED. The Legislature can enact ANY NEW LAW to ensure public health and safety.

Proposition 90 protects YOU from politicians who reward their campaign contributors by taking your private property and giving it to someone else.

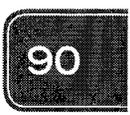
The REAL opponents of Proposition 90 are those who profit by TAKING OUR HOMES AND SMALL BUSINESSES—greedy government bureaucrats who want higher taxes and mega-developer campaign contributors who make millions using agricultural land, residential neighborhoods, businesses, and churches seized through eminent domain to develop strip malls and other projects. IF THEY WIN, WE LOSE.

PROTECT OUR HOMES: VOTE YES ON 90.

MIMI WALTERS, Honorary Chair
California Protect Our Homes Coalition

MARTYN B. HOPPER, California Director
National Federation of Independent Business (NFIB)

JOHN M. REVELLI, Eminent Domain Abuse Victim



(e)(1) In the case of a corporation that is an "S corporation" for purposes of this part for its first taxable year for which it has in effect a valid federal S election, there shall be allowed as a deduction in determining that corporation's "subchapter C earnings and profits" at the close of any taxable year the amount of any consent dividend (as provided in paragraph (2)) paid after the close of that taxable year.

(2) In the event there is a determination that a corporation described in paragraph (1) has "subchapter C earnings and profits" at the close of any taxable year, that corporation shall be entitled to distribute a consent dividend to its shareholders. The amount of the consent dividend may not exceed the difference between the corporation's "subchapter C earnings and profits" determined under subdivision (d) at the close of the taxable year with respect to which the determination is made and the corporation's "subchapter C earnings and profits" for federal income tax purposes at the same date. A consent dividend must be paid within 90 days of the date of the determination that the corporation has "subchapter C earnings and profits." For this purpose, the date of a determination means the effective date of a closing agreement pursuant to Section 19441, the date an assessment of tax imposed by this section becomes final, or the date of execution by the corporation of an agreement with the Franchise Tax Board relating to liability for the tax imposed by this section. For purposes of Part 10 (commencing with Section 17001), Part 10.2 (commencing with Section 18401), and this part, a corporation must make the election provided in Section 1368(e)(3) of the Internal Revenue Code.

(3) If a corporation distributes a consent dividend, it shall claim the deduction provided in paragraph (1) by filing a claim therefor with the Franchise Tax Board within 120 days of the date of the determination specified in paragraph (2).

(4) The collection of tax imposed by this section from a corporation described in paragraph (2) shall be stayed for 120 days after the date of the determination specified in paragraph (2). If a claim is filed pursuant to paragraph (3), collection of that tax shall be further stayed until the date the claim is acted upon by the Franchise Tax Board.

(5) If a claim is filed pursuant to paragraph (3), the running of the statute of limitations on the making of assessments and actions for collection of the tax imposed by this section shall be suspended for a period of two years after the date of the determination specified in paragraph (2).

SEC. 10. Section 24586 is added to the Revenue and Taxation Code, to read:

24586. (a) The Franchise Tax Board shall annually determine the total amount of the fees generated by increases in the tax rates for tax years beginning January 1, 2007, and thereafter pursuant to Revenue and Taxation Code Sections 23151, 23181, 23183, 23501, and 23811, and notify the Controller of that amount.

(b) The Controller shall transfer the amount determined under subdivision (a), less the direct, actual costs of the Franchise Tax Board and the Controller for the collection and administration of funds under this article, to the California Clean Money Fund, established pursuant to Section 91133 of the Government Code, for use in funding clean and fair elections for non-federal statewide and state legislative elections. Upon appropriation by the Legislature, the Controller shall transfer the amount of reimbursement for direct actual costs incurred by the Franchise Tax Board and the Office of the Controller in the administration of this fund.

(c) All funds deposited in the California Clean Money Fund shall be allocated, in accordance with Section 91133 of the Government Code, to the Fair Political Practices Commission for disbursement for the purposes and in the manner described in Section 91133 of the Government Code.

(d) This section shall remain in effect so long as Chapter 12 (commencing with Section 91015) of Title 9 of the Government Code, also known as the California Clean Money and Fair Elections Act of 2006, requires the establishment and maintenance of the California Clean Money Fund.

SEC. 11. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 12. This chapter shall be deemed to amend the Political

Reform Act of 1974 as amended and all of its provisions that do not conflict with this chapter shall apply to the provisions of this chapter.

SEC. 13. Severability

(a) The provisions of this act are severable. If any provision or portion of provision of this act or the application of any provision of this act to any person or circumstance is held to be invalid by a court of competent jurisdiction, that invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application.

(b) In adopting this measure, the People specifically declare that the provision of this act adding Section 91139 to the the Government Code shall be severable from the remainder of this act, and the People specifically declare their desire and intent to enact the remainder of this act even if that provision were not to be given full or partial effect. The People recognize that a Montana law prohibiting corporate contributions or expenditures in connection with a ballot measure election was invalidated in 2000 by a divided panel of the Ninth Circuit Court of Appeals in *Montana Chamber of Commerce v. Argenbright*, but believe that the majority opinion in that case incorrectly interpreted relevant decisions of the United States Supreme Court in this area and that more recent decisions of the Supreme Court support the People's rationale for limiting corporate campaign spending in order to eliminate the distorting effects of corporate wealth on the electoral process. Moreover, the People are adopting the prohibitions in this act based upon an evidentiary record and history of California ballot measure elections that compellingly demonstrates the need for the narrowly tailored restrictions contained herein.

SEC. 14. Construction and Amendment

This act shall be broadly construed to accomplish its purposes. This act may be amended to further its purposes by a statute, passed in each house by roll call vote entered in the journal, two-thirds of the membership concurring and signed by the Governor, if at least 12 days prior to passage in each house the bill in its final form has been delivered to the California Fair Political Practices Commission for distribution to the news media and to every person who has requested the Commission to send copies of such bills to him or her. Any such amendment must be consistent with the purposes and must further the intent of this act. Notwithstanding this provision, amendments to adjust for changes in the cost of living may be made pursuant to Section 91145.

SEC. 15. Effective Date

This act shall become effective immediately upon its approval by the voters and shall apply to all elections held on or after January 1, 2007.

SEC. 16. Conflicting Ballot Measures

(a) If a conflict exists between the provisions of this measure and the provisions of any other measure approved by the voters at the same election, the provisions of this measure shall take effect except to the extent that they are in direct and irreconcilable conflict with the provisions of such other measure and the other measure receives a greater number of affirmative votes.

(b) If any provisions of this measure are superseded by the provisions of any other conflicting ballot measure approved by the voters and receiving a greater number of affirmative votes at the same election, and the conflicting ballot measure is subsequently held to be invalid, the provisions of this measure shall be self-executing and shall be given full force of law.

PROPOSITION 90

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the California Constitution.

This initiative measure expressly amends the California Constitution by amending a section thereof; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. STATEMENT OF FINDINGS

(a) The California Constitution provides that no person shall be deprived of property without due process of law and allows government to take or damage private property only for a public use and only after payment to the property owner of just compensation.

(b) Despite these constitutional protections, state and local

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governments have undermined private property rights through an excessive use of eminent domain power and the regulation of private property for purposes unrelated to public health and safety.

(c) Neither the federal nor the California courts have protected the full scope of private property rights found in the state constitution. The courts have allowed local governments to exercise eminent domain powers to advance private economic interests in the face of protests from affected homeowners and neighborhood groups. The courts have not required government to pay compensation to property owners when enacting statutes, charter provisions, ordinances, resolutions, laws, rules or regulations not related to public health and safety that reduce the value of private property.

(d) As currently structured, the judicial process in California available to property owners to pursue property rights claims is cumbersome and costly.

SEC. 2. STATEMENT OF PURPOSE

(a) The power of eminent domain available to government in California shall be limited to projects of public use. Examples of public use projects include, but are not limited to, road construction, the creation of public parks, the creation of public facilities, land-use planning, property zoning, and actions to preserve the public health and safety.

(b) Public use projects that the government assigns, contracts or otherwise arranges for private entities to perform shall retain the power of eminent domain. Examples of public use projects that private entities perform include, but are not limited to, the construction and operation of private toll roads and privately-owned prison facilities.

(c) Whenever government takes or damages private property for a public use, the owner of any affected property shall receive just compensation for the property taken or damaged. Just compensation shall be set at fair market value for property taken and diminution of fair market value for property damaged. Whenever a property owner and the government cannot agree on fair compensation, the California courts shall provide through a jury trial a fair and timely process for the settlement of disputes.

(d) This constitutional amendment shall apply prospectively. Its terms shall apply to any eminent domain proceeding brought by a public agency not yet subject to a final adjudication. No statute, charter provision, ordinance, resolution, law, rule or regulation in effect on the date of enactment that results or has resulted in a substantial loss to the value of private property shall be subject to the new provisions of Section 19 of Article I.

(e) Therefore, the people of the state of California hereby enact "The Protect Our Homes Act."

SEC 3. Section. 19 of Article I of the California Constitution is amended to read:

SEC. 19. (a)(1) Private property may be taken or damaged only for a stated public use and only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner. Private property may not be taken or damaged for private use.

(2) Property taken by eminent domain shall be owned and occupied by the condemnor, or another governmental agency utilizing the property for the stated public use by agreement with the condemnor, or may be leased to entities that are regulated by the Public Utilities Commission or any other entity that the government assigns, contracts or arranges with to perform a public use project. All property that is taken by eminent domain shall be used only for the stated public use.

(3) If any property taken through eminent domain after the effective date of this subdivision ceases to be used for the stated public use, the former owner of the property or a beneficiary or an heir, if a beneficiary or heir has been designated for this purpose, shall have the right to reacquire the property for the fair market value of the property before the property may be otherwise sold or transferred. Notwithstanding subdivision (a) of Section 2 of Article XIII A, upon reacquisition the property shall be appraised by the assessor for purposes of property taxation at its base year value, with any authorized adjustments, as had been last determined in accordance with Article XIII A at the time the property was acquired by the condemnor.

(4) The Legislature may provide for possession by the condemnor following commencement of eminent domain proceedings upon deposit in court and prompt release to the owner of money determined by the court to

be the probable amount of just compensation.

(b) For purposes of applying this section:

(1) "Public use" shall have a distinct and more narrow meaning than the term "public purpose"; its limiting effect prohibits takings expected to result in transfers to nongovernmental owners on economic development or tax revenue enhancement grounds, or for any other actual uses that are not public in fact, even though these uses may serve otherwise legitimate public purposes.

(2) Public use shall not include the direct or indirect transfer of any possessory interest in property taken in an eminent domain proceeding from one private party to another private party unless that transfer proceeds pursuant to a government assignment, contract or arrangement with a private entity whereby the private entity performs a public use project. In all eminent domain actions, the government shall have the burden to prove public use.

(3) Unpublished eminent domain judicial opinions or orders shall be null and void.

(4) In all eminent domain actions, prior to the government's occupancy, a property owner shall be given copies of all appraisals by the government and shall be entitled, at the property owner's election, to a separate and distinct determination by a superior court jury, as to whether the taking is actually for a public use.

(5) If a public use is determined, the taken or damaged property shall be valued at its highest and best use without considering any future dedication requirements imposed by the government. If private property is taken for any proprietary governmental purpose, then the property shall be valued at the use to which the government intends to put the property, if such use results in a higher value for the land taken.

(6) In all eminent domain actions, "just compensation" shall be defined as that sum of money necessary to place the property owner in the same position monetarily, without any governmental offsets, as if the property had never been taken. "Just compensation" shall include, but is not limited to, compounded interest and all reasonable costs and expenses actually incurred.

(7) In all eminent domain actions, "fair market" value shall be defined as the highest price the property would bring on the open market.

(8) Except when taken to protect public health and safety, "damage" to private property includes government actions that result in substantial economic loss to private property. Examples of substantial economic loss include, but are not limited to, the downzoning of private property, the elimination of any access to private property, and limitations on the use of private air space. "Government action" shall mean any statute, charter provision, ordinance, resolution, law, rule or regulation.

(9) A property owner shall not be liable to the government for attorney fees or costs in any eminent domain action.

(10) For all provisions contained in this section, "government" shall be defined as the State of California, its political subdivisions, agencies, any public or private agent acting on their behalf, and any public or private entity that has the power of eminent domain.

(c) Nothing in this section shall prohibit the California Public Utilities Commission from regulating public utility rates.

(d) Nothing in this section shall restrict administrative powers to take or damage private property under a declared state of emergency.

(e) Nothing in this section shall prohibit the use of condemnation powers to abate nuisances such as blight, obscenity, pornography, hazardous substances or environmental conditions, provided those condemnations are limited to abatement of specific conditions on specific parcels.

SEC. 4. IMPLEMENTATION AND AMENDMENT

This section shall be self-executing. The Legislature may adopt laws to further the purposes of this section and aid in its implementation. No amendment to this section may be made except by a vote of the people pursuant to Article II or Article XVIII of the California Constitution.

SEC. 5. SEVERABILITY

The provisions of this section are severable. If any provision of this section or its application is held invalid, that finding shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 6. EFFECTIVE DATE

This section shall become effective on the day following the election

pursuant to subdivision (a) of Section 10 of Article II of the California Constitution.

The provisions of this section shall apply immediately to any eminent domain proceeding by a public agency in which there has been no final adjudication.

Other than eminent domain powers, the provisions added to this section shall not apply to any statute, charter provision, ordinance, resolution, law, rule or regulation in effect on the date of enactment that results in substantial economic loss to private property. Any statute, charter provision, ordinance, resolution, law, rule or regulation in effect on the date of enactment that is amended after the date of enactment shall continue to be exempt from the provisions added to this section provided that the amendment both serves to promote the original policy of the statute, charter provision, ordinance, resolution, law, rule or regulation and does not significantly broaden the scope of application of the statute, charter provision, ordinance, resolution, law, rule or regulation being amended. The governmental entity making the amendment shall make a declaration contemporaneously with enactment of the amendment that the amendment promotes the original policy of the statute, charter provision, ordinance, resolution, law, rule or regulation and does not significantly broaden its scope of application. The question of whether an amendment significantly broadens the scope of application is subject to judicial review.



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, Acting Director of Planning
BY: Jennifer Villaseñor, Associate Planner *JV*
DATE: October 24, 2006

SUBJECT: ZONING TEXT AMENDMENT NO. 06-03 (NORTH HUNTINGTON CENTER SPECIFIC PLAN AMENDMENT)

APPLICANT: Jennifer Blanchart, 7755 Center Avenue, Suite 100, Huntington Beach, CA 92647

LOCATION: North Huntington Center Specific Plan Area

STATEMENT OF ISSUE:

- ♦ Zoning Text Amendment No. 06-03 request:
 - Amend the North Huntington Center Specific Plan (SP1) to allow freeway-oriented signage for all tenants and major developments located within the North Huntington Center and the Crossings (Bella Terra) Specific Plan areas. The proposed signage will be installed on an existing parking structure located within the North Huntington Center Specific Plan area.

RECOMMENDATION:

Motion to:

“Approve Zoning Text Amendment No. 06-03 with findings for approval (Attachment No. 1) and forward Draft Ordinance (Attachment No. 2), including the legislative draft to the City Council for adoption.”

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Deny Zoning Text Amendment No. 06-03 with findings for denial.”
- B. “Continue Zoning Text Amendment No. 06-03 and direct staff accordingly.”

PROJECT PROPOSAL:

Zoning Text Amendment No. 06-03

The purpose of Zoning Text Amendment No. 06-03 is to include freeway-oriented signage provisions in the North Huntington Center Specific Plan (SP1). The new provisions will allow freeway-oriented signage to be installed on an existing parking structure located along the northeasterly boundary of the specific plan area. The signage will face the 405 Freeway and provide opportunities for businesses and developments located in the SP1 area as well as the Crossings Specific Plan area to advertise to motorists traveling on the freeway.

The applicant is proposing the signage in conjunction with upgrades and façade improvements to the existing parking structure. All freeway-oriented signage will require approval of a Planned Sign Program. The Planned Sign Program and any proposed improvements to the parking structure will be subject to review by the Design Review Board.

Pursuant to Chapter 247 of the HBZSO, the Planning Commission must make specific findings whether to approve, approve in modified form, or disapprove a proposed zoning text amendment prior to providing recommendation to the City Council.

Background

In 2003, the applicant, and new property owner, approached the Planning Department with conceptual plans to renovate One Pacific Plaza, a development located in the SP1 area that includes three office buildings, two restaurants (Buca Di Beppo & the former Liquid Lounge) and a parking structure. The plans included site improvements such as site entry upgrades, new landscaping and gathering space, a new health club, and improvements to the existing parking structure including the proposed freeway-oriented signage.

The applicant proceeded to move forward with the health club project and a new 24 Hour Fitness was approved at the former Liquid Lounge site. The freeway-oriented signage provisions were to be incorporated into the proposed Edinger Corridor Specific Plan. However, the Edinger Corridor Specific Plan is being revisited and the applicant decided to pursue a zoning text amendment to the North Huntington Center Specific Plan as the vehicle to move ahead with the freeway-oriented signage.

ISSUES:

Subject Property And Surrounding Land Use, Zoning And General Plan Designations:

ZTA No. 06-03 is located within the North Huntington Center Specific Plan (SP1) area. More specifically, the proposed freeway-oriented signage will be located on an existing parking structure within the SP1 area. The parking structure is located along the northern boundary of the specific plan area with the northeasterly façade of the parking structure facing the 405 Freeway.

LOCATION	GENERAL PLAN	ZONING	LAND USE
North Huntington Center Specific Plan area (bordered by the 405 Freeway, Center Avenue and the Southern Pacific Railroad)	M-sp (Mixed Use – specific plan overlay)	SP1 (North Huntington Center Specific Plan)	Commercial uses including retail and office; multi-family residential

Surrounding land uses in the SP1 area include multi-family residential, commercial office buildings and Old World Village. The proposed ZTA No. 06-03 includes properties within the adjacent Crossings Specific Plan area that includes the Bella Terra development.

General Plan Conformance:

The proposed Zoning Text Amendment No. 06-03 is consistent with the goals, policies, and objectives of the City’s General Plan as follows:

Economic Development Element

Goal ED 2: Aggressively retain and enhance the existing commercial, industrial, and visitor serving uses while attracting new uses to Huntington Beach.

Objective ED 2.2: Maximize Huntington Beach’s visibility by participating in local, regional and state marketing efforts.

Policy ED 2.2.3: Promote Huntington Beach businesses to increase their visibility and local patronage.

The proposed zoning text amendment proposes to allow the installation of freeway-oriented signage on an existing parking structure facing the 405 Freeway. The signage will provide an additional advertising benefit to the developments and tenants in the North Huntington Center and Crossings Specific Plan areas.

The proposed freeway-oriented signage provisions will be an additional incentive for attracting and retaining businesses in the City of Huntington Beach.

Urban Design Guidelines Conformance: Not applicable.

Environmental Status: The proposed ZTA No. 06-03 is categorically exempt pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act.

Coastal Status: Not applicable.

Redevelopment Status: Not applicable.

Design Review Board: ZTA No. 06-03 requires that all freeway-oriented signage be subject to approval of a Planned Sign Program. Because the subject area is a specific plan, the Planned Sign Program will require approval from the Design Review Board.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements: The proposed zoning text amendment does not require review by other City departments or public agencies.

Public Notification:

An expanded legal notice was published in the Huntington Beach/Fountain Valley Independent on October 12, 2006 and notices were sent to property owners/occupants within the North Huntington Center Specific Plan area and within a 500' radius.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

Not Applicable

MANDATORY PROCESSING DATE(S):

Legislative Action – Not Applicable

ANALYSIS:

The text of the North Huntington Center Specific Plan (SP1) as it is currently written does not contain provisions for the proposed signage. Therefore, the applicant has proposed to amend SP1 to include regulations for freeway-oriented signage to allow for all tenants and major developments located within both the North Huntington Center and the Crossings specific plan areas to advertise on the existing parking structure along the 405 Freeway. The following additional signage provisions have been added to section II.D. Sign Regulations of SP1:

“Freeway-oriented signage creates opportunities for identifying the City of Huntington Beach and major developments and tenants within the North Huntington Center and the Crossings Specific Plan areas. All freeway-oriented signage identifying major developments and tenants within the North Huntington Center and the Crossings Specific Plan areas shall be permitted subject to Planned Sign Program approval and the following criteria:

1. Location of such signs shall be limited to the area delineated on the Specific Plan map and attached herein.
2. Sign panel size shall be complementary to the proportion and scale of the parking structure and its elements.
3. The number of sign panels shall not exceed ten, with the exception of City identification signs. Each individual sign panel shall not exceed 16 feet in length and 16 feet in width for a maximum size of 256 square feet.
4. Sign design shall consider the visual impact on the 405 Freeway.”

As indicated, the proposed zoning text amendment sets regulations for permitting freeway-oriented signage, including location of signage and size and number of sign panels. ZTA No. 06-03 also requires that freeway-oriented signage be permitted subject to approval of a Planned Sign Program by the Design Review Board. The Planned Sign Program will specify the design, colors and materials for the proposed signage. Additionally, any upgrades or façade improvements to the existing parking structure will require review and approval by the Design Review Board.

The sign provisions of Chapter 233 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) currently lists off-premises signs as prohibited. ZTA No. 06-03 proposes to permit off-premises (freeway-oriented) signage in the SP1 and Crossings Specific Plan areas due to existing site characteristics preventing visibility from the City's major thoroughfares. The SP1 area is bounded by the Southern Pacific Railroad, the 405 Freeway, and Center Avenue, a collector street with limited mobility. Access and visibility to the SP1 area are limited due to the lack of frontage on any arterial street.

Site characteristics for the Crossings Specific Plan area present a similar situation for the Bella Terra development. Although the site can be accessed from Edinger Avenue, actual frontage for the development is on Center Avenue. With the exception of a few stand-alone restaurant buildings, the setback from Edinger Avenue to the development is in the range of 400 to 1,000 feet. Visibility is also obscured from the north (405 Freeway) due to the existing SP1 developments including the subject parking structure.

Lack of arterial frontage presents an unusual circumstance for major commercial developments such as the Bella Terra shopping center and the SP1 developments. However, visibility to the sites can be increased by taking advantage of the existing parking structure's frontage along the 405 Freeway to promote the businesses and developments in this area. The 405 Freeway will serve as an alternative frontage for these sites and provide the visibility that most commercial developments with arterial frontages already have.

The increased visibility from the 405 Freeway will strengthen the significance of this section of Huntington Beach as a regional commercial area and draw more customers to the recently revitalized area thereby generating additional tax revenue for the City. The freeway-oriented signage provisions will also provide the added benefit of attracting businesses to this growing commercial area.

In addition to amending the sign provisions, staff has reformatted SP1 and deleted out of date text and references.

ATTACHMENTS:

1. Suggested Findings for Approval – ZTA No. 06-03
2. Draft Ordinance for Zoning Text Amendment No. 06-03
3. Legislative Draft
4. Conceptual Plans

SH:MBB;jv

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

ZONING TEXT AMENDMENT NO. 06-03

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission 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 City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act. The project is exempt because it involves amendments to the North Huntington Center Specific Plan which do not change the density of the affected project areas.

SUGGESTED FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 06-03:

1. Zoning Text Amendment No. 06-03 to allow freeway-oriented signage in the North Huntington Center Specific Plan is consistent with the goals, objectives and policies of the General Plan. The freeway-oriented signage provisions will create opportunities for businesses and developments to provide increased visibility to potential customers and promote businesses located in the North Huntington Center as well as the Crossings Specific Plan areas. The proposed zoning text amendment is consistent with the goals and policies of the Economic Development Element of the General Plan in that it allows for the promotion of businesses in the two specific plan areas within the City of Huntington Beach.
2. In the case of general land use provisions, the zoning text amendment is consistent with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. ZTA No. 06-03 proposes additional sign criteria to allow freeway-oriented signage on an existing parking structure in the North Huntington Center Specific Plan area. The North Huntington Center Specific Plan allows for a mix of commercial and residential uses. Commercial uses primarily include office buildings, retail shops and restaurants. Multi-family residential developments are also permitted in portions of the specific plan area. ZTA No. 06-03 does not propose to change existing land use designations and is consistent with the uses permitted in the Specific Plan because it allows for uses within the North Huntington Center (SP1) and the adjacent Crossings Specific Plan areas to take advantage of their proximity to the 405 Freeway and the location of the existing parking structure fronting the 405 Freeway by having opportunities to further promote their business uses on the parking structure.
3. A community need is demonstrated for the proposed zoning text amendment. Major revitalization efforts have taken place in the subject specific plan areas. These efforts have included the establishment of many new businesses and developments including the Bella Terra shopping center, Buca Di Beppo's restaurant and the upcoming 24 Hour Fitness Health Club. ZTA No. 06-03 proposes to permit off-premises (freeway-oriented) signage in the SP1 and Crossings Specific Plan areas due to existing site characteristics preventing visibility from the City's major thoroughfares. A lack of

arterial frontage presents an unusual circumstance for the commercial developments in the SP1 and Crossings Specific Plan areas. The existing parking structure located within the SP1 area presents an opportunity for businesses within the SP1 and Crossings Specific Plan areas to take advantage of its frontage along the 405 Freeway.

The proposed zoning text amendment provides additional signage standards for businesses to attract customers to the City of Huntington Beach and enhance the regional significance of this commercial area. The additional exposure and increased visibility will benefit the business community which in turn may generate additional tax revenue for the City.

4. The adoption of ZTA No. 06-03 will be in conformity with public convenience, general welfare and good zoning practice. ZTA No. 06-03 consists of the establishment of additional development standards for signage in the North Huntington Center Specific Plan area. The proposed signage standards provide the necessary zoning provisions to ensure a high quality project with no significant impacts to surrounding properties and the 405 Freeway while providing increased visibility to City of Huntington Beach businesses.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING SPECIFIC PLAN 1 (NORTH HUNTINGTON CENTER
SPECIFIC PLAN) BY ADDING FREEWAY ORIENTED SIGNAGE
PROVISIONS TO SECTION 11(D) GENERAL PROVISIONS-SIGN REGULATIONS
(ZONING TEXT AMENDMENT NO. 06-03)

WHEREAS, the City of Huntington Beach has previously adopted the Specific Plan 1 (North Huntington Center Specific Plan) as Article 937 of Title 9 of the Huntington Beach Ordinance Code; and

Specific Plan 1 (North Huntington Center Specific Plan) has been amended from time to time. In 1994, the City recodified the ZSO and retained Article 937 as a separate document entitled the "North Huntington Center Specific Plan"; and

Pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and the Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 06-03, which amends the North Huntington Center Specific Plan by adding freeway oriented signage to Section 11.(D); and

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council finds that the aforesaid amendment is proper and consistent with the General Plan,

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That Specific Plan 1 (North Huntington Center Specific Plan) is hereby amended as noted in Exhibit A, incorporated by reference and attached hereto.

SECTION 2. This ordinance shall take effect thirty days after its adoption.

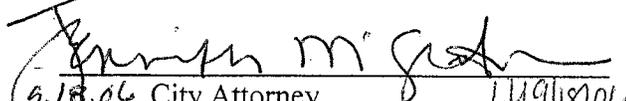
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 200__.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


9.18.06 City Attorney LH9118106

REVIEWED AND APPROVED:

City Administrator

INITIATED AND APPROVED:

Director of Planning

Attachment: Exhibit A: Amended North Huntington Center Specific Plan

ORDINANCE NO. _____

LEGISLATIVE DRAFT
Article 937

NORTH HUNTINGTON CENTER SPECIFIC PLAN

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EXHIBITS

Exhibit A – Specific Plan Map

I. Establishment of Specific Plan

There is hereby established the North Huntington Center Specific Plan. Property included within this plan shall be developed in accordance with the provisions contained **herein** and all applicable provisions of the **Huntington Beach Zoning and Subdivision Ordinance**. ~~Division 9 of the Huntington Beach Ordinance Code.~~

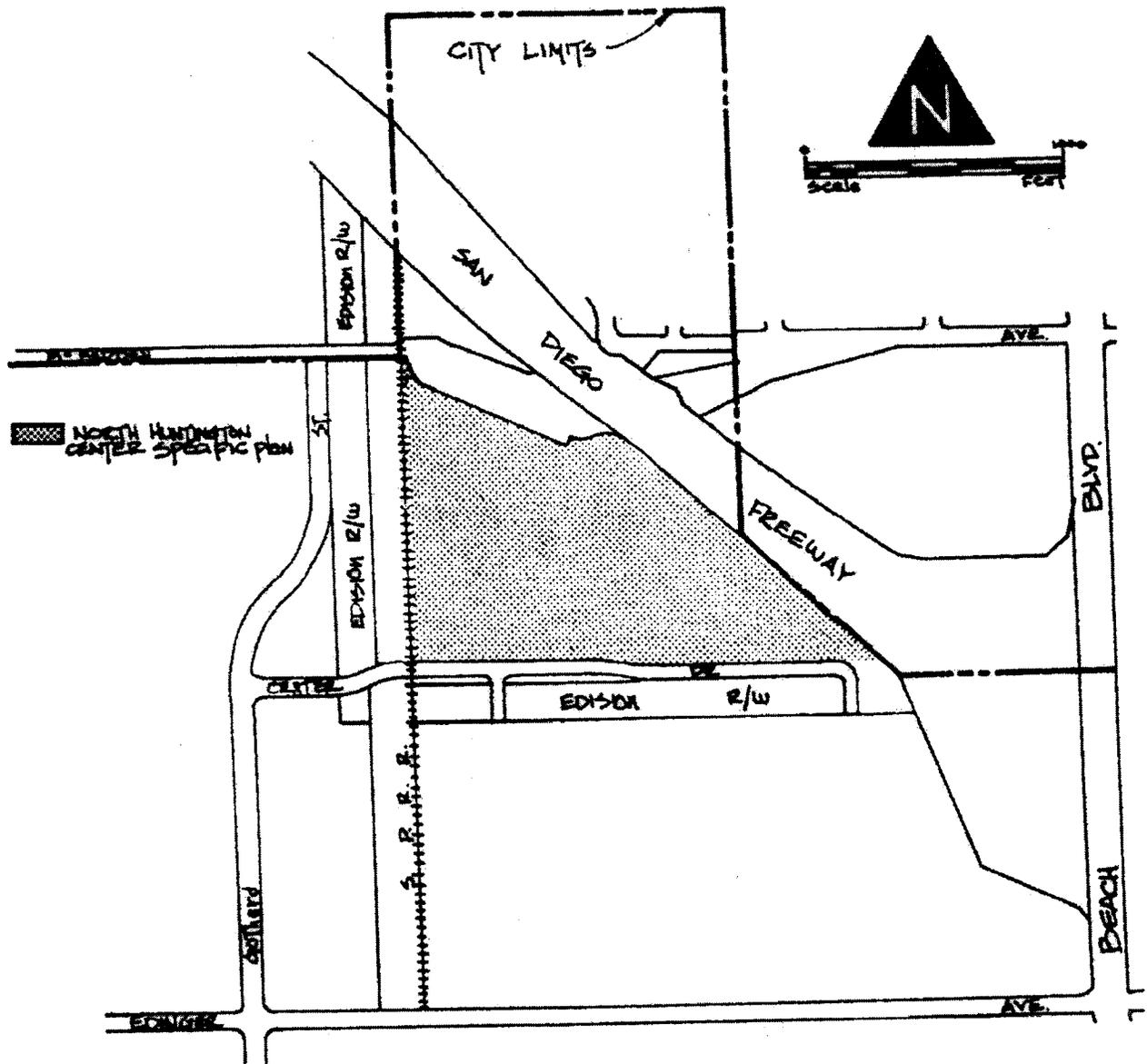
A. Definitions

Whenever the following terms are used in this **specific plan** they shall have the meaning specified below unless the context clearly indicates to the contrary.

1. "Active Land Use" shall mean that physical area of property within the specific plan which is utilized by building coverage, parking, storage, recreation area and pedestrian circulation purposes.
2. "Director" shall mean Director of Planning ~~and Environmental Resources.~~
3. "General Plan" shall mean the General Plan of the City of Huntington Beach.
4. "Minor Modification" shall mean where unforeseen engineering or design problems are encountered in construction of the project in accordance with the approvals previously granted by the City, the Director may approve minor deviations.
5. "Perimeter wall" shall mean any opaque screen which is located on or within five (5) feet of a property line designed to screen the buildings, yards, or activities from adjacent property or right-of-way.
6. "Site" shall mean a physical boundary delineated upon the Specific Plan Map which correlates with site development regulations contained ~~in this article~~ **herein**.
7. "Specific Plan" shall mean the North Huntington Center Specific Plan as adopted by the City Council of the City of Huntington Beach.
8. "Specific Plan Map" shall mean the map described in ~~Section 9375~~ **Exhibit A** which delineates the physical boundaries of the specific plan in addition to other regulatory provisions cited herein.

B. General Location

The general location of the North Huntington Center Specific Plan is that area bounded by McFadden Avenue to the north, San Diego Freeway to the east, Center Drive to the south and the Southern Pacific Railroad to the west.



C. Legal Description

That portion of the West half of the Northwest quarter of the Southeast quarter of Section 14, Township 5 South, Range 11 West, in the Rancho Bolsa Chica, as shown on a Map recorded in Book 51, page 13 of Miscellaneous Maps, records of Orange County, California, lying Southerly of the following described line:

Beginning at a point in the Westerly line of said Southeast quarter, said point being South 0° 16' 13" West 30.05 feet from the Northwest corner of said

Southeast quarter, said point also being the point of intersection of a line that is parallel with and distant Southerly 30.00 feet,
7/91

9371.1--9371.5(a)

measured at right angles, from the Northerly line of said Southeast quarter with said Westerly line of the Southeast quarter; thence South $89^{\circ} 43' 57''$ East at right angles to said Westerly line of the Southeast quarter 15.00 feet to a point in a non-tangent curve concave Southwesterly having a radius of 35.00 feet, a radius of 35.00 feet, a radial line through said point bears North $16^{\circ} 27' 37''$ West; thence Southeasterly along said curve through a central angle of $98^{\circ} 17' 40''$ an arc distance of 60.04 feet to the beginning of a tangent curve concave Northeasterly having a radius of 120.00 feet; thence Southeasterly along said curve through a central angle of $57^{\circ} 31' 24''$ an arc distance of 120.48 feet; thence South $65^{\circ} 41' 21''$ East tangent to said last mentioned curve 581.07 feet to a point in the Easterly line of said West half of the Northwest quarter of the Southeast quarter of Section 14. Excepting therefrom the Southerly 30.00 feet.

Also excepting therefrom that portion included within the right-of-way of the Southern Pacific Railroad Company.

And those portions of the East half of the Northwest quarter of the Southeast quarter of Section 14. Township 5 South, Range 11 West, S. B. M. and the South half of the Northeast quarter of the Southeast quarter of said Section 14, bounded Westerly by the Westerly line of said East half, bounded Southerly by the Southerly lines of said East half and said South half; bounded Northerly by the Southerly boundary of the San Diego Freeway and the Southerly boundary of Parcel 1 of State Highway Relinquishment recorded in book 8649, page 882 of Official Records in the office of the County Recorder of said County.

D. Administration of Plan

Proposed development under the concepts of this specific plan shall be subject to approval of a conditional use permit pursuant to ~~Article 984~~ **Chapter 241** of the Huntington Beach **Zoning and Subdivision** Ordinance—Code. Said conditional use permit shall encompass the entire specific plan area.

E. Minor Modifications

Where a minor modification to an approved conditional use permit is proposed, a written request shall be submitted to the Director. Said request shall comply with all requirements of this ~~article~~ **specific plan** and the Huntington Beach **Zoning and Subdivision** Ordinance—Code. The request shall specify the exact modifications described and reasons therefore. In reviewing such a request, the Director shall not approve the minor modification if he finds that said amendment substantially alters the plot plans, which were relied upon in approval of a conditional use permit for a proposed development. If there is a substantial alteration to said plans, a conditional use permit modification shall be required.

F. Use Limitations and Location Requirements

The following regulations shall govern the proportion of land use activity and locational requirements of the Specific Plan:

1. Residential Use Limitations: Except as provided in Section ~~9373.1~~ **III(B)(2)**, residential development within the boundaries of the specific plan shall not encompass an area in excess of 8.5 gross acres and shall comply with Section ~~9372~~ **III(A)** (Site I Regulations) of this ~~article~~ **specific plan**.

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9371.5(b)--9371.12

2. Locational Criteria: Proposed uses shall be located in the specific plan area in accordance with the Site Regulations contained in ~~this article~~ **herein**.

II. General Provisions

A. Building Height

Building height within the specific plan area shall not exceed the limitations for each site as delineated upon the specific plan map.

1. Exception: Height limitations as specified for each district shall not be deemed to regulate the height of chimneys, flagpoles, scenery lofts, ornamental towers, spires, domes, cupolas, parapet walls not exceeding four (4) feet in height, rooftop mechanical equipment, or other similar appurtenances not designed for habitation.

B. Pedestrian Walkway System

A continuous pedestrian walkway system shall be provided in the specific plan area as delineated on the specific plan map.

C. Perimeter Setbacks

All structures greater than forty-two (42) inches in height shall set back from the exterior boundaries of the specific plan in accordance with the designations of the specific plan map.

1. Exception: Perimeter setbacks are not applicable to ~~Section 9371.10~~ **transit facilities** or to perimeter walls.

D. Sign Regulations

All signs shall conform to ~~Article 961~~ **Chapter 233** of the Huntington Beach **Zoning and Subdivision Ordinance Code**. However, freestanding signs shall be limited in the number permitted as designated on the specific plan map. No other freestanding signs shall be permitted.

1. Exceptions:

a. **Freestanding signs shall be limited in the number permitted as designated on the specific plan map. No other freestanding signs shall be permitted.**

b. **Freeway-oriented signage creates opportunities for identifying the City of Huntington Beach and major**

developments and tenants within the North Huntington Center and the Crossings Specific Plan areas. All freeway-oriented signage identifying major developments and tenants within the North Huntington Center and the Crossing Specific Plan areas shall be permitted subject to Planned Sign Program approval and the following criteria:

- (1) Location of such signs shall be limited to the area delineated on the Specific Plan map and attached herein.**
- (2) Sign panel size shall be complementary to the proportion and scale of the parking structure and its elements.**
- (3) The number of sign panels shall not exceed ten, with the exception of City identification signs. Each individual sign panel shall not exceed 16 feet in length and 16 feet in width for a maximum size of 256 square feet.**
- (4) Sign design shall consider the visual impact on the 405 Freeway.**

E. Transit Facilities

There shall be a transportation transfer facility provided adjacent to Center Drive for the purpose of accommodating mass transit vehicles. Said facility may include a canopy shelter for the convenience and comfort of persons utilizing the facility which shall not be subject to setback requirements of this article. The location of the facility shall generally conform to the location designated upon the specific plan map.

F. Parking and Loading Requirements

Upon submittal of an application for a conditional use permit, the amount of parking to accommodate the needs of the proposed land uses shall be provided based upon a combination of the following methods: (3057-7/91)

1. Peak hour demand analysis;
2. Joint use of parking based upon divergent needs;
3. Ratios of parking in relation to building square footage; (2078-8/76)

Except as provided in Section ~~9372.8~~ **II.(C)**, all developments shall comply with standards outlined in **Chapter 231 of the Huntington Beach Zoning and Subdivision Ordinance** ~~Article 960~~. (3057-7/91)

G. Landscaping and Screening Requirements

Detailed landscape and irrigation plans, prepared by a licensed architect or under the direction of a landscape architect, shall be submitted to and subject to approval by the Director prior to issuance of a building permit and installed prior to final inspection. Landscape in the public right-of-way shall be installed in

accordance with plans and specifications on file in the Department of Public Works.

1. Setback Landscaping: Except as provided in Section 9371.8-~~II.(C)~~, the entire area of perimeter setbacks shall be landscaped except for driveway openings and street intersections in said area.

2. Parking Area Landscaping: Trees, equal in number to one (1) per each five (5) parking stalls shall be provided in the parking area. Trees within planting areas around buildings shall not be included in calculating the number of trees required for parking areas. Planting of trees may be in groups and need not necessarily be in regular spacing.

Screening of parking areas shall comply with ~~Article 960~~ **Chapter 231** of the Huntington Beach **Zoning and Subdivision Ordinance Code**.

H. Undeveloped Areas

Undeveloped areas proposed for future expansion shall be maintained in a weed and dust-free condition and shall remain free of debris.

I. Refuse Collection Areas

1. Opaque materials shall be used to screen outdoor refuse containers from view from access streets, freeways and adjacent property.

2. No refuse container area shall be permitted between a frontage street and the building line.

3. Minimum width for landscaping shall be three (3) feet around refuse container areas except for access areas to said facility.

J. Telephone and Electrical Service

All "on-site" electrical lines (excluding lines in excess of 12KV) and telephone lines shall be placed underground. Transformer or terminal equipment shall be visually screened from view from streets and adjacent properties.

K. Sewage and Water Systems

1. All sewage systems shall comply with standard plans and specifications of the City and shall connect to the City sewage system.

2. All water systems shall comply with standard plans and specifications of the City and shall connect to the City water system.

7/91
9371-19(c)—9372.6

L. Fire Prevention

All fire protection appliances, appurtenances, emergency access and any other applicable requirements pursuant to Chapter 17.56 of the Huntington Beach

Municipal Code, shall meet the standard plans and specifications on file with the Fire Department.

III. Site Regulations

This specific plan is divided into site areas for purposes of development. Development of each site shall comply with the specific provisions contained herein in addition to the general provisions of Section II.

A. Site I Regulations

1. Permitted Uses

(a) Residential uses, or

(b) Commercial, subject to the same regulations applicable to Site III.

2. Maximum Density

Residential density within Site I shall not exceed 34.85 dwelling units per gross acre.

3. Minimum Dwelling Unit Size

<u>Unit Type</u>	<u>Minimum Floor Area</u>
Bachelor and Single	400 square feet
One Bedroom	600 square feet
Two Bedroom	900 square feet
Three Bedroom	1100 square feet
Four Bedroom	1300 square feet

4. Building Coverage

The maximum building coverage of all roofed structures shall not exceed forty-five percent (45%) of the gross acreage minus streets and drives.

5. Setbacks

(a) Setbacks from Street: The setback from a street shall average twenty (20) feet from any structure exceeding forty-two (42) inches in height. In no case shall the minimum setback be less than fifteen (15) feet. Any exception to these requirements shall be designated on the specific plan map.

(b) Setbacks from Interior Property Line: The setback from interior property lines shall be not less than ten (10) feet except where a perimeter setback is designated in ~~Section 9375~~ **on the specific plan map** in which case the perimeter setback shall prevail as the minimum setback. Any

exceptions to these requirements shall be designated on the specific plan map.

6. Minimum Distance Between Buildings

The minimum distance between buildings thirty (30) feet or less in height shall be not less than fifteen (15) feet. The minimum distance between buildings greater than thirty (30) feet in height shall be not less than twenty (20) feet. Any exceptions to these requirements shall be designated on the specific plan map

7/91
9372.7--9372.9

7. Private Driveways

In order to provide sufficient driveway widths for traffic flow and maneuverability, the following standards shall apply:

- (a) Where a driveway serves as the primary access to or within an apartment development and vehicles can park parallel on both sides of such driveway, the minimum paved width shall be forty (40) feet.
- (b) Where vehicles can parallel park on only one side of a driveway, which serves as the primary access to or within an apartment development, and where open or enclosed parking, other than parallel, is provided on the opposite side of such driveway, the minimum paved width shall be thirty-three (33) feet.
- (c) A minimum paved width of twenty-eight (28) feet shall be provided where open or enclosed parking, other than parallel, is provided on both sides of a driveway, which exceeds 150 feet in length and serves as the primary access to or within an apartment development.
- (d) Any driveway exceeding 150 feet in length, which terminates within an apartment development shall be provided with a curbed turnaround having a twenty (20) foot radius.

NOTE: The air space above all minimum widths for driveways within an apartment development shall remain open to the sky except for roof overhang or eaves above a height of fourteen (14) feet, which may project, into such air space a maximum of four (4) feet. The developer is encouraged to provide covered parking spaces under main buildings to increase open space.

8. Parking Facilities (3057-11/90)

- (a) Fully-enclosed garages shall be provided for any required covered parking spaces that are entered directly from any public alley. Physical separation such as drywall, masonry or similar material shall be provided between each enclosed parking space. (3057-11/90)
- (b) Carports may be used to satisfy the remaining covered parking requirement. (3057-11/90)

(c) Carports and open parking compounds shall be screened from adjacent property lines, and such screening shall be compatible with the project surroundings. (3057-11/90)

(d) No carport and garage facility shall be permitted to face any public street. (2078-8/76, 3057-11/90)

9. Parking Assignments

Each dwelling unit shall have an assigned, covered parking space within two hundred (200) feet walking distance of such dwelling unit.

If off-street parking facilities are detached from the unit, each unit shall be assigned a parking space and such space shall be so designated on a plot plan.

9372.10—9372.14(a)

10. Recreation Areas

Recreation areas shall be provided for each dwelling unit. Said recreation areas shall be allocated as follows:

<u>Unit Type</u>	<u>Recreation Area</u>
Bachelor and Single	150 square feet
One bedroom	200 square feet
Two bedroom	325 square feet
Three or more bedrooms	400 square feet

Enclosed recreation areas may be utilized to fulfill not more than fifteen percent (15%) of this requirement. The remaining area shall be supplied out-of-doors pursuant to this section.

Recreation areas may include: game courts or rooms, swimming pools, sauna baths, putting greens, play lots, or other similar type areas serving all residents of the development; but shall not include balconies, decks or areas used exclusively for pedestrian access ways. Game courts, swimming pools or putting greens situated on top of a parking structure may be considered as recreation area. Recreation areas shall not be located within ten (10) feet of the wall of any ground floor unit having a door or window or within five (5) feet of any other wall. Also, such recreation area shall have a minimum width of twenty (20) feet.

11. Landscaping

All setback areas fronting on or visible from a public street, and all recreation areas shall be landscaped and permanently maintained in an attractive manner. Such landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants. Decorative design elements such as fountains, pools, benches, sculpture, plants and similar elements may be permitted, provided such elements are incorporated as an integral part of the landscaping plan.

12. Trash Pickup Areas

Trash collection areas shall be provided within two hundred (200) feet of the unit they are intended to serve.

13. Storage Space

A minimum of one hundred (100) cubic feet of storage space shall be provided for each unit. Special attention shall be given to the amount and location of such storage space.

14. Appearance Standards

In order to retain and strengthen the unity and order of the surroundings, and to insure that the structures enhance their sites and are harmonious with the highest standards of improvements in the surrounding area and the community, the following standards shall apply:

- (a) Architectural features and general appearance of the proposed development shall not impair the orderly and harmonious development of the area, the occupancy thereof, or the community as a whole.

7/91 9372.14--9373.1(e)

- (b) Buildings exceeding 120 feet in length shall have variations in the wall setback of at least four (4) feet for each 120 feet of building length.
- (c) Architectural features shall be incorporated into the design of all vertical exterior surfaces of the buildings in order to create an aesthetically pleasing project when viewed from outside the project as well as within.

B. Site II Regulations

1. **Permitted Uses** ~~Uses Permitted~~

- (a) Retail stores.
- (b) Restaurants, nightclubs, coffeehouses, snack bars and other related facilities.
- (c) Services such as barbershops, beauty shops, shoe repair.
- (d) Art galleries, art studios, art shops, antique shops, bookstores, photography studios and shops, gift shops, newspaper and magazine shops, import shops, interior design studios.
- (e) Chapel.
- (f) Travel agencies.
- (g) Motel (Not to exceed twelve (12) units).
- (h) Banks.

- (i) Handicraft shops, leather craft shops, hobby-related shops.
- (j) Fortunetelling subject to issuance of a conditional use permit. 2773-7/85

2. Additional Permitted Uses

The following uses are permitted provided they are located above or behind a permitted use designated elsewhere in this article:

- (a) Single-family dwelling units.
- (b) Art, drama, music, dancing or language schools.
- (c) Any other use which the Planning Commission may find to be similar in character consistent with the uses permitted on Site II.
- (d) Adult dancing and/or live entertainment as a primary or secondary use subject to the issuance of a conditional use permit, and the requirements set out in ~~Section 9730.83 of this code~~ **Chapter 5.44 of the Huntington Beach Municipal Code.** (2730-10/84.2791-10/85)
- (e) Teen dancing for patrons under the age of twenty-one (21) subject to the issuance of a conditional use permit and the requirements contained in ~~Section 9730.82~~ **Chapter 5.44 of the Huntington Beach Municipal Code.** (2730-10/84.2791-10/85)

7/91

9373.2--9374(m)

3. Setbacks

Except where perimeter setbacks govern the following minimum yard setbacks measured from the boundaries of Site II as delineated **on the Specific Plan map** shall apply:

Front and exterior side: Twenty (20) feet

Interior side and rear: Fifteen (15) feet

Exception: Setbacks are not applicable to perimeter walls.

4. Residential Use

If residential dwelling units are proposed for construction in Site II, the number of single-family dwelling units shall not exceed forty-five (45).

Each dwelling unit shall be provided with a recreation area containing not less than three hundred (300) square feet having a minimum dimension of fifteen (15) feet. Said recreation area shall be situated adjacent to each dwelling unit.

C. Site III Regulations

1. **Permitted Uses** ~~Uses Permitted~~

The following uses are permitted in Site III of the North Huntington Center Specific Plan:
2730-10/84.2791-10/85.3110-7/91)

- (a) Retail stores.
- (b) Restaurants, sidewalk cafes, nightclubs, coffeehouses, snack bars and other related facilities.
- (c) Services such as barbershops, beauty shops, shoe repair.
- (d) Art galleries, art studios, art shops, antique shops, book stores, photography studios and shops, gift shops, newspaper and magazine shops, import shops and interior design studios.
- (e) Travel agencies.
- (f) Banks.
- (g) Motion picture theaters, legitimate theaters.
- (h) Handicraft shops, leather craft shops and hobby-related shops.
- (i) Hotels and motels.
- (j) Offices for professional services.
- (k) Art, drama, music, dancing or language schools.
- (l) Automobile parking facilities.
- (m) Any other use which the Planning Commission may find to be similar in character consistent with the uses permitted in Site II.

7/91 9374(n)--9374(p)

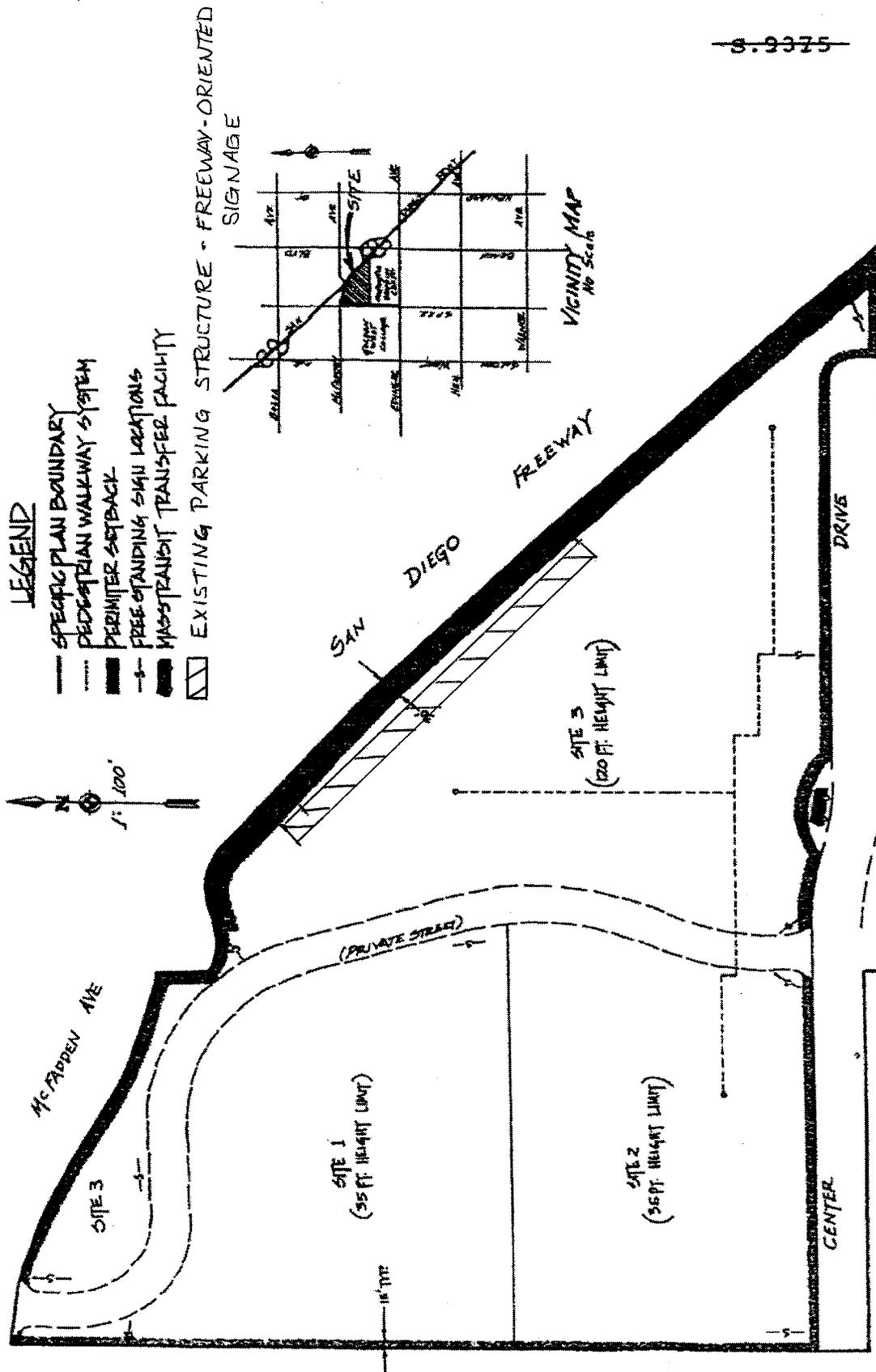
- (n) Adult dancing and/or live entertainment as a primary or secondary use subject to the issuance of a conditional use permit and the requirements contained in ~~Section 9730.83~~ **Chapter 5.44 of the Huntington Beach Municipal Code.** (2730-10/84, 2791-10/85)
- (o) Teen dancing for patrons under the age of twenty-one (21), subject to the issuance of a conditional use permit and the requirements contained in ~~Section 9730.82~~ **Chapter 5.44 of the Huntington Beach Municipal Code.** (2730-10/84, 2791-10/85)
- (p) Single room occupancy/living units pursuant to ~~Section 9220.15~~ **Chapter 230.46 of the Huntington Beach Zoning and Subdivision Ordinance.** (3110-7/91)

EXHIBIT A - Revised 09-26-06

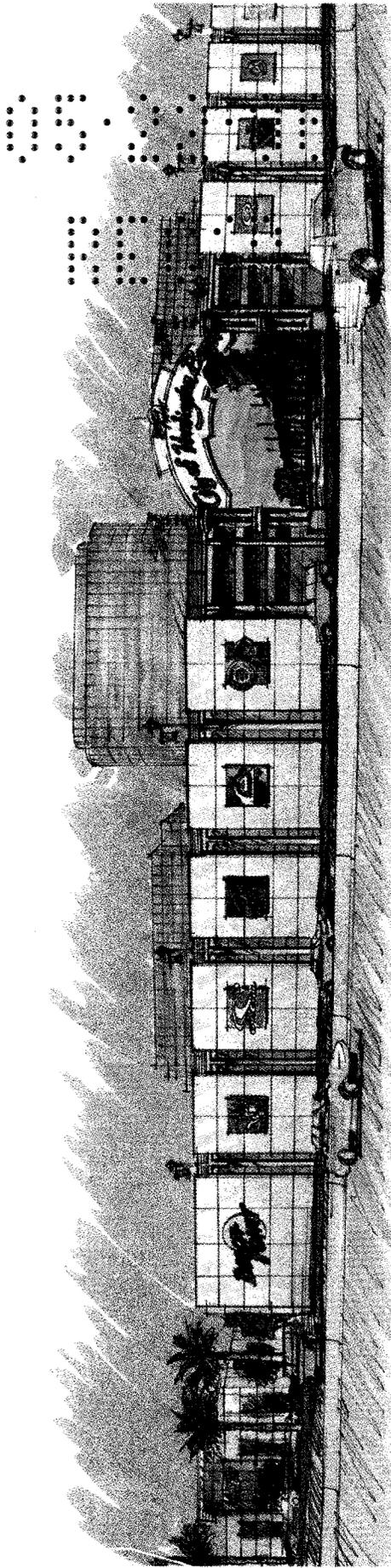
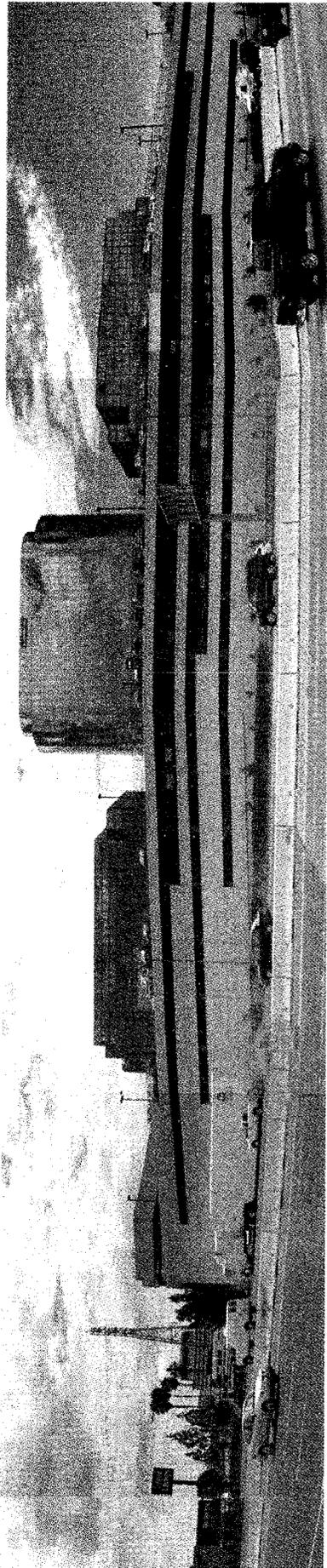
SECTION 9375 - SPECIFIC PLAN MAP

9375. SPECIFIC PLAN MAP.

9.9375



50 POC P/P



Beach Pointe
The Muller Company

Freeway Existing View and Proposed Concept Sketch

MUL020.12 10-05-03

GIA
ARCHITECTS

5

ATTACHMENT NO. 4.2



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, Acting Director of Planning
BY: Rami Talleh, Associate Planner 
DATE: October 24, 2006

SUBJECT: CONDITIONAL USE PERMIT NO. 06-28 (MOBIL MINI-MART)

APPLICANT: Kimo Jarret and Kaiser Korkis, 16001 Beach Blvd., Huntington Beach, CA 92647

PROPERTY

OWNER: Exxon Mobil c/o Robert A. Foster, 3225 Gallows Rd., Fairfax, Virginia 22037

LOCATION: 16001 Beach Blvd. (Southwest corner of Beach Blvd. and Edinger Ave.)

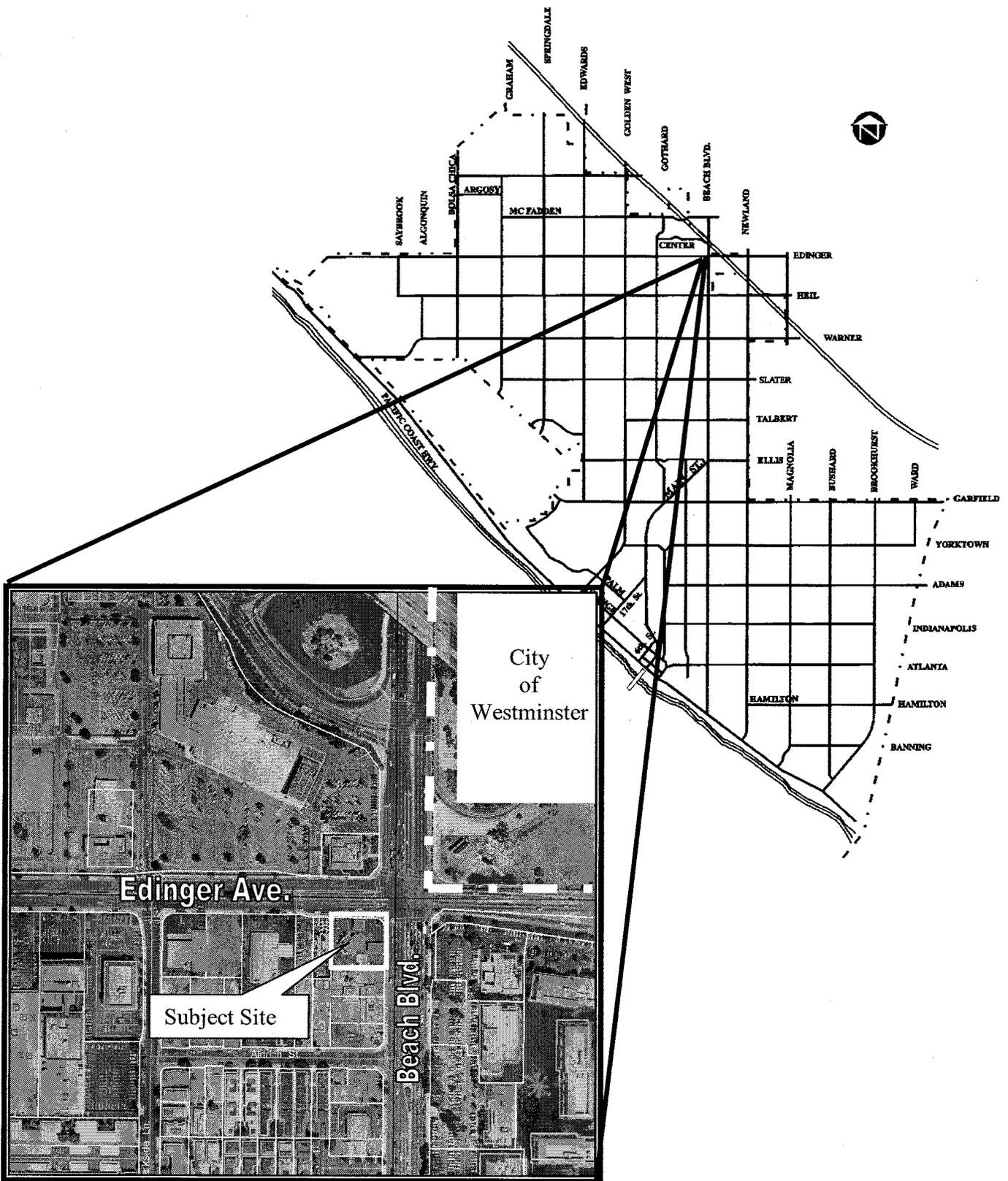
STATEMENT OF ISSUE:

- ◆ Conditional Use Permit No. 06-28 requests:
 - To permit the conversion of a three-bay automobile repair area into a convenience store (mini-mart) as an ancillary use to an existing automobile service station.
 - In compliance with Condition No. 8 of Conditional Exception No. 93-16, which requires that the Planning Commission review and approve the conversion of the automobile repair facility to a convenience store.
- ◆ Staff's Recommendation: Approve Conditional Use Permit No. 06-28 based upon the following:
 - The proposed convenience store will be compatible with the surrounding commercial/retail uses along Edinger Ave. and Beach Blvd.
 - The site will be enhanced with an updated architectural theme and increased landscaping to create a strong and distinct image for one of the City's primary entry nodes.
 - The project improvements will add parking and landscaping to the site for greater conformance with the commercial zoning of the property.
 - The proposed improvements will also improve both on-site and off-site circulation.
 - The removal of a driveway entrance on Edinger Ave. will be in compliance with Precise Plan of Street Alignment No. 92-2 approved by the City in 1992.

RECOMMENDATION:

Motion to:

- A. "Approve Conditional Use Permit No. 06-28 with findings and suggested conditions of approval (Attachment Nos. 1 and 2)."



City
of
Westminster

Edinger Ave.

Subject Site

Beach Blvd.

VICINITY MAP
CONDITIONAL USE PERMIT NO. 06-28
(MOBIL MINI-MART- 16001 BEACH BLVD.)

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. "Deny Conditional Use Permit No. 06-28 with findings for denial."
- B. "Continue Conditional Use Permit No. 06-28 and direct staff accordingly."

PROJECT PROPOSAL:

Conditional Use Permit No. 06-28 represents a request for the following:

- A. To permit the conversion of a three-bay automobile repair area into a convenience store (mini-mart) as an ancillary use to an existing automobile service station pursuant to Section 230.32 –F, Service Station.
- B. In compliance with Condition No. 8 of Conditional Exception No. 93-16, which requires that the Planning Commission review and approve the conversion of the automobile repair facility to a convenience store.

The existing service station has been in operation since 1967. The site consists of a small retail area and cashier booth (approximately 168 sq. ft.) and a 3-bay automobile repair area (approximately 1,682 sq. ft.). The automobile repair area is an ancillary use to the existing service station. The site also includes two pump islands along Beach Blvd. and one pump island along Edinger Ave. with ten fuel dispensers, a total of seven on-site parking spaces, and landscaping. The applicant requests to convert the automobile repair facility to a convenience store to be compatible with the retail/commercial nature of the area.

The applicant proposes to convert the automobile repair facility and cashier booth to a 1600 sq. ft. convenience store. The remaining 250 sq. ft. of area will be used for office and restroom. In conjunction with the conversion, the applicant proposes to construct a new storefront, install cornices on the existing roofline, and paint/refinish the building's exterior to enhance the overall appearance. The applicant also proposes to provide enhanced landscaping at the corner of Beach Boulevard and Edinger Ave. and install a new landscaped planter along Edinger Ave where an existing drive approach is to be closed. In addition, the proposal is to add one parking space at the southwest corner of the site for a total of eight on-site parking spaces. No modifications are proposed to the existing layout and configuration of canopies, pump islands, and underground storage tanks.

Currently the service station operates 24 hours per day. The hours of operation for the convenience store are proposed to be the same as that of the service station. The facility will employ seven to eight people with two employees present during the business' peak operating hours (6:00 am to 8:00 am and 4:00 pm to 6 pm). In addition, a full time employee will be on-site to clean and maintain the facility. The delivery of gasoline to the site occurs approximately three times per week before 4:00 am and after 10:00 pm.

Background:

The City approved Conditional Exception No. 93-16 on July 30, 1993, which allowed a reduction of onsite landscaping requirements and permit the canopies to encroach into the required setbacks along Edinger Avenue and Beach Boulevard. Condition No. 8 requires that the Planning Commission review and approve conversion of the ancillary automobile repair facility to a convenience store. (Attachment No. 6).

At the October 10, 2006, Planning Commission study session, Commissioner Dingwall raised concerns regarding the proximity of the fuel truck/underground storage tanks to vehicles and structures on site. As a result the Planning and Fire Department staff met to review and discuss the issue. The Fire Department determined that the existing service station complied with all applicable codes pertaining to the service station and underground storage tanks. However, the California Fire Code requires that delivery vehicles be separated from any aboveground storage tank by at least 25 feet. The site does not have any aboveground storage tanks. In addition, the underground storage tanks (UST) are regulated by the Certified Unified Program Agencies, and the State Water Resource Board. A state licensed UST inspector inspects the site once a month to review maintenance and safety records and identify any potential hazards.

ISSUES:

Subject Property And Surrounding Land Use, Zoning And General Plan Designations:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	CG-F1 (General Commercial – 0.35 max. Floor Area Ratio)	CG (Commercial General)	Automobile Service Station with ancillary automobile repair
North of Subject Property (across Edinger):	CR-F2-sp- mu-F9 (Regional Commercial – Specific Plan – Mixed Use – 1.5 max. Floor Area Ratio)	SP13 (The Crossings/Bella Terra Specific Plan)	Bella Terra Mall
East of Subject Property (across Beach):	CG-F1 (General Commercial – 0.35 max. Floor Area Ratio)	CG (Commercial General)	Mixed use office/retail/restaurant development
South of Subject Property:	CG-F1 (General Commercial – 0.35 max. Floor Area Ratio)	CG (Commercial General)	Full Service car wash
West of Subject Property:	CG-F1 (General Commercial – 0.35 max. Floor Area Ratio)	CG (Commercial General)	Fast food restaurant

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is General Commercial. The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

A. Land Use Element

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

Policy 10.1.1 Accommodate the development of neighborhood, community, regional, office, and visitor-servicing commercial uses in areas designated on the Land Use Plan Map.

The proposed convenience store as an ancillary use to the automobile service station will provide needed services for residents and visitors to the City. The new facility provides residents and visitors to the City with a service as they are on route to the City's recreational resources. The proposed use will provide an additional shopping opportunity for residents and visitors as they enter or leave the City.

B. Urban Design Element

Goal UD 1 Enhance the visual image of the City of Huntington Beach.

Objective UD 1.2 Consider establishing, at each significant node, a local center that serves its neighborhood constituency and provides a strong and distinct image for the district.

The subject site is located at the Edinger Avenue/San Diego Freeway/Beach Boulevard intersection, a primary entry node to the city. At this intersection and across Edinger Ave. is the Bella Terra Mall, which serves as a regional and local center with a strong and distinct image. The new storefront, design enhancements, and colors are consistent with Bella Terra Mall and will bolster and enhance the visual image at one of the City's primary entry nodes.

C. Economic Development Element

Goal ED 2 Aggressively retain and enhance the existing commercial, industrial, and visitor serving uses while attracting new uses to Huntington Beach.

Policy ED2.4.1 Encourage and assist existing and potential commercial owners to modernize and expand their commercial properties.

The conversion of the automobile repair facility into a convenience store with façade and on-site improvements will enable the business to compete with other newly constructed service stations with

convenience markets located along Beach Boulevard. In addition the proposed exterior improvements to the building will modernize the appearance of the structure.

D. Circulation Element

Goal CE 2 Provide a circulation system which supports existing, approved, and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.

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.

The eastbound traffic lane abutting the site along Edinger Avenue is a “right-turn only” lane. Removal of the easterly most driveway entrance on Edinger Avenue eliminates potential traffic conflicts between vehicles egressing/ingressing the site with vehicular traffic continuing east to turn right on Beach Blvd. The removal of the driveway entrance is consistent with Precise Plan of Street Alignment No. 92-2 and the adopted improvements for Edinger Avenue. The goal is to improve existing traffic flow and meet the needs of the area to accommodate future commercial expansion along the Edinger Ave. corridor.

Zoning Compliance:

The proposed project is located in the CG (General Commercial) zone and complies with all of the requirements of that zone with the exception of reduced landscaping and canopy setbacks previously approved by Conditional Exception No. 93-16. There is no physical expansion of the existing building as part of this request. A total of eight spaces will be provided to comply with the minimum required number of parking spaces.

Urban Design Guidelines Conformance:

The proposed project is in substantial conformance with the Urban Design Guidelines, Chapter 4 (General Commercial). The proposed project includes architectural enhancements such as cornices and brick veneer that add variations in form, building details, colors, and materials to create visual interest. The existing building includes roofline and façade articulation, which will enhance the architectural features and will create an interesting building form. In addition, the proposed color scheme will be consistent with the surrounding area and adds to the aesthetics of the project.

Environmental Status:

The proposed project is Categorically Exempt pursuant to Class 1, Existing Facilities, Section 15301 of the California Environmental Quality Act that states that minor alterations and operation to existing structures are exempt from further environmental review.

Coastal Status: Not applicable.

Redevelopment Status:

The project is located in the Huntington Beach Redevelopment Project, *Huntington Center Commercial subarea*. The Economic Development Department has reviewed the request and supports the proposed project because the use and façade improvements are in keeping with the redevelopment of the surrounding area.

Design Review Board:

The Design Review Board reviewed the design, colors, and materials for the proposed mini-mart conversion and associated façade improvements on August 10, 2006. The Board recommended approval of the building's design and materials to the Planning Commission with the following modifications:

- A landscaped planter shall be provided in front of the building along the southeast and southwest elevations.
- The cornice treatment on the building shall be painted a cocoa color.
- A white band shall be painted on the fascia on all four elevations of the building.
- A blue corporate stripe, in addition to the white band, shall be painted on the fascia of the southeast building elevation.
- The main color of the building shall be painted beige, two shades lighter than that of the color of existing brick veneer on the building.
- A brick wainscoting to match that of the existing structure shall be provided for the bottom five feet of pump island support columns. In addition the support columns shall be painted beige to match the main color of the structure.

The applicant and staff concur with the recommendations of the Design Review Board. The recommendations have been made suggested conditions of approval.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Departments of Public Works, Building and Safety, and Fire have reviewed the proposal and have identified the code requirements applicable to the request. The Public Works Department has provided a suggested condition of approval pertaining to inspection of the existing sewer lateral (Attachment No. 2). The code requirements pertaining to the project have been incorporated into the code requirements list and previously provided to the applicant for the purpose of facilitating the plan check and implementation phases of the project (Attachment No. 5).

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on October 12, 2006, and notices were sent to property owners of record and tenants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department's Notification Matrix), applicant, and interested parties. As of October 17, 2006, no communication supporting or opposing the request has been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION: MANDATORY PROCESSING DATE(S):

Conditional Use Permit: September 10, 2006 November 10, 2006

ANALYSIS:

The proposed convenience store will add an amenity to a gasoline station and provide an opportunity for residents and visitors to shop for goods and services as they enter or leave the City. The use is compatible with other uses in the area because Edinger Ave. and Beach Blvd. are commercial corridors developed with similar retail/ commercial uses. Furthermore, the subject site is located at a gateway intersection and primary entry node to the City. Residents and visitors to the City frequently visit the service station as they are en route to the City's recreational resources. The proposed convenience store will appeal to customers on a local and region wide basis. Also, removal of the automobile repair facility will eliminate a quasi-industrial use within a commercial area. Staff supports the ancillary convenience store because the use is consistent with the commercial/retail nature of the area and consistent with other service stations with convenience markets.

The proposed exterior modifications to the building will bring the appearance of the site into greater conformance with that of the surrounding developments. The design enhancements proposed by the applicant and recommended by the Design Review Board will make the site's appearance compatible with the Bella Terra Mall and Bella Terra Car Wash, which are designed with similar colors and architectural features. Staff supports the proposed exterior modifications because they will create a strong and distinct image for one of the corners at the City's primary entry node.

The proposed on-site improvements will bring the site into greater conformance with landscaping requirements and enhance the overall appearance of the site. The addition of one parking space, relocating a trash enclosure, and removing a concrete curb to widen the drive aisle will improve the established on-site circulation pattern. The proposal to close a drive approach on Edinger Ave. and install sidewalk, curb, and gutter will eliminate traffic conflicts between vehicles entering/existing the site as well as the vehicles traveling eastbound on Edinger Avenue. The off-site improvements are consistent with the adopted improvements for the Edinger corridor.

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 06-28

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission 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, which states that operation and minor alteration to existing structures involving negligible or no expansion are exempt from further environmental review.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 06-28:

1. Conditional Use Permit No. 06-28 for the conversion of an automobile repair facility to a convenience store as an ancillary use to an existing automobile service station 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 convenience store is an ancillary use to an existing automobile service station and will provide an opportunity for residents and visitors to shop for goods and services as they enter or leave the City. The proposed improvements will improve both on-site and off-site circulation. The conversion will not generate noise, traffic, odor or other impacts at levels inconsistent with the commercial zoning applicable to the subject property.
2. The conditional use permit will be compatible with surrounding uses because the project is proposed on a commercially zoned property located at the intersection of Edinger Avenue and Beach Blvd., a commercial corridor primarily developed with other commercial uses and similar service stations with ancillary convenience store. The design enhancements proposed by the applicant and recommended by the Design Review Board will make the site's appearance compatible with the Bella Terra Mall and Bella Terra Car Wash, which are designed with similar colors and architectural features. In addition, removal of the automobile repair facility will eliminate a quasi-industrial use inconsistent with the commercial nature of the area.
3. The proposed mini-mart conversion 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 with the exception of reduced landscaping requirements and canopy setbacks along Edinger Avenue and Beach Boulevard previously approved by Conditional Exception No. 93-16. The project complies with building setbacks, maximum floor area ratio, building height, and parking. Furthermore, removal of a driveway entrance on Edinger Ave. will be in compliance with Precise Plan of Street Alignment No. 92-2 approved by the City in 1992.

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 General Commercial on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

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

Policy 10.1.1 Accommodate the development of neighborhood, community, regional, office, and visitor-servicing commercial uses in area designated on the Land Use Plan Map

The proposed convenience store as an ancillary use to the automobile service station will provide needed services for residents and visitors to the City. The new facility provides residents and visitors to the City with a service as they are en route to the City's recreational resources. The proposed use will provide an additional shopping opportunity for residents and visitors as they enter or leave the City.

B. Urban Design Element

Goal UD 1 Enhance the visual image of the City of Huntington Beach.

Objective UD 1.2 Consider establishing, at each significant node, a local center that serves its neighborhood constituency and provides a strong and distinct image for the district.

The subject site is located at the Edinger Avenue/San Diego Freeway/Beach Boulevard intersection, a primary entry node to the city. At this intersection and across Edinger Ave. is the Bella Terra Mall, which serves as a regional and local center with a strong and distinct image. The new storefront, design enhancements, and colors are consistent with Bella Terra Mall and will bolster and enhance the visual image at one of the City's primary entry nodes.

C. Economic Development Element

Goal ED 2 Aggressively retain and enhance the existing commercial, industrial, and visitor serving uses while attracting new uses to Huntington Beach

Policy ED2.4.1 Encourage and assist existing and potential commercial owners to modernize and expand their commercial properties.

The conversion of the automobile repair facility into a convenience store with façade and on-site improvements will enable the business to compete with other newly constructed service stations with convenience markets located along Beach Boulevard. In addition the proposed exterior improvements to the building will modernize the appearance of the structure.

D. Circulation Element

Goal CE 2 Provide a circulation system which supports existing, approved, and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.

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.

The eastbound traffic lane abutting the site along Edinger Avenue is a “right-turn only” lane. Removal of the easterly most driveway entrance on Edinger Avenue eliminates potential traffic conflicts between vehicles egressing/ingressing the site with vehicular traffic continuing east to turn right on Beach Blvd. The removal of the driveway entrance is consistent with Precise Plan of Street Alignment No. 92-2 and the adopted improvements for Edinger Avenue. The goal is to improve existing traffic flow and meet the needs of the area to accommodate future commercial expansion along the Edinger Ave. corridor.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT 06-28:

1. The site plan, floor plans, and elevations received and dated July 21, 2006, shall be the conceptually approved design with the following modifications:
 - a. A three-foot wide landscaped planter shall be provided in front of the building along the southeast and southwest elevations. The existing 24 ft. drive aisle width south of the building shall be maintained. **(DRB)**
 - b. The cornice treatment on the building shall be painted a cocoa color (DEC755). **(DRB)**
 - c. A white (DEW380) band shall be painted on the fascia on all four elevations of the building. **(DRB)**
 - d. A blue corporate stripe (Beautiful Blue DEA136), in addition to the white band, shall be painted on the fascia of the southeast building elevation. In addition the proposed blue arches above the entrance shall remain. **(DRB)**
 - e. The main color of the building shall be painted beige, two shades lighter than that of the color of existing brick veneer on the building. **(DRB)**
 - f. A brick wainscoting to match that of the existing structure shall be provided for the bottom five feet of pump island support columns. In addition the support columns shall be painted beige to match the main color of the structure. **(DRB)**

2. Prior to submittal for building permits the following shall be completed:
 - a. One set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Department.
3. The proposed bathroom located within the convenience store shall be made to available to the public.

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.



CITY OF HUNTINGTON BEACH

PUBLIC WORKS DEPARTMENT INTERDEPARTMENTAL COMMUNICATION

TO: Rami Talleh, Associate Planner

FROM: James Wagner, Associate Civil Engineer *JRW*

DATE: September 5, 2006

SUBJECT: CUP 06-28\VAR 06-08\DR 06-22 (16001 Beach Blvd)–Conversion of Service Bays to Convenience Store Planning Application No. 2006-0175 - Conditions

THE FOLLOWING CONDITIONS ARE REQUIRED TO BE COMPLETED PRIOR TO ISSUANCE OF A GRADING PERMIT:

1. The site plan received and dated July 21, 2006 shall be the conditionally approved layout, except for the following:
 - a. Contractor shall jet sewer lateral then provide a color videotape or DVD to verify the working condition of the sewer lateral. If the video or DVD does not pass Public Works inspection, a new sewer lateral shall be installed connecting to the main in the street. If the new sewer lateral is not constructed at the same location as the existing lateral, then the existing lateral shall be severed and capped at the main or chimney.

ATTACHMENT NO. 2.1

BEAGH MOBIL INC.

MR. KAISER KORKIS

16001 BEAGH BLVD.

HUNTINGTON BEACH

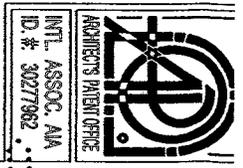
CA 92647-3802

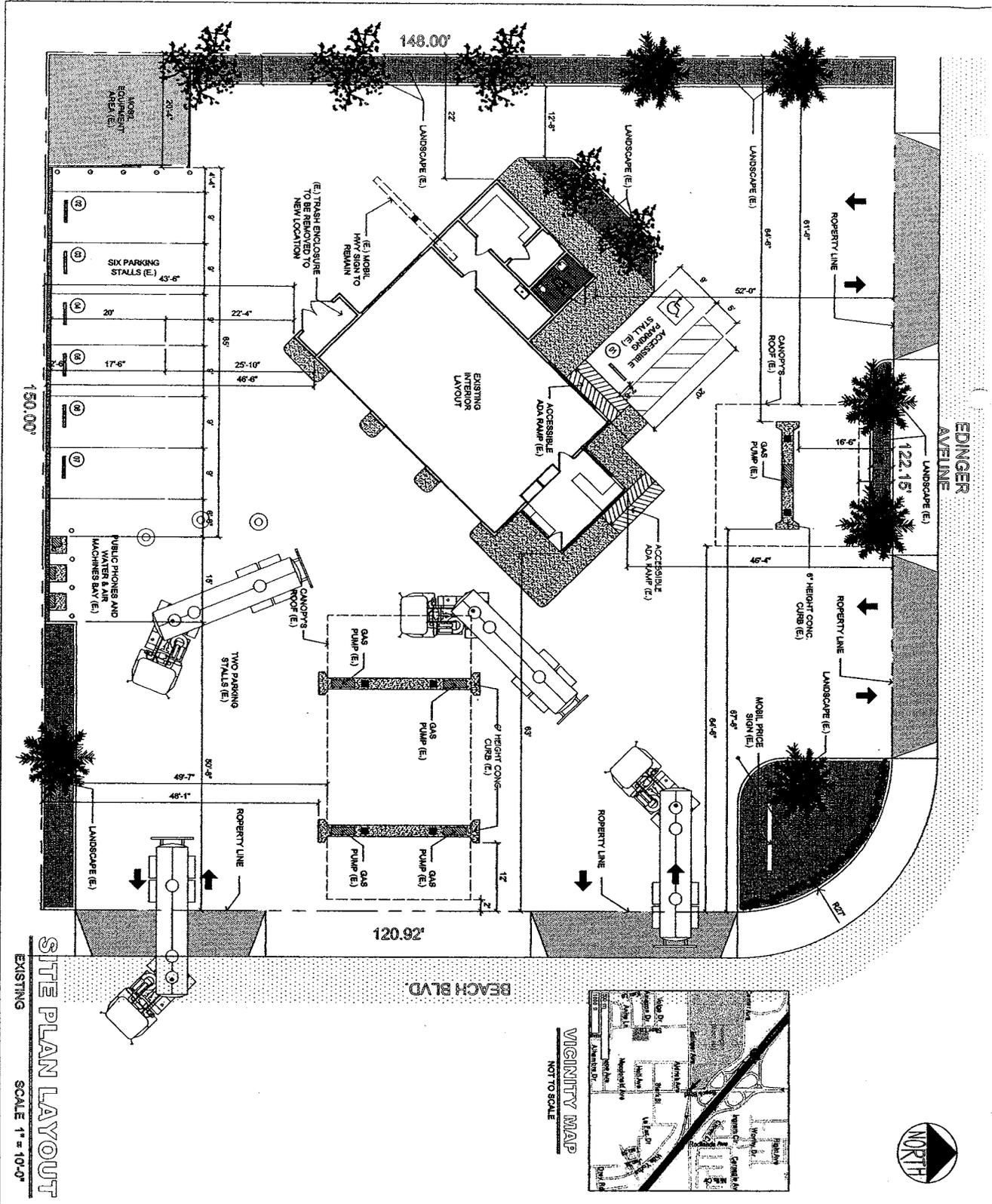
SERVICE STATION

DWG SHEETS INDEX :

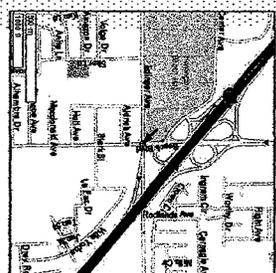
- A-01 EXISTING SITE LAYOUT.
- A-02 MODIFIED SITE LAYOUT.
- A-03 EXISTING FLOOR PLAN.
- A-04 NEW FLOOR PLAN.
- A-05 S-E & N-E ELEVATIONS.
- A-06 N-W & S-W ELEVATIONS.

SUBJECT	CODE SECTION	EXISTING	REQUIRED	PROPOSED
MINIMAL PARCEL SIZE	230.32 A	21,796 SQ. FT.	22,600 SQ. FT.	NO CHANGE
MINIMAL FRONTAGE	230.32 B	150.00' x 8.00'	160.00'	NO CHANGE
MINIMAL FRONTAGE	230.32 B	132.15' x 8.00'	160.00'	NO CHANGE
SITE LAYOUT	230.32 C	CANOPY, FILE DS & AUTO SERVICES	CUP AND VANDER	CONVERSION
DESIGN STANDARDS	230.32 D-1	NEW LIGHTING DISPENSERS	NEW LANDSCAPE HARMONIOUS DESIGNER NEIGHBORHOOD	WATCH THE BUILDING DESIGNER CONCEPTUAL DESIGN OF BELLA TERON
DRIVEWAYS AND ONSITE TRAFFIC CIRCULATION	230.32 D-2	FOUR DRIVEWAYS 2 ONE DRIVEWAY ON BEACH BLVD.	THREE DRIVEWAYS	3 DRIVEWAYS, THE TRAFFIC CONGESTION OF ENINGER AVE.
SERVICE BAYS	230.32 D-3	THREE SERVICE BAYS	THREE SERVICE BAYS	CONVERT SERVICE BAYS TO BAY-C STORE
UNINSIGHTLY AUTO REPAIR VISITORS TO HUNTINGTON BEACH	230.32 D-4	CONFORMING LIGHTING	CONFORMING LIGHTING	NO CHANGE
LANDSCAPE	230.32 D-5	1,400.79 SQ. FT.	2,179 SQ. FT.	2,288 SQ. FT.
	230.32 D-5-A	890 SQ. FT.	726 SQ. FT.	1,280 SQ. FT.
	230.32 D-5-B	82 SQ. FT.	600 SQ. FT.	800 SQ. FT.
	230.32 D-5-C	188 SQ. FT.	70 SQ. FT.	390 SQ. FT.
BUILDING SETBACK	230.32 D-6	25'-0"	NORTH: 48'-4" EAST: 63'-0" SOUTH: 44'-0" WEST: 22'-0"	NO CHANGE NO CHANGE NO CHANGE NO CHANGE
PHILIP ISLAND SETBACK	230.32 D-6	20'-0"	SMALL ISLAND NORTH: 16'-0" EAST: 12'-0"	NO CHANGE
CANOPY SETBACK	230.32 D-6	10'-0"	SMALL CANOPY NORTH: 6'-0" EAST: 2'-0"	NO CHANGE
STORAGE FOR MATERIALS & EQUIPMENTS	230.32 E	NONE	N/A	NO CHANGE
ACCESSORY USES	230.32 F-1	THREE AUTO REPAIR BAYS	NONE	CONVERT 3 SERVICE BAYS TO MINI-MART OR C-STORE

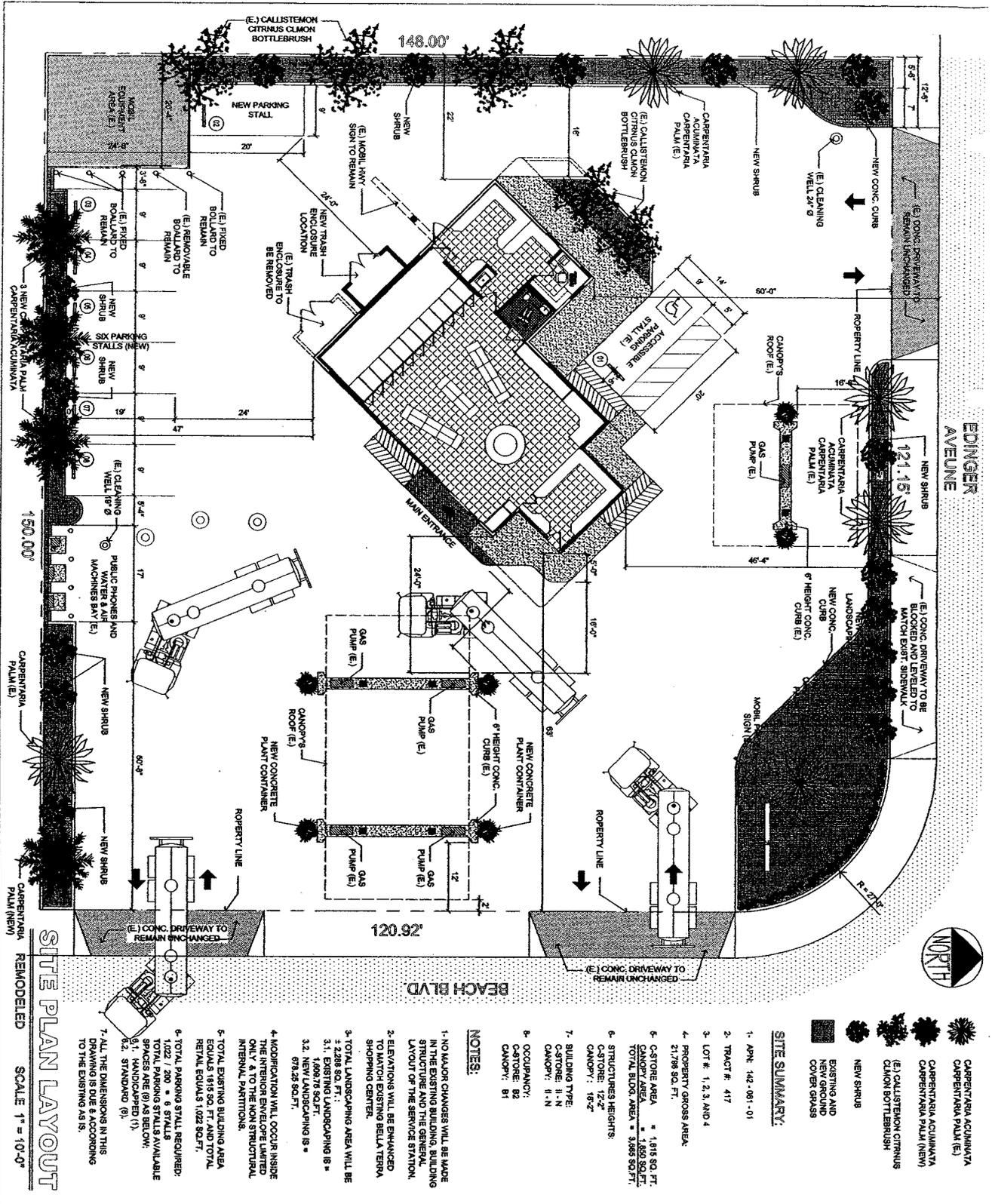




SITE PLAN LAYOUT
 EXISTING SCALE 1" = 10'-0"



ARCHITECT'S PAINTER/PRICE MTL ASSOC. AIA ID. #: 30271982	 BEACH MOBIL 4NC.	MOBIL SERVICE STATION REMODELING KAISER KORKKS BEACH MOBIL INC. 16001 BEACH BLVD., HUNTINGTON BEACH CALIFORNIA 92647-3802 Off. Ph. #: (714) 841-5059 Cell Ph. #: (714) 606-1600																							
		Allwright, B. Coarant 8635 Vanland Avenue, Apt. #77 Fontana, CA 92335-3844 Phone #: (909) 822-5887 Fax #: (909) 822-5888 E-mail: aew4077@globalnet.net																							
SHEET TITLE PREVIOUS PLAN: JUNE 19/2008 LATEST PLAN: JUNE 21/2008	REVISION <table border="1"> <thead> <tr> <th>NO.</th> <th>REVISION DATE</th> </tr> </thead> <tbody> <tr><td>01</td><td>MAY 7/07 2008</td></tr> <tr><td>02</td><td>MAY 19/07 2008</td></tr> <tr><td>03</td><td>MAY 21/07 2008</td></tr> <tr><td>04</td><td>MAY 21/07 2008</td></tr> <tr><td>05</td><td>MAY 21/07 2008</td></tr> <tr><td>06</td><td>MAY 21/07 2008</td></tr> <tr><td>07</td><td>MAY 21/07 2008</td></tr> <tr><td>08</td><td>MAY 21/07 2008</td></tr> <tr><td>09</td><td>MAY 21/07 2008</td></tr> <tr><td>10</td><td>MAY 21/07 2008</td></tr> </tbody> </table>	NO.	REVISION DATE	01	MAY 7/07 2008	02	MAY 19/07 2008	03	MAY 21/07 2008	04	MAY 21/07 2008	05	MAY 21/07 2008	06	MAY 21/07 2008	07	MAY 21/07 2008	08	MAY 21/07 2008	09	MAY 21/07 2008	10	MAY 21/07 2008	EXIST. SITE PLAN LAYOUT	SHEET NO. A-01
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SITE PLAN LAYOUT
REMODELED SCALE 1" = 10'-0"

- NOTES:**
- 1- NO MAJOR CHANGES WILL BE MADE IN THE EXISTING BUILDING, BUILDING LAYOUT OR THE SERVICE STATION. ELEVATIONS WILL BE ENHANCED TO MATCH EXISTING BELLA TERRA SHOPPING CENTER.
 - 2- TOTAL LANDSCAPING AREA WILL BE 3,178 SQ. FT. INCLUDING LANDSCAPING IS = 1,699.27 SQ. FT.
 - 3- TOTAL LANDSCAPING IS = 678.26 SQ. FT.
 - 4- MODIFICATION WILL OCCUR INSIDE THE INTERIOR ENVELOPE LIMITED TO INTERNAL PARTITIONS.
 - 5- TOTAL EXISTING BUILDING AREA EQUALS 1,815 SQ. FT. AND TOTAL RETAIL EQUALS 1,022 SQ. FT.
 - 6- TOTAL PARKING STALLS REQUIRED: 1,022 / 200 = 5 STALLS TOTAL PARKING STALLS AVAILABLE: 8 STALLS (SEE SECTION 8.2, STANDARD 8).
 - 7- ALL THE DIMENSIONS IN THIS DRAWING IS DUE & ACCORDING TO THE EXISTING AS IS.

- SITE SUMMARY:**
- 1- APR. 142-081-01
 - 2- TRACT #: 417
 - 3- LOT #: 1, 2, 3 AND 4
 - 4- PROPERTY GROSS AREA 21,789 SQ. FT.
 - 5- STORE AREA = 1,815 SQ. FT. CANOPY AREA = 1,699 SQ. FT. TOTAL BLDG. AREA = 3,485 SQ. FT.
 - 6- STRUCTURES HEIGHTS: STORE: 12'-2" CANOPY: 18'-2"
 - 7- BUILDING TYPE: STORE: II-N CANOPY: II-N
 - 8- OCCUPANCY: STORE: B2 CANOPY: B1

LEGEND:

- CARPENTARIA ACQUINATA
- CARPENTARIA PALM (E)
- CARPENTARIA PALM (NEW)
- (E) CALLISTEMON CITRINUS
- CLONM BOTTLEBRUSH
- NEW SHRUB
- EXISTING AND NEW GROUND COVER GRASSES

SHEET NO. **A-02**

REMODEL SITE PLAN LAYOUT

SHEET TITLE

REVISION DATE

01	MAN. / 02 / 2006
02	MAN. / 07 / 2006
03	MAN. / 11 / 2006
04	MAN. / 11 / 2006
05	MAN. / 27 / 2006
06	MAN. / 07 / 2006
07	MAN. / 07 / 2006
08	MAN. / 07 / 2006
09	MAN. / 20 / 2006

PREVIOUS PLAN: JUNE / 09 / 2005
LATEST PLAN: APRIL / 21 / 2006

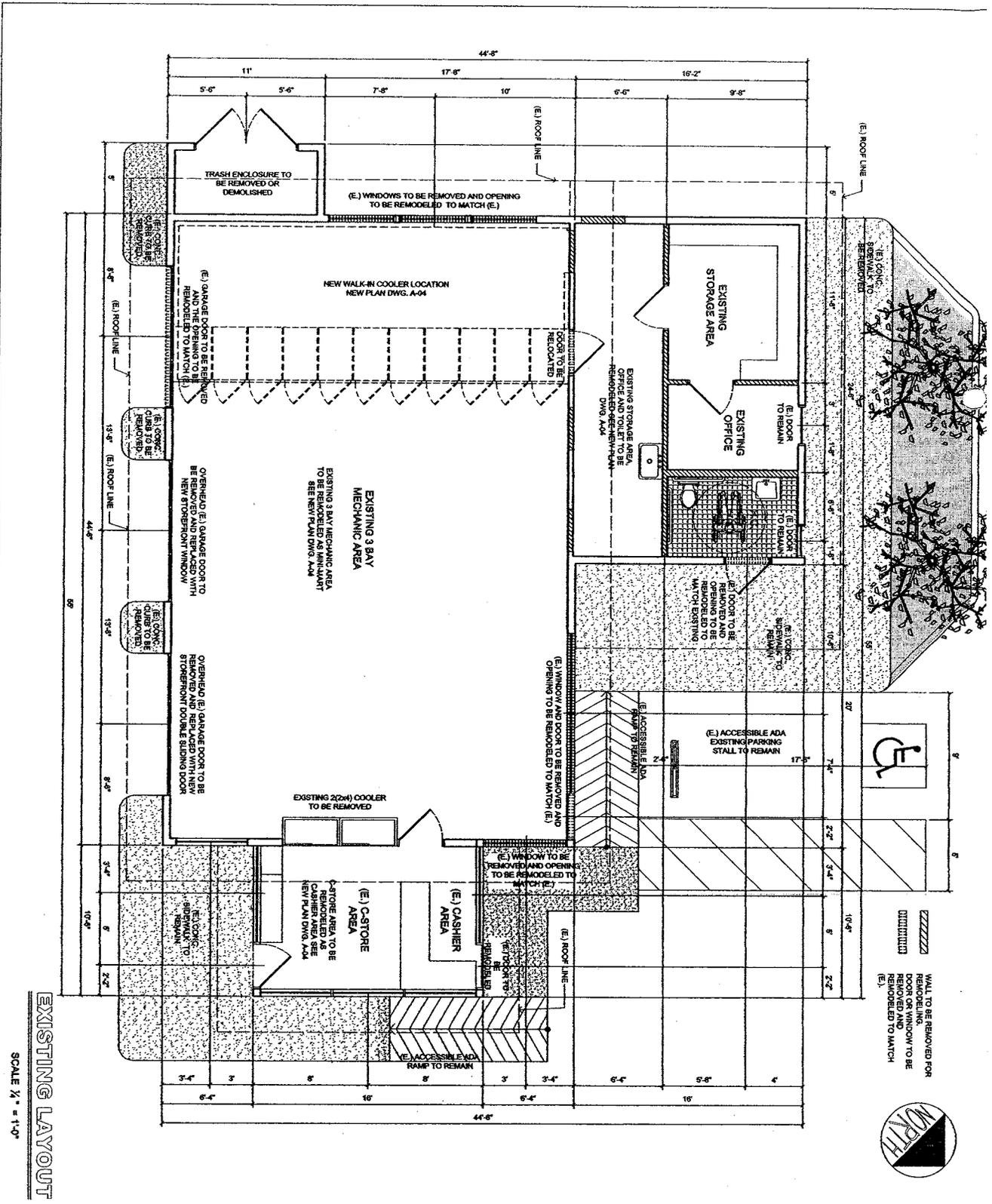
MOBIL SERVICE STATION REMODELING
KAISER KORKIS
BEACH MOBIL, INC.
16001 BEACH BLVD., HUNTINGTON BEACH
CALIFORNIA 92647-3802
Off. Ph. #: (714) 841-5059
Cell Ph. #: (714) 606-1600

BEACH MOBIL INC.

Albuquerque, N. Mexico
8500 Grandd Ave.,
Albuquerque, N. Mexico
Phone: (505) 822-4394
Fax: (505) 822-2599
Website: www.beachmobil.com

INT'L ASSOC. AIA
ID #: 30277982

ARCHITECTS' IDENTIFICATION



EXISTING LAYOUT
SCALE 1/4" = 1'-0"

SHEET TITLE

EXISTING LAYOUT SHOWING PLACES TO BE REMODELED

SHEET NO. A-03

REVISION	REVISION DATE
01	MAY 13, 2008
02	MAY 17, 2008
03	MAY 17, 2008
04	MAY 17, 2008
05	MAY 17, 2008
06	MAY 17, 2008
07	MAY 17, 2008
08	MAY 17, 2008

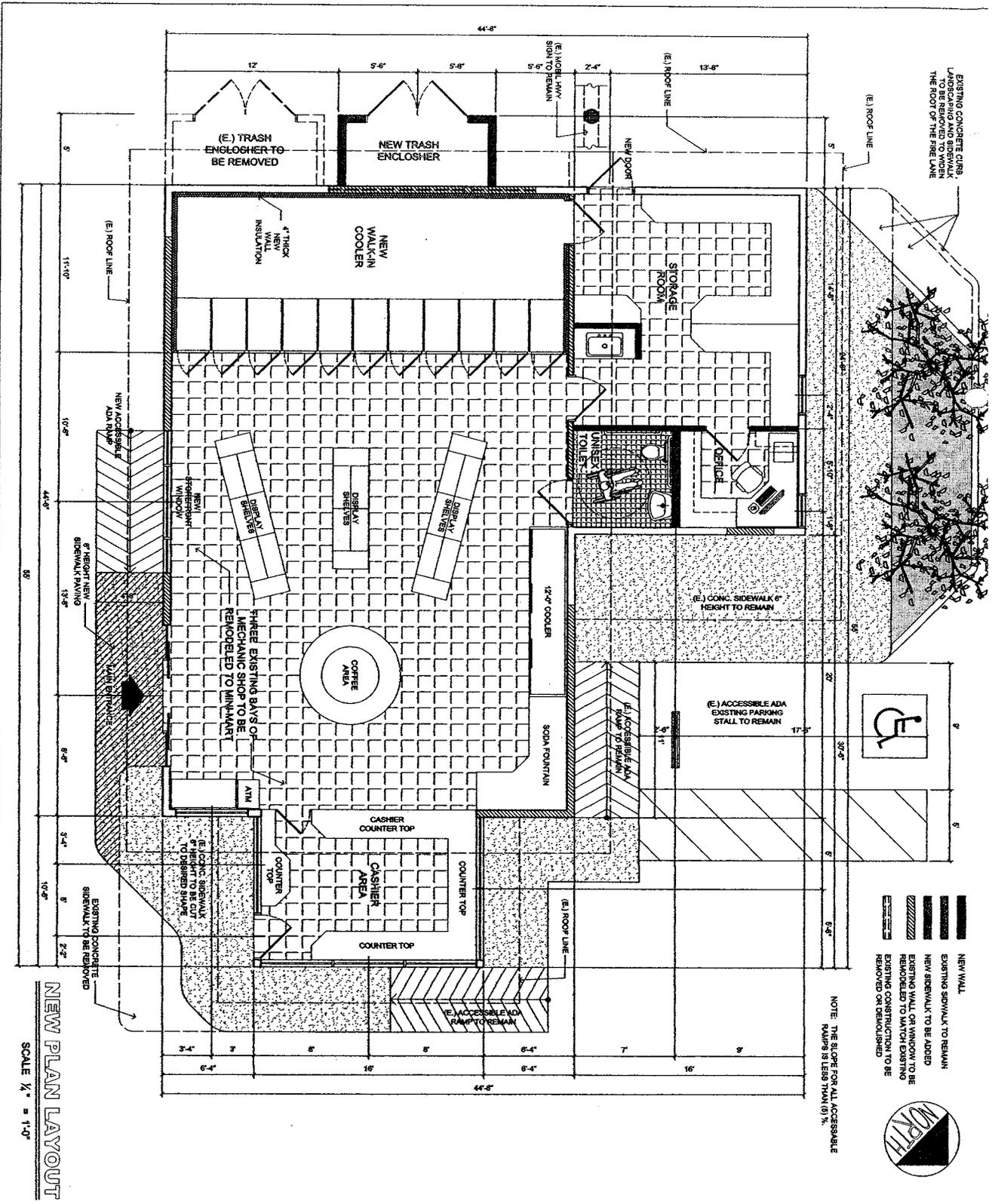
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KAISER KORNIK
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 16001 BEACH BLVD., HUNTINGTON BEACH
 CALIFORNIA 92647-3802
 Off. Ph. #: (714) 841-5059
 Cell Ph. #: (714) 606-1600



Alexander P. Orlin
 5500 Sandringham Avenue,
 Suite 200
 Ft. Lauderdale, FL 33309
 Phone: (954) 322-4390
 Fax: (954) 322-4392
 Email: alexp@apocad.com

INTL. ASSOC. AIA
 ID # 30277982





NEW PLAN LAYOUT
SCALE 1/4" = 1'-0"

- NEW WALL
- EXISTING SIDEWALK TO REMAIN
- NEW SIDEWALK TO BE ADDED
- EXISTING WALL OR WINDOW TO BE REMOVED TO MATCH EXISTING EXTERIOR OR DEMOLISHED

NOTE: THE SLOPE FOR ALL ACCESSIBLE RAMP IS LESS THAN (6) %.



REVISION #	REVISION DATE
01	MAR. 02 / 2008
02	MAR. 02 / 2008
03	MAR. 11 / 2008
04	MAR. 11 / 2008
05	MAR. 11 / 2008
06	MAR. 11 / 2008
07	MAR. 11 / 2008
08	MAR. 11 / 2008

PREPARED BY: JUNE 21, 2008
LATEST PLAN: JUNE 21, 2008

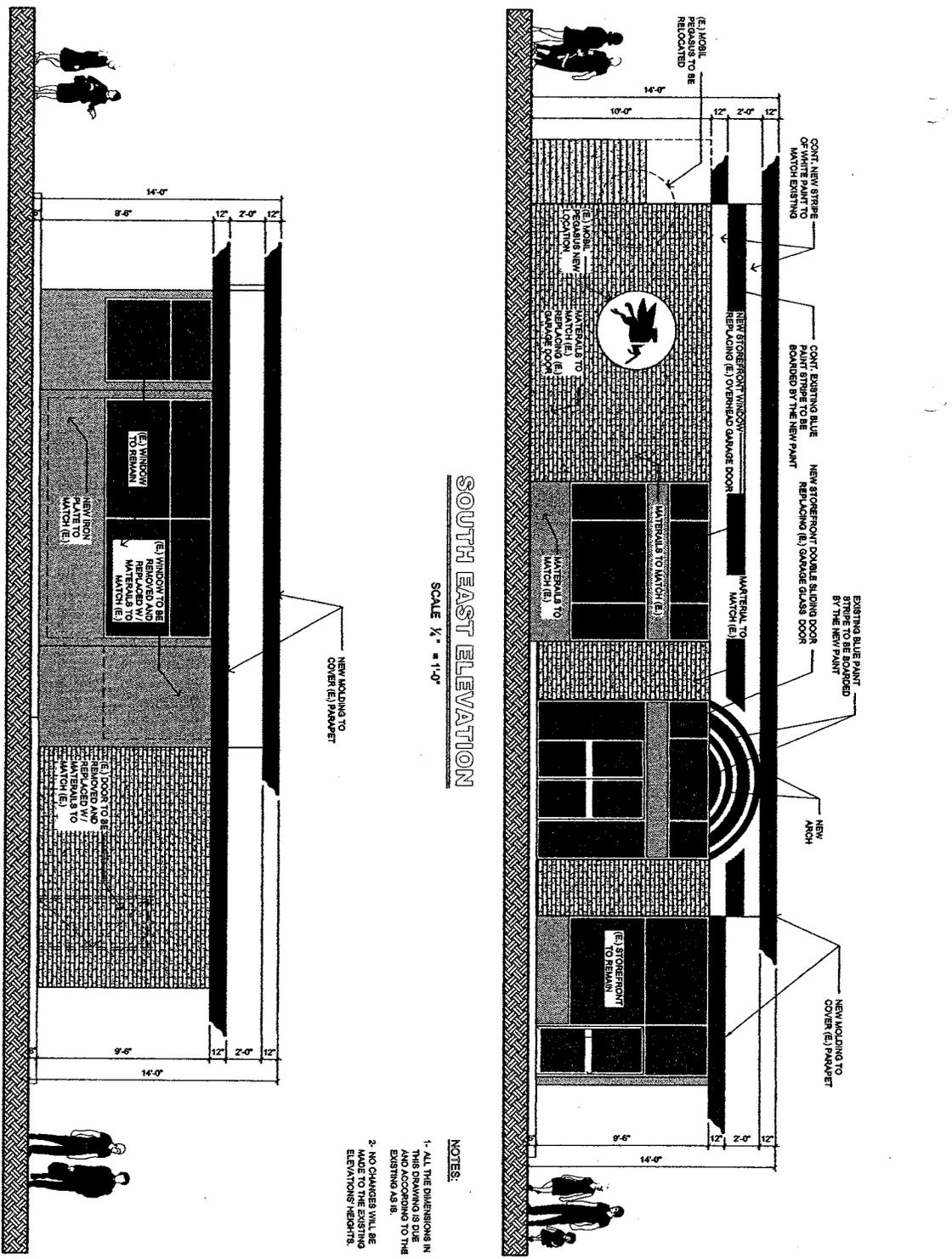
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Cell Ph. #: (714) 606-1600



Alexander P. O'Neil
5530 Gardfield Avenue
Apt 7, Fontana
CA 92335-3844
Phone: (951) 822-4390
Fax: (951) 822-4390
mobilserv@pcpdonline.net

INTL ASSOC. AA
ID #: 30277982



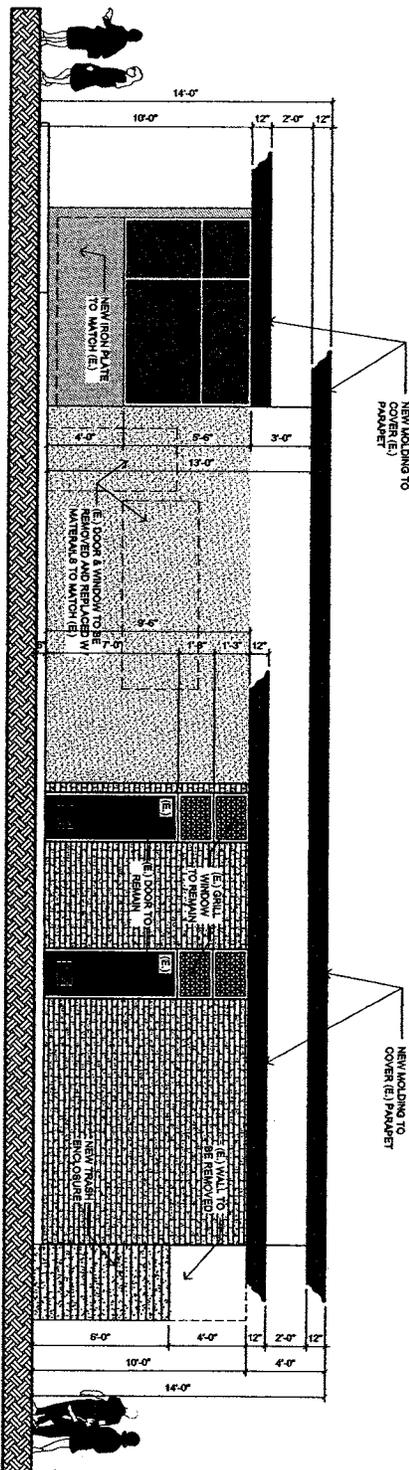


SOUTH EAST ELEVATION
SCALE 1/4" = 1'-0"

NORTH EAST ELEVATION
SCALE 1/4" = 1'-0"

- NOTES:**
- 1- ALL THE DIMENSIONS IN THIS DRAWING IS DUE AND ACCORDING TO THE EXISTING AS IS.
 - 2- NO CHANGES WILL BE MADE TO THE EXISTING ELEVATIONS HEIGHTS.

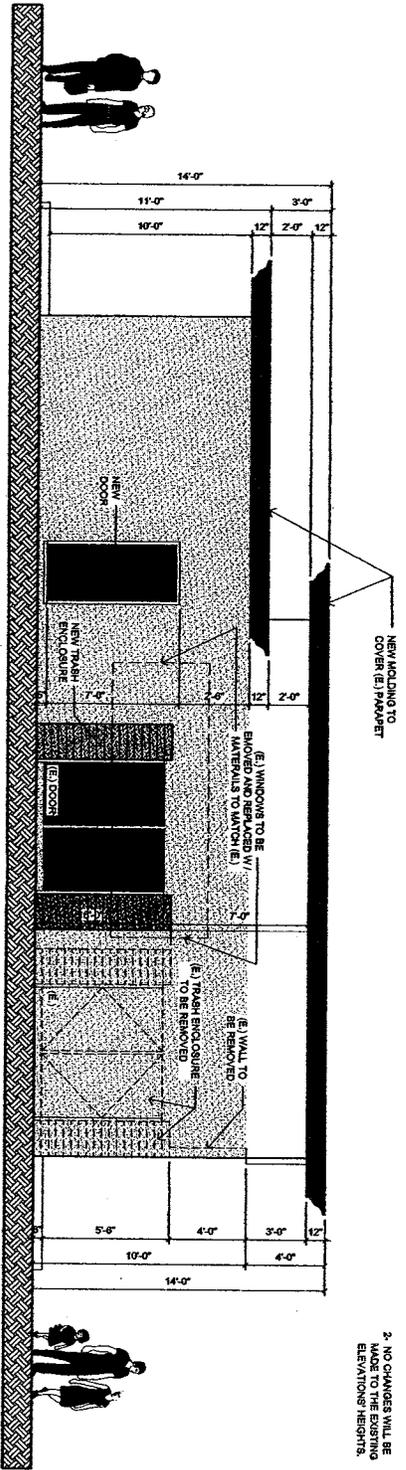
<p>BEACH MOBIL INC.</p>	<p>Asst. Manager P. Orshim 8538 Terrence Avenue, Olathe, KS 66061 Phone #: (913) 822-4380 Fax #: (913) 822-4380 E-mail: 816-827-8222@beachmobil.com</p>	<p>INTL. ASSOC. AM ID #: 30277932</p>	<p>AMERICAN'S PATENT OFFICE</p>																								
	<p>MOBIL SERVICE STATION REMODELING KAISER KORIKS BEACH MOBIL INC. 16001 BEACH BLVD., HUNTINGTON BEACH CALIFORNIA 92647-3802 Off. Ph. #: (714) 841-5059 Cell Ph. #: (714) 606-1600</p>	<table border="1"> <thead> <tr> <th>REVISION #</th> <th>REVISION DATE</th> <th>DATE / 03 / 2004</th> </tr> </thead> <tbody> <tr> <td>01</td> <td>DATE / 03 / 2004</td> <td></td> </tr> <tr> <td>02</td> <td>DATE / 11 / 2004</td> <td></td> </tr> <tr> <td>03</td> <td>DATE / 13 / 2004</td> <td></td> </tr> <tr> <td>04</td> <td>DATE / 21 / 2004</td> <td></td> </tr> <tr> <td>05</td> <td>DATE / 07 / 2004</td> <td></td> </tr> <tr> <td>06</td> <td>DATE / 07 / 2004</td> <td></td> </tr> <tr> <td>07</td> <td>DATE / 07 / 2004</td> <td></td> </tr> </tbody> </table>	REVISION #	REVISION DATE	DATE / 03 / 2004	01	DATE / 03 / 2004		02	DATE / 11 / 2004		03	DATE / 13 / 2004		04	DATE / 21 / 2004		05	DATE / 07 / 2004		06	DATE / 07 / 2004		07	DATE / 07 / 2004		<p>SHEET TITLE</p> <p>SOUTH EAST ELEVATION AND NORTH EAST ELEVATION</p>
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01	DATE / 03 / 2004																										
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07	DATE / 07 / 2004																										



NORTH WEST ELEVATION

SCALE 1/4" = 1'-0"

- NOTES:**
1. ALL THE DIMENSIONS IN THIS DRAWING IS DUE AND ACCORDING TO THE EXISTING AS IS.
 2. NO CHANGES WILL BE MADE TO THE EXISTING ELEVATIONS HEIGHTS.



SOUTH WEST ELEVATION

SCALE 1/4" = 1'-0"



AMERICAN'S PATENT OFFICE
 INTL. ASSOC. AIA
 I.D.#: 30277982

Alexander P. Orlan
 5639 Tansard Avenue
 Apt. 3, Ft. Pinna
 CA 92335-3944
 Phone: (951) 822-4390
 Fax: (951) 228-4801
 alex-1027@compuserve.com



MOBIL SERVICE STATION REMODELING
 KAISER KORKIS
 BEACH MOBIL INC.
 16001 BEACH BLVD., HUNTINGTON BEACH
 CALIFORNIA 92647-3802
 Off. Ph. #: (714) 841-5059
 Cell Ph. #: (714) 606-1600

REVISION #	REVISION DATE
01	MAY / 28 / 2008
02	MAY / 29 / 2008
03	MAY / 11 / 2008
04	MAY / 13 / 2008
05	MAY / 27 / 2008
06	MAY / 14 / 2008
08	JUNE / 01 / 2008

PREPARED BY: JUNE / 01 / 2008
 LATEST MOD: JUNE / 01 / 2008

SHEET TITLE
 NORTH WEST ELEVATION & SOUTH WEST ELEVATION
 SHEET A-08

Beach Mobil Inc.

16001 Beach Blvd

Huntington Beach, CA 92646

Narrative with conversion of service station repair facility to convenience store

Location

Beach Mobil, Inc. is located on the south west corner of Beach Blvd and Edinger Ave on perhaps the highest traffic count in the city of Huntington Beach. The service station was built in 1967 and has been upgraded most recently to reflect ExxonMobil's new brand recognition graphics with enhanced outdoor lighting providing increased visibility for consumers and their safety. Additionally, canopy enhancements, new state of the art single hose gasoline dispensers and additional landscaping improvements have also been completed.

Business

The service station is leased from ExxonMobil by Kaiser Korkis, dba Beach Mobil Inc. and has been doing business since 1995. The service station is open 24 hours a day and employs 7 people. The existing station has 3 service bays that have been very profitable and are open to motorists 6 days a week, Monday thru Saturday from 8AM till 8PM.

Opportunity

Because of the Bella Terra Shopping Center, Beach Mobil, Inc. is seeking a variance and conditional use permit from the City to eliminate the service bays and auto repair operation and convert them into a unique convenience store.

City Benefits

The conversion would benefit the city of Huntington Beach, the traveling motorist, and consumers with a high quality development that will contribute to a positive physical image and identity of the City in addition to maintaining and protecting the value of the property.

The City would also benefit by improving the appearance of the service station by eliminating the service bays especially at this very high destination location. This conversion would also conform to the City's recommended concealment of unsightly auto repairs from the passing motorist and consumers and increasing the amount of landscaping to enhance the appearance of the property.

The high visibility of the station with enhanced modifications to the existing building would compliment the city's general plan for the area by enhancing the City's unique identity and character and contribute to a positive City image. Because of the new regional Bella Terra Shopping Center, providing convenience store items including Surf City merchandize in addition to 24 hour fueling compliments the Beach Edinger corridor.

Consumers, Visitors, Motorists Benefits

The conversion of the service bays would include 1022 square feet of retail space and relocating access to a unisex restroom facility from inside the building would assure motorists and visitors an ultra clean restroom experience.

By incorporating a Surf City Theme and décor in the convenience store we shall promote the identity of Surf City and contribute to increased awareness of activities and planned events to visiting motorists to other areas of the City.

Motorists and consumers would benefit especially by having an upscale convenience store located at the entrance to the city with state of the art fueling dispensers, multiple choices for refreshment, snacks, fast foods and convenience items for people that are on the run with an ultra clean restroom and perhaps even a wireless hot spot for motorist that need to get information from the Internet.

Parking spaces for 8 vehicles with an additional 540 square feet of landscaping and adding 4 more trees to the existing landscape should mitigate the 10 foot landscape planter along the frontage perimeter of the Beach Blvd and Edinger Ave. Because of the existing fueling dispensers' location, we are unable to meet that requirement and therefore need a variance to complete our project.

Permit City Approval

By approving a variance and by increasing the landscape wherever appropriate and manageable we shall move the project forward to completion. The conversion plan would bring the total landscaping of the property to 2150 square feet or more depending on final approval.

Additional potting and planters could be added at the north side and east side fueling medians to add landscaping and color to the fueling areas. Additional potting and planters could also be added along the exterior walls on the south and north side of the building or wherever appropriate and manageable.

Increased Tax Revenue

Aggressive fuel marketing expectations integrating the existing beer wine license and other upscale items should increase gross sales and therefore increase tax revenues for the City. The additional increase in tax revenue would compliment the Bella Terra Shopping Center and encourage other business owners to rehabilitate or improve the appearance of their businesses, much like a domino effect. A prime example is the adjacent Bella Terra Car Wash south of our property line.

Additionally, changing the name of the station to the Bella Terra Mobil or Surf City Mobil is also being considered including the external use of the theme and décor of the Bella Terra Shopping Center that would continue the extension of the enhanced experience and drive additional consumers to the Bella Terra Mall and other high profile destination locations in the City.

Win, Win, Win

By using a Surf City theme and unique design decor convenience store, the increased sales would generate increased tax revenue to the City. Naturally, ExxonMobil would benefit with increased gasoline sales not to mention the enhanced appearance of their property now with a unique convenience store while providing friendly and unique services to motorists, visitors and consumers.

Franchisee, Business Owner

Mr. Kaiser Korkis, the dealer and Franchisee of the service station has committed a sizable investment to remodel and convert his existing 3 service bay auto repair service business. His return on investment will not be realized for many years, however he is confident that an initiative to a convenience store by converting his three service repair business makes good economic sense especially since the Bella Terra Shopping Center is soon to be completed.

He has made 8 changes to his concept design plans to accommodate the City's requirements for a variance and conditional use permit while attempting to minimize the economics of his development.

Because the station is leased from ExxonMobil, any dramatic design alterations to the existing exterior would require their approval so the remodel design elevations are very minimal and stays within ExxonMobil's basic design of the existing building. Therefore the remodel elevations depict some minor alterations to the service station building and a complete conversion of the interior to affect a unique convenience store. An approval from ExxonMobil is expected after our project is approved by the City of Huntington Beach.

Fire Department Exemption

Dave Smyth, Hazardous Supervisor for the HB Fire Department has confirmed the location is not on the City's list of Hazardous sites and therefore exempt from an EIR. He confirmed that he called Ron Santos of the planning department about the facts of the property.

DPW Recommendation

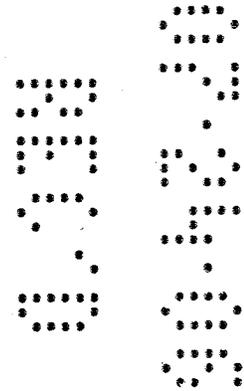
After consulting with Bob Stachelski at DPW, we followed his recommendation to eliminate the driveway on Edinger at the corner of Beach Blvd. to enhance the traffic flow and reduce traffic congestion. This improvement along with new landscaping will add to the distinction and general appearance to the gateway of the Bella Terra Mall.

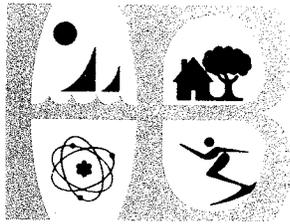
Application Approval

After consulting with other business owners that have successfully converted their service bays to convenience stores in the City, we are confident that our application should be approved without exemptions. We would appreciate a very timely decision regarding our application to remodel.

Contact Information

Should you have any questions regarding the elevations or scope of the project, please contact **Kimo Jarrett** at **(714) 476-3822** or email at getrich@usa.com. We are prepared to cooperate with any reasonable actions to facilitate a rapid and timely decision for an approval to our project.





City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING

Phone 536-5271
Fax 374-1540

September 10, 2006

Kimo Jarret and Kaiser Korkis
16001 Beach Blvd.,
Huntington Beach, CA 92647

SUBJECT: CONDITIONAL USE PERMIT NO. 06-28 (MOBIL MINI-MART – 16001 BEACH BLVD.) DEVELOPMENT AND USE REQUIREMENTS

Dear Mr. Korkis,

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This preliminary list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission. Please note that if the design of your project changes or if site conditions change, the list may also change based upon modifications to your project and the applicable city policies, standard plans, and development and use requirements.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at 714-374-1682 and/or the respective source department (abbreviation in parenthesis at end of each condition – contact person below).

Sincerely,


Rami Talleh
Associate Planner

Enclosures

cc: Gerald Caraig, Building and Safety Department – 714-374-1575
Eric Engberg, Fire Department – 714-536-5564
Terri Elliott, Public Works – 714-536-5580
Herb Fauland, Principal Planner
Jason Kelley, Planning Department
Exxon Mobil c/o Robert A. Foster, 3225 Gallows Rd., Fairfax, Virginia 22037
Project File

ATTACHMENT NO. 5.1

PLANNING DEPARTMENT

DRAFT CODE REQUIREMENTS, POLICIES, AND STANDARD PLANS OF THE HUNTINGTON BEACH ZONING & SUBDIVISION ORDINANCE AND MUNICIPAL CODE

PROJECT: Conditional Use Permit No. 06-28 – Mobil Mini-Mart

ADDRESS: 16001 Beach Boulevard

The draft list is intended to assist the applicant by identifying a preliminary list of code requirements applicable to the proposed project, which must be satisfied during the various stages of project implementation. Any conditions of approval adopted by the Planning Commission would also be applicable to your project. A final list of requirements will be provided upon approval by the applicable discretionary body. If you have any questions regarding these requirements, please contact the Project Planner and the applicable Department Representative.

CONDITIONAL USE PERMIT NO. 06-28:

1. The site plan, floor plans, and elevations approved by the Planning Commission shall be the conceptually approved design.
2. The final building permit(s) cannot be approved, until a Certificate of Occupancy must be approved by the Planning Department and issued by the Building and Safety Department.
2. The Planning Commission reserves the right to revoke Conditional Use Permit No. 06-28 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
3. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
4. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.
5. The applicant shall submit a check in the amount of \$43.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's/ Zoning Administrator's action.



CITY OF HUNTINGTON BEACH

PUBLIC WORKS DEPARTMENT INTERDEPARTMENTAL COMMUNICATION

City of Huntington Beach

TO: Rami Talleh, Associate Planner

FROM: James Wagner, Associate Civil Engineer *JRW*

SEP 06 2006

DATE: September 5, 2006

SUBJECT: CUP 06-28\VAR 06-08\DR 06-22 (16001 Beach Blvd)-Conversion of Service Bays to Convenience Store Planning Application No. 2006-0175 - Development Requirements - REVISED

This memo shall replace and supercede the memo dated August 31, 2006. (Changed the following: Deleted previous item 2d and moved previous item 2e to Conditions memo)

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

1. The site plan received and dated July 21, 2006 shall be the conditionally approved layout.
2. A Precise Grading Plan prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05/ZSO 230.84) The following improvements shall be shown on the plan:
 - a. The two (2) existing driveway approaches on Beach Boulevard shall be removed and replaced with an ADA compliant driveway approach per City Standard Plan No. 211. The "W", width of driveway, shall remain the existing width. (ZSO 230.84)
 - b. The one (1) existing driveway approach, closest to the corner, on Edinger Avenue shall be removed and replaced with curb, gutter, and sidewalk per City Standard Plan Nos. 202 and 207. (ZSO 230.84)
 - c. The one (1) existing driveway approach, furthest from corner, on Edinger Avenue shall be removed and replaced with an ADA compliant driveway approach per City Standard Plan No. 211. The "W", width of driveway, shall remain the existing width. (ZSO 230.84)
 - d. The existing water meter shall be replaced with a touch-read meter. The new domestic water meter shall be installed per Water Division Standards, and sized to meet the minimum requirements set by the California Plumbing Code (CPC). (ZSO 230.84)
 - e. The existing domestic water service currently serving the existing development may potentially be utilized if it is of adequate size, conforms to current standards, and is in working condition as determined by the Water Inspector. If the property owner elects to utilize the existing water service, any non-conforming water service(s), meter(s), and backflow protection device(s) shall be upgraded to conform to the current Water Division Standards. Alternatively, a new separate domestic water service(s), meter(s) and backflow protection device(s) may be installed per Water Division Standards and shall be sized to meet the minimum

- requirements set by the California Plumbing Code (CPC). The new domestic water service shall be a minimum of 1-inch in size. (ZSO 230.84)
- f. A separate irrigation water service and meter shall be installed per Water Division Standards. The water service shall be a minimum of 1-inch in size. (ZSO 230.84)
 - g. Separate backflow protection device shall be installed per Water Division Standards for domestic water service. (Resolution 5921 and Title 17)
 - h. If fire sprinklers are required by the Fire Department for the proposed development, a separate dedicated fire service line shall be installed. (ZSO 230.84)
3. Prior to submittal of a landscape plan, the applicant shall provide a Consulting Arborist report on all the existing trees. Said report shall quantify, identify, size and analyze the health of the existing trees. The report shall also recommend how the existing trees that are to remain (if any) shall be protected and how far construction/grading shall be kept from the trunk. (Resolution 4545)
 - a. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk).
 4. A Landscape and Irrigation Plan, prepared by a Licensed Landscape Architect shall be submitted to the Public Works Department for review and approval by the Public Works and Planning Departments. (ZSO 232.04)
 5. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. (ZSO 232.04B)
 6. Landscaping plans should utilize native, drought-tolerant landscape materials where appropriate and feasible. (DAMP)
 - a. The Consulting Arborist (approved by the City Landscape Architect) shall review the final landscape tree planting plan and approve in writing the selection and locations proposed for new trees and the protection measures and locations of existing trees to remain. Said Arborist report shall be incorporated onto the Landscape Architect's plans as construction notes and/or construction requirements. The report shall include the Arborist's name, certificate number and the Arborist's wet signature on the final plan. (Resolution-4545)
 7. The operator shall use dry clean-up methods on the outside areas; wash down is prohibited unless wash water is recovered and disposed of in sewer system. (DAMP)
 8. A suitable location, as approved by the City, shall be depicted on the grading plan for the necessary trash enclosure(s). The area shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, and screened or walled to prevent off-site transport of trash. The trash enclosure area shall be roofed. Connection of trash area drains into the storm drain system is prohibited. (DAMP)
 9. The applicant's grading/erosion control plan shall abide by the provisions of AQMD's Rule 403 as related to fugitive dust control. (AQMD Rule 403)

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLIED WITH DURING GRADING OPERATIONS:

1. All haul trucks shall arrive at the site no earlier than 8:00 a.m. or leave the site no later than 5:00 p.m., and shall be limited to Monday through Friday only. (MC 17.05)
2. The construction disturbance area shall be kept as small as possible. (EC1)
3. Comply with appropriate sections of AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. (AQMD Rule 403)
4. Remediation operations, if required, shall be performed in stages concentrating in single areas at a time to minimize the impact of fugitive dust and noise on the surrounding areas.

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

1. A Precise Grading Permit shall be issued.

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF AN ENCROACHMENT PERMIT:

1. Traffic Control Plans, prepared by a Licensed Civil or Traffic Engineer, shall be prepared in accordance with the latest edition of the City of Huntington Beach Construction Traffic Control Plan Preparation Guidelines and submitted for review and approval by the Public Works Department. (Construction Traffic Control Plan Preparation Guidelines)

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO FINAL INSPECTION OR OCCUPANCY:

1. Complete all improvements as shown on the approved grading and landscape plans. (MC 17.05)
2. All landscape irrigation and planting installation shall be certified to be in conformance to the City approved landscape plans by the Landscape Architect of record in written form to the City Landscape Architect prior to the final landscape inspection and approval. "Smart irrigation controllers" and/or other innovative means to reduce the quantity of runoff shall be installed. (ZSO 232.04D)
3. Applicant shall provide City with CD media TIFF images (in City format) and CD (AutoCAD only) copy of complete City Approved landscape construction drawings as stamped "Permanent File Copy" prior to starting landscape work. Copies shall be given to the City Landscape Architect for permanent City record.

INFORMATION ON SPECIFIC CODE REQUIREMENTS

These code requirements are provided for reference. This is not a complete list of all code requirements applicable to this project.

1. Standard landscape code requirements apply. (ZSO 232)

2. City Arboricultural and Landscape Standards and Specifications apply. (Resolution 4545)
3. The Water Ordinance #14.52, the "Water Efficient Landscape Requirements" apply for projects with 2500 square feet of landscaping and larger. (MC 14.52)
4. All applicable Public Works fees shall be paid. Fees shall be calculated based on the currently approved rate at the time of payment unless otherwise stated. (ZSO 250.16)
5. An Encroachment Permit is required for all work within the City's right-of-way. (MC 14.36.020)
6. An Encroachment Permit is required for all work within Caltrans' right-of-way.

2. Plan submittal documents must include "Conditions of Approval".
3. Alterations to the interior will require a building permit. New certificate of occupancy must be included in plan check and inspection of interior alterations or repairs is required.
4. Plans must be prepared and stamped and wet signed by a California licensed Architect and Engineer.
5. All new areas must meet the Energy Standards of the State of California Building Code 2005 edition.
6. Provide building permit application and completed drawing(s) for architectural and structural information and required documents for plan review.
7. Provide Building Code Analysis on the plans (Title Sheet) to show compliance with California Building Code ©, 2001 edition for:
 - 7.1. Determine the OCCUPANCY CLASSIFICATION: Compute the occupant load of the buildings. Determine the occupancy group for each use. See Chapter 3.
 - 7.2. Determine the TYPE OF CONSTRUCTION: See Chapter 6.
 - 7.3. Show compliance with the occupancy requirements in Sections 311.2.3.2. A one-hour occupancy separation need not be provided between fuel dispensers covered with a canopy that is open on three or more sides, and a Group M Occupancy retail store having an area less than 2,500 sf when the following conditions exit:
 - 7.3.1. The Group M Occupancy is provided with two exits or exit-access doorways separated as required by Section 1004.2.4 and not located in the same exterior wall.
 - 7.3.2. Fuel-dispenser islands are not located within 20 feet of the Group M Occupancy retail store.
8. Provide the following notes on the plans:
 - 8.1. *"This project must comply with Huntington Beach Security Ordinance Code."*
9. This facility needs to provide a bathroom facility meeting the Disabled Access Standards of the State Building Code ©, 2001 edition.
10. Provide complete interior partition wall details. Include the gauge, ICBO approval numbers (for metal frame partitions), and all top and bottom attachment details.
11. Show type of fire resistive construction type and the occupancy group classification of the building for each area. Indicate occupant loads using occupant load factors of the CBC Table 10-A.
12. When the total construction cost of alterations, structural repairs, or additions over the last three years (including the proposed work) does not exceed a valuation threshold of \$113,586 based on the construction index, access path of travel improvements and sanitary facilities, etc. shall be provided to the extent that the cost of providing access is at least 20% of the total cost of construction cost. (CBC Section 1134B.2.1, Exception 1)

13. If project does not meet the General Exemption provisions of (CBC Section 1134B.2.1), plans and details shall show full compliance with all applicable accessibility provisions of the CBC Chapter 11B.
14. All areas of newly designed or newly constructed buildings and facilities shall be made accessible to persons with disabilities as required. California Building Code © T24 Sec. 1101B.1.
15. All existing buildings and facilities, when alterations, structural repairs or additions are made to such buildings or facilities, shall comply with all provision of Division 1, New Buildings. The access requirements shall apply only to the area of specific alteration, structural repair or addition and shall include those areas listed under California Building Code © Section 1134B.1 & .2
16. Show on the plans access for the disabled is provided and meets current code. Required access features or facilities not meeting the current requirements must be upgraded. Provide a complete disabled access plan and list all required items and status of meeting current compliance standards (for example, the loading & unloading zone for the accessible parking stall shall be on the passenger side.).

Signs/monument signs:

17. All signs shall be under separate permit.
18. Provide a site plan to show locations for each sign at time of plan check. Show descriptions of each sign for dimensions of size and height and if pole type, monument type, or wall mounted type. Indicate if signs are externally or internally illuminated.
19. Provide connection details for the signs at plan check submittal.
20. The existing backing material and all required attachments (i.e. number of required attachments, type & size, specifications, etc.) shall be clearly called out. Provide calculations as required.
21. If the signs are not directly supported on the wall, attachment details and calculations are required by a licensed architect or engineer.

Storage Racks:

22. Building permits are required for storage racks over 5'-9" high. Structural plans, details, and calculations are required for the construction of storage racks over 8' in height. (Table 16B, 2222.1)

HUNTINGTON BEACH FIRE DEPARTMENT DEVELOPMENT PLAN REVIEW

DESCRIPTION: Gas Station Remodel
ADDRESS: 16001 Beach
PLAN CHECK #: Planning Application # 2006-0175
DATE: 8-15-2006
PLANNER:
REVIEWER: Lee Caldwell

GRID #: 252/3115
EXT #:
EXT #: 5531

The items listed below indicate Huntington Beach Fire Department (HBFD) development condition of approval requirements. Compliance is required prior to building permit issuance and all applicable items must meet Huntington Beach Municipal Code (HBMC), Huntington Beach Fire Code (HBFC), and/or Uniform Building Code (UBC) standards.

5. PRIOR TO DEMOLITION, GRADING, SITE DEVELOPMENT, AND/OR CONSTRUCTION, THE FOLLOWING SHALL BE REQUIRED:

1. No Fire comments or requirements this section. (FD)

6. THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO ISSUANCE OF BUILDING PERMITS:

1. Fire Extinguishers shall be installed and located in all areas to comply with Huntington Beach Fire Code standards found in City Specification #424. The minimum required dry chemical fire extinguisher size is 2A 10BC and shall be installed within 75 feet travel distance to all portions of the building. Extinguishers are required to be serviced or replaced annually. Reference compliance in the plan notes. (FD)
2. Cold storage rooms or walk-in freezers doors shall be openable without the use of a key or any special knowledge or effort. Doors shall not be locked, chained, bolted, barred, latched or otherwise rendered unopenable at times when the building or area served by the means of egress is occupied. (FD)
3. Address Numbers shall be installed to comply with City Specification #428, Premise Identification. Number sets are required on front of the structure. Reference compliance with City Specification #428, Premise Identification in the plan notes. (FD)
4. All Fire Department requirements shall be noted on the Building Department plans. (FD)

7. THE STRUCTURE(S) CANNOT BE OCCUPIED, THE FINAL BUILDING PERMIT(S) CANNOT BE APPROVED, AND UTILITIES CANNOT BE RELEASED UNTIL THE FOLLOWING HAS BEEN COMPLETED:

1. Fire Extinguishers installed and located in all areas to comply with Huntington Beach Fire Code standards found in City Specification #424. (FD)
2. Address Numbers installed to comply with City Specification #428, Premise Identification. (FD)
3. Cold storage rooms or walk-in freezers doors openable without the use of a key or any special knowledge or effort. (FD)

THE FOLLOWING CONDITIONS SHALL BE MAINTAINED DURING CONSTRUCTION:

1. Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with City Specification #426, Fire Safety Requirements for Construction Sites. (FD)

OTHER:

1. Discovery of soil contamination or underground pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly in compliance with City Specification #431-92 Soil Clean-Up Standards. (FD)
2. Outside City Consultants The Fire Department review of this project and subsequent plans may require the use of City consultants. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer or other responsible party. (FD)

Fire Department City Specifications may be obtained at:

Huntington Beach Fire Department Administrative Office
5th floor of City Hall
2000 Main Street
Huntington Beach, CA 92648
(714) 536-5411

or through the City's website at www.surfcity-hb.org

If you have any questions, please contact the Fire Prevention Division at (714) 536-5411.

SIGNED: L. CALDWELL DATE: 8-15-2006

S:\Prevention\1-Development\CUP's\Beach 16001 Gas Station Remodel PA# 2006-0175.doc

ATTACHMENT NO. 5.11

NOTICE OF ACTION

July 2, 1993

Petition/Document: CONDITIONAL EXCEPTION NO. 93-16

Applicant: KHR Associates
18500 Von Karmon Ave., Ste. 300
Irvine, CA 92715

Request: To permit variances for reduced landscaping requirements and canopy encroachments into the required setbacks (2' and 5' in lieu of minimum 7') pursuant to Sections 9220.14(e) and 9607.7 of the Huntington Beach Ordinance Code.

Location: 16001 Beach Blvd.

Dear Applicant:

Your application was acted upon by the Zoning Administrator of the City of Huntington Beach on June 30, 1993, and your request was Conditionally Approved. Included in this letter are the Conditions of Approval for this application.

Under the provisions of the Huntington Beach Ordinance Code, the action taken by the Zoning Administrator is final unless an appeal is filed to the Planning Commission by you or by an interested party. Said appeal must be in writing and must set forth in detail the action and grounds by which the applicant or interested party deems himself aggrieved. Said appeal must be accompanied by a filing fee of Two Hundred Dollars (\$200.00) and submitted to the Secretary of the Planning Commission within ten (10) calendar days of the date of the Zoning Administrator's action.

The last day for filing an appeal and paying the filing fee for the above noted application is July 12, 1993.

Provisions of the Huntington Beach Ordinance Code are such that any application becomes null and void one (1) year after the final approval, unless actual construction has begun.

ATTACHMENT NO. 6.1

FINDINGS FOR APPROVAL - CONDITIONAL EXCEPTION NO. 93-16:

1. The granting of Conditional Exception No. 93-16 to allow reduced landscaping, and canopy encroachments into required setbacks will not constitute a grant of special privilege inconsistent upon other properties in the vicinity and under an identical zone classification.
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 classifications. Due to the site layout, the existing pumps are located closer to the street, requiring the canopies to encroach several feet into the setback.
3. The granting of Conditional Exception No. 93-16 is necessary in order to preserve the enjoyment of one or more substantial property rights. The granting of Conditional Exception No. 93-16 will allow for upgrading of the existing canopies and added landscaping.
4. The granting of Conditional Exception No. 93-16 will not be materially detrimental to the public welfare, or injurious to property in the same zone classifications. The remodel will not impact traffic on arterials, nor on-site circulation.
5. The granting of Conditional Exception No. 93-16 will not adversely affect the General Plan of the City of Huntington Beach. The remodel of the existing gas station is consistent with the General Commercial Land Use designation of the General Plan.

SPECIAL CONDITIONS OF APPROVAL:

1. The site plan, floor plans, and elevations received and dated April 26, 1993 shall be the conceptually approved layout.
2. The Zoning Administrator shall be notified in writing if any changes in building height, floor area, setbacks, building elevations or open space are proposed as a result of the plan check process. Building permits shall not be issued until the Zoning Administrator has reviewed and approved the proposed changes. The Zoning Administrator reserves the right to require that an amendment to the original entitlement be processed if the proposed changes are of a substantial nature.
3. Conditions of approval shall be printed verbatim on the cover sheet of all working drawing sets submitted for plancheck.

4. Prior to issuance of building permits, four (4) sets of landscape and irrigation plans shall be submitted to the Department of Community Development and Public Works for review and approval.
5. Fire Department Requirements:
 - a. Fire extinguishers shall be provided in number and at locations specified by the Fire Department.
 - b. Building address numbers shall be installed in an area approved by the Fire Department to comply with Specification 428.
 - c. All fuel dispensing systems shall comply with Article 79, Division 9 requirements of the 1991 Uniform Fire Code.
6. There shall be no outside storage of vehicles, vehicle parts, equipment or trailers.
7. All repair work shall be conducted wholly within the building.
8. The site shall be restricted to servicing of automobiles and sale of automobile-related products. A convenience market or "mini-market" shall not be permitted without the approval of a Conditional Use Permit by the Planning Commission.
9. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
10. The major identification sign (on corner) shall be removed or altered to comply with Article 961 within ninety (90) days of the approval date.

INFORMATION ON SPECIFIC CODE REQUIREMENTS:

1. The development shall comply with all applicable provisions of the Ordinance Code, Building Division, and Fire Department.
2. The applicant shall meet all applicable local, State, and Federal Fire Codes, Ordinances, and standards.
3. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District.
4. Development shall meet all local and State regulations regarding installation and operation of all underground storage tanks.
5. All applicable Public Works fees shall be paid prior to issuance of building permits.

6. The Zoning Administrator reserves the right to revoke Conditional Exception No. 93-16 if any violation of these conditions or the Huntington Beach Ordinance Code occurs.

The Department of Community Development will perform a comprehensive plan check relating to all Ordinance Code requirements upon submittal of your completed structural drawings.

Please be advised that the Zoning Administrator reviews the conceptual plan as a basic request for entitlement of the use applied for in relation to the vicinity in which it is proposed. The conceptual plan should not be construed as a precise plan reflecting conformance to all Ordinance Code requirements.

It is recommended that you immediately pursue completion of the Conditions of Approval and address all requirements of the Huntington Beach Ordinance Code in order to expedite the processing of your total application.

I hereby certify that Conditional Exception No. 93-16 was Conditionally Approved by the Zoning Administrator of the City of Huntington Beach, California, on June 30, 1993, upon the foregoing conditions and citations.

Very truly yours,


Michael Strange
Zoning Administrator

MS:WC:lp
(7004d3,6)

ATTACHMENT NO. 6.4



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, Acting Director of Planning
BY: Tess Nguyen, Associate Planner *TN*
DATE: October 24, 2006

SUBJECT: **CONDITIONAL USE PERMIT NO. 06-34 (THE TATTOO GALLERY)**

APPLICANT: Daniel McNab, 19744 Beach Boulevard, Ste. 458, Huntington Beach, CA 92648

PROPERTY

OWNER: Bella Spese, LLC, 8840 Warner Avenue, Ste. 204, Fountain Valley, CA 92708

LOCATION: 19921 Beach Boulevard (west side of Beach Boulevard, north of Adams Avenue)

STATEMENT OF ISSUE:

- ◆ Conditional Use Permit No. 06-34 request:
 - Permit the establishment of a tattoo studio (approximately 400 square feet) in conjunction with an art gallery in an existing 1,076 square foot retail suite.
- ◆ Staff's Recommendation: Approve Conditional Use Permit No. 06-34 based upon the following:
 - Compliance with zoning code and General Plan Land Use and Economic Development Elements which encourage business expansion in commercial districts.
 - Municipal Code regulations which require safe and sterile tattoo operations for the health and safety of both customers and operators.
 - The business site is not expected to create undue noise or any other impacts to the surrounding area.

RECOMMENDATION:

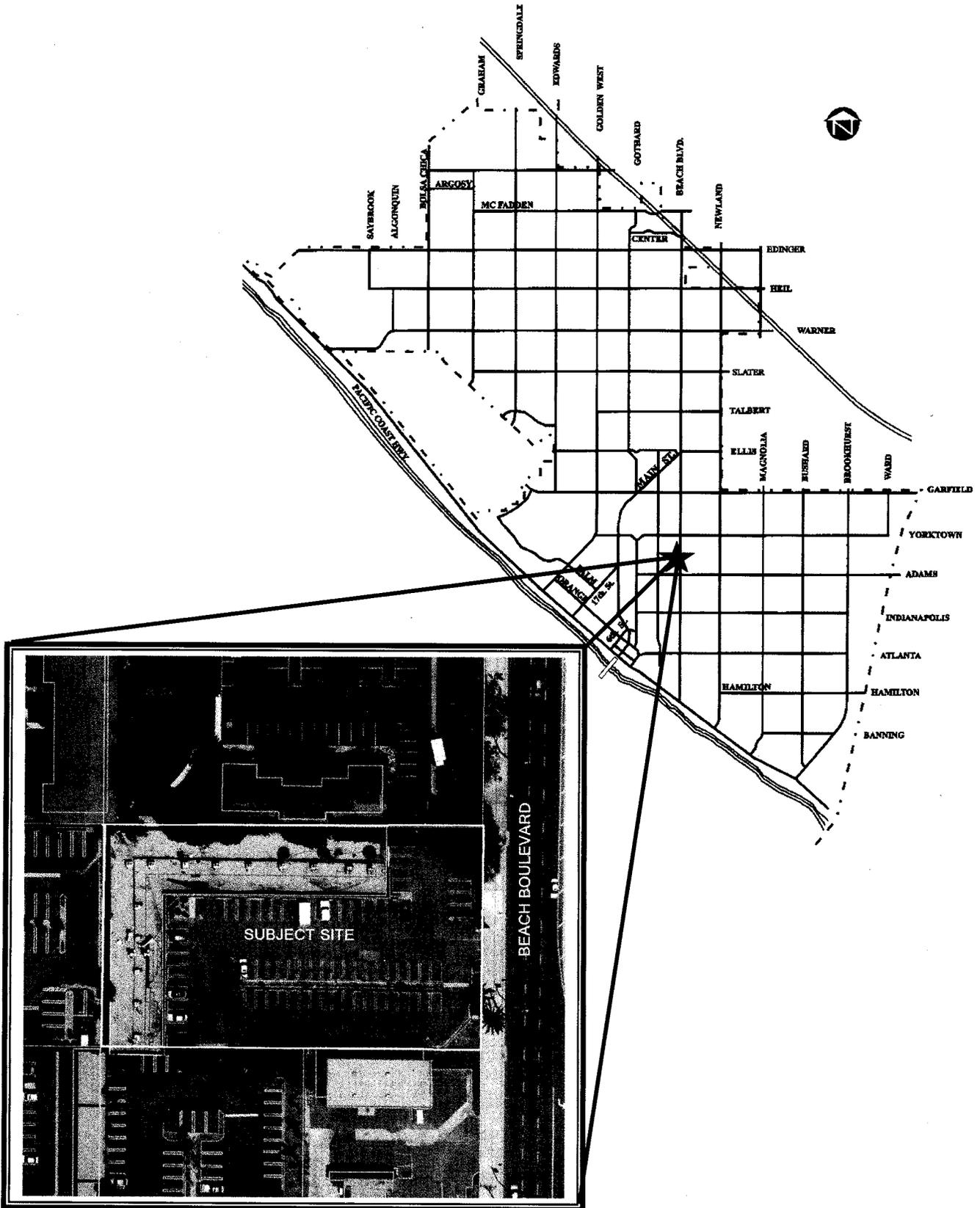
Motion to:

“Approve Conditional Use Permit No. 06-34 with suggested findings and conditions of approval (Attachment No.1).”

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

“Continue Conditional Use Permit No. 06-34 and direct staff accordingly.”



VICINITY MAP
 Conditional Use Permit No. 06-34
 19921 Beach Boulevard
 THE CITY OF HUNTINGTON BEACH

PROJECT PROPOSAL:

Conditional Use Permit No. 06-34 represents a request to permit the establishment of a tattoo studio in conjunction with an art gallery in an existing 1,076 square foot retail suite pursuant to HBZSO Section No. 211.04, CO, CG, and CV Districts: Land Use Controls - Tattoo Establishments. The tattoo studio and art gallery will each occupy approximately 400 square feet of the tenant space with the remaining floor area devoted to the reception area, restroom, and janitor closet. The art gallery component of the business is a permitted use since it is classified as retail sales and not subject to the review and approval of a Conditional Use Permit.

The site is currently developed with a 14,800 sq. ft. strip commercial center constructed in 1979. There are ten businesses operating within the shopping center including a sports bar, dry cleaners, pet grooming, body piercing, nail salon, bike shop, two retail stores, and two small restaurants. The tattoo studio and art gallery will operate seven days a week from 10:00 A.M. to Midnight. Three employees will operate the tattoo studio but up to six employees will be available to accommodate customer demand.

The applicant's narrative includes a description of his innovative approach to offering art to the public. The Tattoo Gallery will be an upscale tattoo studio and art gallery with modern themes including a showroom of pieces varying in style and technique. The studio will display paintings, photography, sculptures, tattoos and many other forms of art work for sale.

ISSUES:

Subject Property And Surrounding Land Use, Zoning And General Plan Designations:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property	CG-F1 (Commercial General – 0.35 FAR)	CG (Commercial General)	Shopping Center
North of Subject Property	CO-F2 (Commercial Office – 0.5 FAR)	CG (Commercial General)	Professional Offices
South of Subject Property	CG-F1 (Commercial General – 0.35 FAR)	CG (Commercial General)	Mexican Restaurant and Econo Lube and Tune
East of Subject Property (across Beach Boulevard)	CG-F1-d (Commercial General – 0.35 FAR – design overlay)	CG (Commercial General)	Shopping Center (Newland Center)
West of Subject Property	P (RM-15) (Public – Residential Medium Density – max 15 du/ac)	RM (Residential Medium Density General)	Parking Lot for Evangelical Free Church

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is General Commercial. The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

A. Land Use Element

Objective 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, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

Policy 10.1.11: Promote the introduction of a diversity of uses in Commercial General centers, particularly those containing anchor grocery stores that improve their relationship with surrounding residential neighborhoods and increasing their viability as places of community activity.

B. Economic Development Element

Policy 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 proposed tattoo shop meets all applicable zoning codes and development standards and improves the long-term viability of the property by expanding the current tenant base in the center. The proposed use introduces a unique service to residents in the surrounding area and visitors to Huntington Beach.

Zoning Compliance:

This project is located in the CG (Commercial General) zoning district and complies with the requirements of that zone.

Environmental Status:

The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1—*Existing Facilities* which states operation and minor alteration to existing structures are exempt from further review under CEQA.

Coastal Status: Not applicable.

Redevelopment Status: Not applicable.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Departments of Fire and Public Works have reviewed the project plans and identified applicable Code Requirements, Policies, and Standard Plans of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Code. The code requirements have been transmitted to the applicant and provided (for informational purposes only) as Attachment No. 5. The Police Department also reviewed the request and stated that the business shall maintain compliance with all State, County, and Local laws and ordinances, including Huntington Beach Municipal Code, Chapter 8.72, *Tattooing, Body Piercing and Permanent Cosmetics Regulations* (Attachment No. 4), and any requirements of the County of Orange Health Care Agency, Environmental Health.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on October 12, 2006 and notices were sent to tenants and property owners of record within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department's Notification Matrix), applicant, and interested parties. As of October 17, 2006, no communication supporting or opposing the request has been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

Conditional Use Permit: September 20, 2006

MANDATORY PROCESSING DATE(S):

November 20, 2006

ANALYSIS:

The two primary issues for the Planning Commission to consider when analyzing this request are compatibility with surrounding land uses and the applicant's ability to comply with unique municipal and health care codes regarding business operations at a tattoo establishment.

Land Use Compatibility

The tattoo business is proposed within an existing retail shopping center. The business is compatible with the other retail and restaurant businesses in the center, which consist of typical retail and personal service uses. The tattoo business is not expected to create an undue amount of noise or traffic and is anticipated to be compatible with the surrounding commercial and office area.

Municipal Code

Tattoo businesses are subject to unique municipal code requirements regarding maintenance of the premises and equipment, sterilization practices, cleanliness, health conditions of both customers and operators, and penalties (by misdemeanor) for failing to conform to the regulations established (Attachment No. 4). The business will be regulated and inspected for compliance with the municipal code by the staff of the County of Orange Health Care Agency, Environmental Health. A Registered

Environmental Health Specialist (REHS) in the Housing and Institution Section coordinates registration of each tattoo artist with the County, performs yearly random inspections to verify compliance with regulations, and assists the City in responding to complaints regarding tattoo operations. During the yearly inspection, the REHS tests the equipment and inspects for general cleanliness and sanitary conditions. The applicant's submitted information clearly indicates his understanding, willingness, and ability to comply with the municipal code standards (Attachment No. 3).

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval – CUP No. 06-34
2. Project Plans dated October 5, 2006
3. Narrative dated received August 15, 2006
4. HBMC Chapter 8.72 – Tattooing, Body Piercing and Permanent Cosmetics Regulations
5. Code Requirements Letter dated September 28, 2006 (for informational purposes only)

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 06-34

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission 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, which states operation and minor alteration to existing structures are Categorically Exempt.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 06-34:

1. Conditional Use Permit No. 06-34, permitting the establishment of a 400 square foot tattoo studio in conjunction with an art gallery in an existing 1,076 square foot retail suite, 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 because the existing shopping center contains similar and complimentary uses to the proposed tattoo shop. In addition, based upon the conditions imposed, the tattoo establishment will comply with Huntington Beach Municipal Code Chapter 8.72, which establishes criteria, standards, and regulations to ensure safe and sterile tattoo operations for the health of both clients and operators of the tattoo business.
2. The conditional use permit will be compatible with surrounding land uses because the tattoo business is not anticipated to create undue noise and adequate on-site parking is provided.
3. The proposed tattoo establishment 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. In addition, the business will comply with all standards and regulations of any State, County, and local laws, in particular, Huntington Beach Municipal Code Chapter 8.72, *Tattooing, Body Piercing and Permanent Cosmetics Regulations*, and any applicable standards of County of Orange Health Care Agency, Environmental Health.
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 General Commercial on the subject property. In addition, it is consistent with the following objectives and policies of the General Plan:

A. Land Use Element

Objective 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, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

Policy 10.1.11: Promote the introduction of a diversity of uses in Commercial General centers, particularly those containing anchor grocery stores that improve their relationship with surrounding residential neighborhoods and increasing their viability as places of community activity.

B. Economic Development Element

Policy 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.

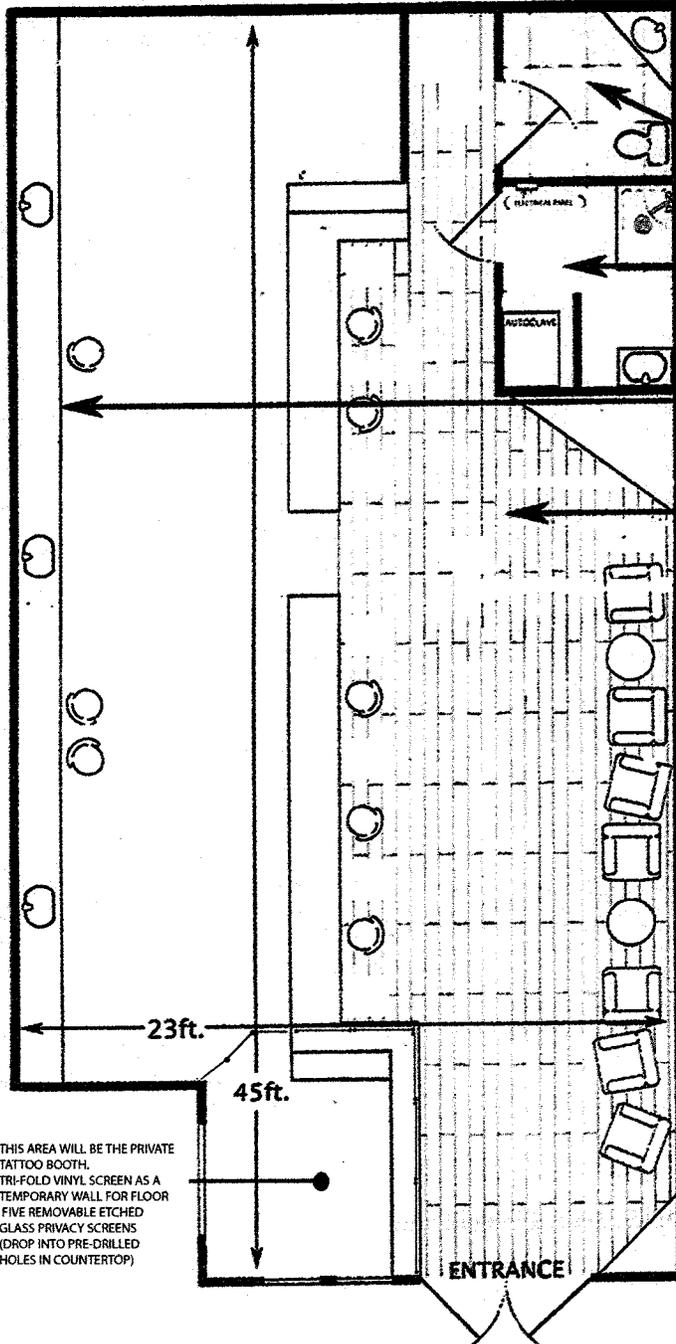
The proposed tattoo studio and art gallery meets all applicable zoning codes and development standards and improves the long-term viability of the property by expanding the current tenant base in the center. The proposed use introduces a unique service to residents in the surrounding area and visitors to Huntington Beach.

SUGGESTED CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 06-34:

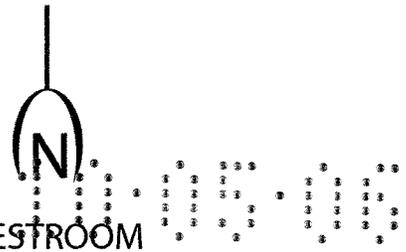
1. The site plan, floor plans, and elevations received and August 15, 2006 shall be the conceptually approved layout.
2. The business shall comply with all standards and regulations of any State, County, and local laws, in particular, Huntington Beach Municipal Code Chapter 8.72, *Tattooing, Body Piercing and Permanent Cosmetics Regulations*, and any applicable standards of County of Orange Health Care Agency, Environmental Health.

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.



THIS AREA WILL BE THE PRIVATE TATTOO BOOTH. TRI-FOLD VINYL SCREEN AS A TEMPORARY WALL FOR FLOOR FIVE REMOVABLE ETCHED GLASS PRIVACY SCREENS (DROP INTO PRE-DRILLED HOLES IN COUNTERTOP)



RESTROOM

ON FLOOR JANITOR SINK

JANITOR CLOSET

AUTOCLAVE

EQUIPMENT CLEANING SINK

WORK STATIONS

ART GALLERY / CLIENT WAITING AREA

FURNITURE

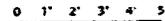
CHAIRS, TABLES, ARMRESTS & ALL TATTOO RELATED FURNITURE WILL BE UPHOLSTERED IN VINYL

WORK STATION COUNTERS

30" COUNTER HEIGHT- 18" DEPTH, CORIAN COUNTER TOPS' A NON-POROUS MATERIAL
THREE STAINLESS STEEL SINKS, EQUIPPED WITH HANDS FREE OPERATIONS, INCLUDING WALL MOUNTED SOAP & PAPERTOWEL DISPENSERS
EPOXY FLOORING (LAB QUALITY) 6" PLASTIC COVE MOLDING
ACRYLIC PAINTED WALLS

ALL OTHER COUNTERS

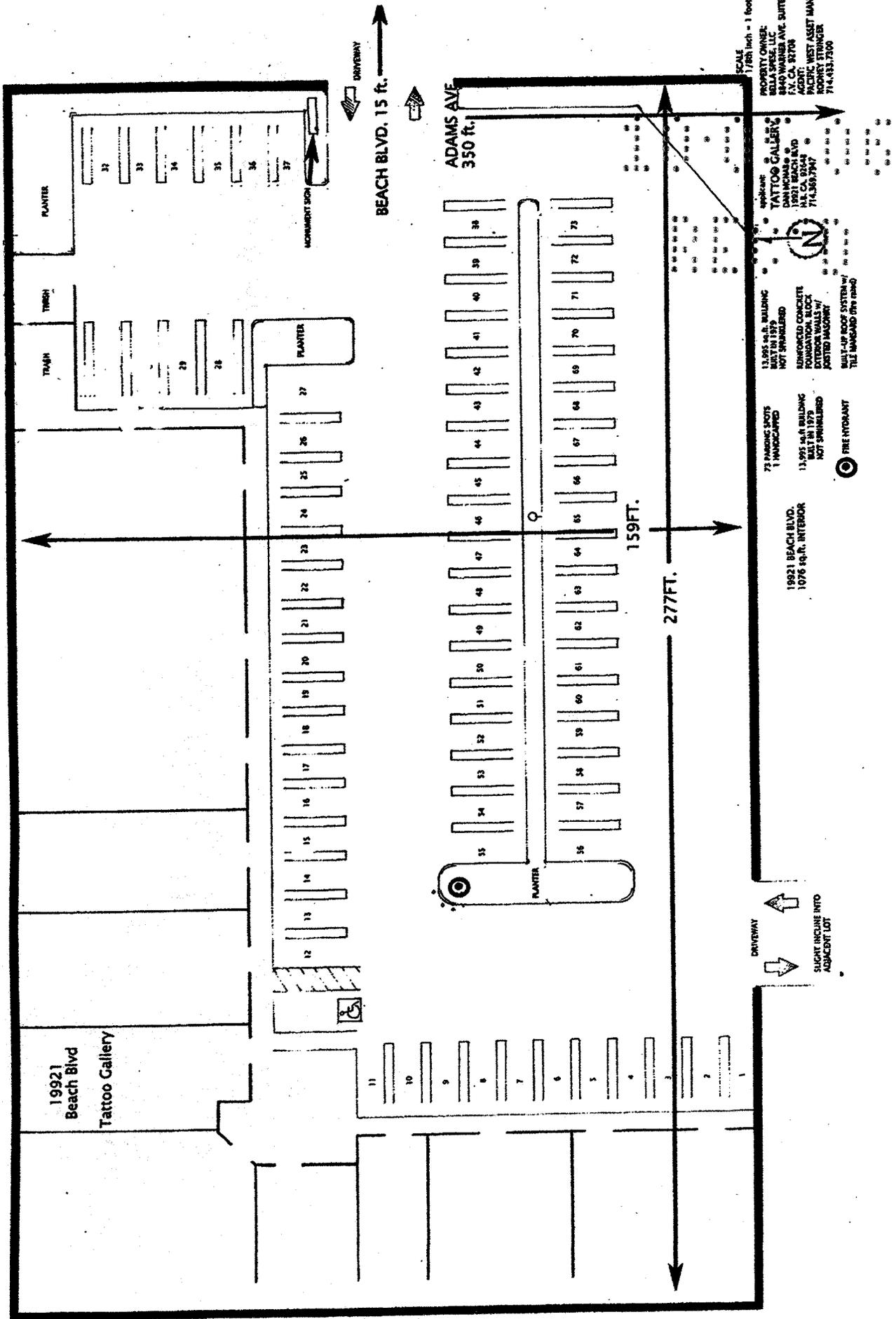
44" HEIGHT- 24" DEPTH, SEALED GRANITE COUNTERTOPS



SCALE 1/2" = 1'

APPLICANT:
TATTOO GALLERY
DAN MCNAB
19921 BEACH BLVD.
H.B. CA. 92648
714-369-7947

PROPERTY OWNER:
BELLA SPESE LLC
8840 WARNER AVE. SUITE 204
F.V. CA. 92708
AGENT:
PACIFIC WEST ASSEST MANG.
RODNEY STRINGER
714-433-7300



SCALE 1/8" = 1 foot
 PROPERTY OWNER:
 BELLA SREE, LLC
 5100 CALIFORNIA AVE. SUITE
 5100 CALIFORNIA AVE. SUITE
 AGENT:
 PACIFIC WEST ASSET MGMT
 ROBERT STRINGER
 714.433.7000

APPLICANT:
 TATTOO GALLERY
 DAN PACHECO
 1921 BEACH BLVD
 714.369.7947

13,995 sq. ft. BUILDING
 BUILT IN 1979
 NOT SPRINKLED
 REINFORCED CONCRETE
 FOUNDATION, BLOCK
 EXTERIOR WALLS w/
 CASTED MORTAR
 MULTI-UP ROOF SYSTEM w/
 TILE MANSARD (Per memo)

72 PARKING SPOTS
 1 HANDICAPPED
 13,995 sq. ft. BUILDING
 BUILT IN 1979
 NOT SPRINKLED
 FIRE HYDRANT

19921 BEACH BLVD.
 1976 sq. ft. INTERIOR

DRIVEWAY
 SLIGHT INCLINE INTO
 ADJACENT LOT

Tattoo Gallery has an innovative approach of offering art to the public. The Tattoo Gallery will be an up-scale tattoo studio and art gallery with modern themes including a showroom of pieces varying in style and technique. The studio will display paintings, photography, sculptures, tattoos and many other forms of art work. The client will have the ability to have a "hands on" experience with the artists involved.

AUG 15 2006

The studio will be an open-floor layout; allowing a 360 degree view of the gallery and studio. The flooring varies according to its use; engineered hardwood for the gallery/waiting area, tile floors in the restroom, and an epoxy floor (laboratory standards) for the janitor closet and tattoo work stations. Within the confines of the work stations, janitor closet and restroom there will be a 6" plastic cove molding, and throughout the rest of the building, the floor molding will be 6" tile. All walls will be painted in a washable acrylic paint. Countertops in the tattoo area will be made of Corian (a non-porous material) with a 6" back splash; all other counters will be sealed granite. The tattoo area will have 1 stainless steel sink per work station (used for hand washing only), with a total of three stainless sinks. All sinks will be equipped with "hands free operations", including water, wall mounted soap and single use towel dispensers. All chairs, tables and tattoo related furniture will be upholstered in vinyl.

The studio is a total of 1076 sq. ft. with approximately half dedicated to the tattoo studio, 54sq. ft. to the janitor closet, 36sq. ft. to the restroom and the remaining area to the art gallery and lobby. The studio will be able to accommodate up to 6 tattoo stations. The hours of operation will be no earlier than 10am and no later than midnight. Hours of operation will vary upon the season. OPEN 7 DAYS A WEEK..

One of the factors for this application is to create a higher standard for the customers and the employees. The profession of tattooing is very ancient, and the Tattoo Gallery feels it will set a new standard for other tattoo parlors. As the plans show, the Tattoo Gallery surpasses all city and health codes. The Gallery plans on working with both the city of Huntington Beach and the Orange County Health Department to initiate new standards for the industry.

In the Tattoo Gallery's shopping center, there is a very high-end bicycle shop, Chinese eatery, Italian eatery and catering, clothing company, a bar, cleaners, a nail salon, a body piercing establishment, and a spray on tanning booth will be opening shortly. The Tattoo Gallery is on par with the genre of the center, and will only attract more customers to the area.

The Tattoo Gallery will be serving a variety of customers ranging from young adults to the elderly and of all walks of life. The Gallery will offer a friendly, non-abrasive environment for all to enjoy.

Chapter 8.72**TATTOOING, BODY PIERCING AND PERMANENT COSMETICS REGULATIONS**

(Repealed Chapter 8.70 – Tattooing Establishment and Operation Regulations – 3237-7/94)

(Chapter 8.72 - 3625-1/04)

Sections:

- 8.72.010 Definitions
- 8.72.020 Locational Criteria
- 8.72.030 License Required
- 8.72.040 Record Retention
- 8.72.050 Health and Sanitary Requirements
- 8.72.060 Operator
- 8.72.070 Establishment
- 8.72.080 Equipment and Supplies-General
- 8.72.090 Patrons
- 8.72.100 Skin Preparation
- 8.72.110 Tattoo
- 8.72.120 Body Pierce
- 8.72.130 Interpretation
- 8.72.140 Severability
- 8.72.150 Enforcement
- 8.72.160 Violations
- 8.72.170 Penalties

8.72.010 Definitions

- (a) **Aftercare Instructions:** Written instructions given to the client, specific to the body art procedure(s) rendered, about caring for the tattoo or body piercing and surrounding area. These instructions will include information about when to seek medical treatment, if necessary.
- (b) **Antiseptic:** A chemical that kills or inhibits the growth of organisms on skin or living tissue.
- (c) **Autoclave:** An apparatus that is registered and listed with the federal food and drug administration for sterilizing articles by using superheated steam under pressure.
- (d) **Bloodborne Pathogens:** Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C (HCV), and HIV.
- (e) **Body Pierce:** To puncture, perforate, or penetrate any human body part or tissue with an object, appliance, or instrument for the purpose of placing a foreign object in the perforation to prevent the perforation from closing. The puncturing of the outer perimeter or lobe of the ear shall not be included in this definition.

- (f) **Contaminated:** The presence or reasonably anticipated presence of blood, body fluid, or other potentially infectious materials, as defined in 29 Code of Federal Regulations, Part 1910.1030 (latest edition), known as "Occupational Exposure to Bloodborne Pathogens" in or on the surface of an item or person.
- (g) **Contaminated Waste:** Any contaminated material used in tattooing, body piercing, or permanent cosmetics that is to be disposed of.
- (h) **Department/Officer:** That person or office designated by order of the City Council of the City of Huntington Beach or by contract approved by the said Council as the person or office having responsibility for the enforcement of the provisions of this article. This also includes any Orange County Health Officer.
- (i) **Disinfectant:** A chemical that is capable of destroying disease-causing organisms on inanimate objects, with the exception of bacterial spores.
- (j) **Establishment:** Any place whether public or private, temporary or permanent, in nature or location, where tattooing, body piercing, or application of permanent cosmetics is performed.
- (k) **Equipment:** All machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a tattoo, body piercing, or permanent cosmetic establishment.
- (l) **Minor:** Any person under the age of 18 years.
- (m) **Operator:** Any person, whether the proprietor or another person, administering a tattoo, body piercing, or permanent cosmetic to any customer of the establishment.
- (n) **Proprietor:** The person having general control and management over the conduct of the business at a tattoo, body piercing, or permanent cosmetic establishment, whether or not such person is the legal owner of the premises or the business.
- (o) **Practitioner/Operator:** A person registered with the Orange County Health Officer and approved by the Chief of Police who performs tattooing, body piercing, and/or permanent cosmetics on another person at that persons request.
- (p) **Premises:** An establishment, its contents, and the contiguous land or property and its facilities and contents that are under the control of the proprietor that may impact the establishment personnel, facilities, or operation.

- (q) **Tattoo:** Any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing and permanent cosmetics or permanent makeup.
- (r) **Workstation:** Any area that is set up to perform tattooing, body piercing, or permanent cosmetics. A workstation can be a separate room or an area that can be screened to insure privacy when performing nipple, genital, or other discretionary area tattooing or body piercing. All workstations will comply with sanitation rules and guidelines set forth in this code.

8.72.020 Locational Criteria No person or practitioner may tattoo or body pierce another person unless such tattooing or body piercing is done at a licensed establishment that meets the requirements of this chapter. Such establishment must be located in an area approved for such purpose per the City of Huntington Beach Zoning and Subdivision Ordinance.

8.72.030 License Required All owners of a tattoo and/or body piercing establishment, or those establishments providing tattoo and/or body piercing, must obtain a business license from the City of Huntington Beach. All independent contractors, or any person providing any service relating to tattoo and/or body piercing who is not an employee must obtain a business license from the City of Huntington Beach.

8.72.040 Record Retention

- (a) Records shall be kept of all tattoos and body piercing. The records shall be kept on the premises of the establishment where administered. These records shall be available for inspection for a period of three (3) years after the date of the procedure. The records shall include;
- (1) The date and time of the procedure.
 - (2) Record of information from the patron's picture identification showing the name, date of birth, gender, address of patron, and Driver's License or Identification Card number. US Passports must be accompanied with a second valid form of identification.
 - (3) The location of any tattoo, permanent cosmetic, or body piercing.
 - (4) The name and registration number of the practitioner.
 - (5) A copy of the signed client information and consent form to perform the tattoo or body piercing.

8.72.050 Health and Sanitary Requirements

Practitioner Requirements

- (a) The practitioner shall be free of communicable disease that may be transmitted by the practitioner of tattooing or body piercing. The practitioner shall submit to City on an annual basis a certificate from a medical doctor, stating that the applicant has, within 30 days immediately preceding the date of exam, been examined and found to be free of any contagious or communicable diseases, such as Hepatitis B, Hepatitis C, Tuberculosis, and Infectious Mononucleosis.
- (b) Practitioners with open sores, rashes, lesions, boils or skin infections shall not engage in the practice of tattooing or body piercing.
- (c) No practitioner shall work while under the influence of alcohol or any other mind-altering drug, prescription or non-prescription.
- (d) No practitioner shall smoke, eat, or drink at the workstation during or between procedures.
- (e) The practitioner shall wash his or her hands and forearms thoroughly with soap and hot water before any skin preparation or procedure. The hands shall be dried with single-service towels. Single-service disposable rubber gloves shall be worn throughout the entire procedure.

8.72.060 Operator

- (a) No Operator shall;
 - 1. Allow practitioners with open sores, rashes, lesions, boils or contagious skin infections to engage in the practice of tattooing or body piercing.
 - 2. Allow any practitioner to work while that practitioner is under the influence of alcohol or any mind-altering drug.
 - 3. Allow any practitioner to use tobacco products, eat or drink while performing an actual procedure.
- (b) The Operator shall;
 - 1. Allow access to the officer for the City of Huntington Beach or a designee of the Orange County Health Care Agency to enter the tattooing or body piercing establishment at any time during normal business hours in order to ensure that the provisions of this ordinance are being met. The officer may enter, inspect, issue notices of violations, copy records, impound, seize and secure any samples, photographs, or other evidence from any establishment.

2. Require each practitioner working at the establishment to be registered with the Orange County Health Care Agency.
3. Maintain a list of registered practitioners that work at or have worked at the establishment for a review by the officer during inspections. This includes all employees and independent contractors.

8.72.070 Establishment The Operator shall be responsible for and ensure the following;

- (a) The entire premises of the establishment and all facilities used in connection therewith shall be maintained in a clean and sanitary condition and in good repair.
- (b) The establishment shall be equipped with potable hot and cold running water under pressure as well as toilets and hand sinks that are connected to water and sewage disposal systems. Hand sinks shall be supplied with cleansing compound and single-service towels. At least one (1) additional hand sink shall be located within the immediate area of the workstation. In addition to adequate hand sinks, the establishment shall have a separate janitorial sink available for use by the establishment.
- (c) The establishment, including the immediate workstation area where tattooing and body piercing is performed, shall be adequately lighted and ventilated.
- (d) Floors, walls, and ceilings in the immediate workstation area shall have smooth, nonporous, nonabsorbent and washable surfaces, and shall be maintained in a clean condition. Concrete blocks or other masonry used in wall construction shall be covered or made smooth and sealed for a nonporous washable surface. Carpeting is prohibited.
- (e) Approved waste containers with nonabsorbent, durable plastic liners, shall be used for all tissues, towels, gauze pads and other similar items used on the patron. Bio-hazardous waste shall be disposed of in an acceptable manner. Needles and razors shall be disposed of in a SHARPS container.
- (f) Smoking or consumption of food shall not be allowed in the immediate workstation area where the procedure is being performed. No alcoholic beverages will be consumed in workstation area of the establishment at any time.
- (g) No animals, except guide dogs for visual or hearing-impaired persons, shall be permitted in the establishment.
- (h) The establishment shall be equipped with a telephone for use in case of need for emergency services.

- (i) No establishment shall be used as a sleeping room or dormitory.

8.72.080 Equipment and Supplies- General

- (a) All establishments shall be equipped with an autoclave, or similar device approved for use in sterilizing instruments to be used on humans, and which is in good working order and which is manufactured with temperature and pressure gauges marked and visible on the outside of the unit. Sterilization tape, or similar indicator, shall be used with each batch autoclave or dry sterilizer to monitor functioning of the sterilization unit.
- (b) All instruments used on any patron shall be sterilized.
- (c) All instruments shall be thoroughly cleaned before being sterilized. This may be done with an ultrasonic cleaner or with a probe, needle or brush able to enter the smallest opening of the instrument. The cleaning of the instruments shall be done with detergent and hot water.
- (d) Equipment or instruments requiring sterilization may be wrapped with an approved paper or plastic or placed in glass or plastic tubes. All such packages of containers shall be marked with temperature recording tape or labels and dated with the date of sterilization.
- (e) All surfaces and equipment, including, but not limited to, chairs, workstations, counters, recliners, dispensers, shall be made of smooth, nonabsorbent, nonporous material that can withstand repeated disinfection.
- (f) Engineering and work practice controls shall be utilized to eliminate or minimize exposure to blood and body fluids. Extraordinary care must be taken to avoid accidental wounds from sharp instruments contaminated with blood or body fluids and to avoid contact with open skin lesions. Needles shall not be broken, bent or recapped, unless the needle is equipped with a factory installed, medically approved, recapping device.
- (g) All establishments shall have clean or single-use disposable, laundered towels, washcloths and disposable paper towels in sufficient quantity.
- (h) A clean or single-use disposable towel and washcloth shall be used for each customer.
- (i) Clean towels and washcloths shall be stored in a closed, dust-proof container.
- (j) Soiled towels and washcloths shall be disposed of or stored in an approved covered container.
- (k) Any material or supply which has made contact with the blood or body fluids of any person, or by an instrument which has had such contact, shall be deemed contaminated and must be disposed of unless it may be sterilized and reused under the specific provisions of this ordinance.

- (l) A disinfectant shall be used after cleaning to disinfect any surface contaminated with blood or body fluids.
- (m) All facilities shall have a waiting area that is separated from the workstation area.
- (n) A public restroom shall be available to patrons during business hours.
- (o) The workstation area and patron chair/table shall be wiped down with a disinfectant using a single-use paper towel before and after serving each patron.
- (p) Wall mounted hand washing cleanser and wall mounted single-use towel dispensers shall be provided and filled at all hand washing sinks.

8.72.090 Patrons

- (a) Inquiry shall be made and no tattooing or body piercing shall be performed on an individual who is suspected of having jaundice or hepatitis or who recovered from jaundice or hepatitis within the preceding six (6) months.
- (b) Tattooing or body piercing shall not be performed on an individual in an area with an evident skin infection or other skin disease or condition, including, but not limited to, rashes, pimples, boils, infections, open lesions, or sunburn which shows any evidence of unhealthful conditions without medical clearance.
- (c) Tattooing or body piercing shall not be performed on any patron who appears to be impaired by or under the influence of alcohol or any mind-altering drug.

8.72.100 Skin Preparation The following aseptic techniques shall be utilized in the practice of tattooing and body piercing.

- (a) Practitioners shall wash their hands thoroughly with hot water and soap before gloving, prior to each patron. Hands shall be dried with individual paper towels. Practitioners shall wear single-use gloves during the procedure and shall discard the gloves at the end of the procedure.
- (b) If the patron's skin is to be shaved, the skin shall be washed with a cleansing, medicated soap before shaving. A safety razor shall be used. A new blade shall be used for each customer. The blade shall be discarded in a SHARPS container after each use. If reusable blade holders are used, they shall be autoclaved between uses on different patrons.

- (c) The skin area to be tattooed or pierced shall be prepared by thoroughly washing the area with seventy percent (70%) isopropyl alcohol. The solution shall be applied with cotton or gauze or sprayed on.
- (d) Single-use gauze pads, cloths and towels shall be used in the skin cleaning and preparation process. Such materials shall be discarded after use.
- (e) All patrons that have received a tattoo or body piercing, or portion of a tattoo or body piercing, shall be provided with printed aftercare instructions regarding care during the healing process of any tattoo or body piercing done at such establishment.

8.72.110 Tattoo

- (a) It shall be unlawful for any person to tattoo a person under the age of 18 years, regardless of parental consent.
- (b) Before administering a tattoo, the patron must be advised in writing of the consent form in regards to the following:
 - (1) That the tattoo should be considered permanent,
 - (2) That there is potential for adverse healing such as keloid formation, and hypertrophic scarring,
 - (3) That it can only be removed with a surgical procedure, and
 - (4) That any effective removal may leave scarring.
- (c) One copy of the consent form will be retained by the establishment for three (3) years and a copy of the consent form will be given to the patron.
- (d) Any dye or ink in which needles were dipped shall not be used on another person. Ink cups shall be for single patron use.
- (e) Needles shall be used on only one (1) patron and then properly discarded.
- (f) Needles may be reused during the same session on the same person by rinsing them under running tap water, followed by rinsing them in seventy percent (70%) isopropyl alcohol.
- (g) No stencil may be re-used unless it has been disinfected/sanitized.

- (h) Plastic stencils shall be thoroughly cleaned after each use and sanitized by immersion for ten (10) minutes in a chlorine disinfectant solution prepared by mixing one (1) tablespoon of household bleach containing five percent (5%) chlorine with one (1) pint of water. A fresh solution of chlorine must be prepared for each stencil. After sanitizing, the stencils shall be rinsed in running tap water and air-dried or blotted dry with a clean, single-use towel. Prior to use, each pre-cleaned stencil shall be rinsed in a seventy percent (70%) isopropyl alcohol solution.
- (i) Paper stencils shall only be used once. New paper stencils shall be used for every individual.
- (j) All inks, pigments, dyes and instruments used in the practice of tattooing shall be maintained in a condition to prevent contamination.
- (k) All inks, pigments, and dyes shall be obtained from sources recognized as safe. Information indicating the sources of all ink and pigments shall be available to the Officer or County Health Department upon request.
- (l) Only inks, pigments and dyes shall be used and shall be dispensed from bottles and containers.
- (m) Immediately before applying a tattoo, the dye to be used for the tattoo shall be squeezed from the dye bottles into disposable cups. Upon the completion of the tattoo, the cups and unused dye shall be discarded. Any dye in which the needles were dipped shall not be used on another person.
- (n) Petroleum jelly, or other applying agent, used for applying stencils shall be dispensed from a single-use disposable container or with a tongue blade or applicator stick, which shall be discarded after each use.
- (o) After completing work on any patron, the tattooed area shall be washed with seventy percent (70%) isopropyl alcohol. A dry, gauze or plastic wrap dressing shall be used to cover the tattooed area. Pierced areas shall be treated to ensure the prevention of infection.

8.72.120 Body Pierce

- (a) It shall be unlawful for any person to body pierce an individual under the age of 18 years unless such body piercing is performed in the presence of, or as directed by a notarized writing by, the minor's parent or legal guardian. The minor shall present valid identification and the parent or legal guardian shall present a valid photo identification to the practitioner prior to any body piercing.

- (b) Nipple and genital piercing is prohibited on minors regardless of parental consent.

8.72.130 Interpretation In their interpretation and application, the provisions of this ordinance shall be held to a minimum requirement and shall be liberally construed in favor of the City of Huntington Beach, and shall not be deemed a limitation or repeal of any other power granted by the City of Huntington Beach Municipal Code.

8.72.140 Severability If any section, sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional by a decision of any court, such decision shall not affect the validity of the remaining portions of this ordinance.

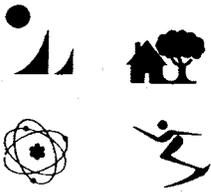
8.72.150 Enforcement

- (a) The Officer shall have the authority, under the Huntington Beach Municipal Code, to inspect any establishment under the provisions of this ordinance for the purpose of determining compliance with any of the terms of this ordinance.
- (b) Access. The Officer for the City of Huntington Beach or a designee of the Orange County Health Care Agency shall be permitted to enter the tattooing or body piercing establishment at any time, during normal business hours, in order to ensure that the provisions of this ordinance are being met. The Officer may enter, inspect, issue notices of violations, copy records, impound, seize and secure any samples, photographs, or other evidence from any licensed or unlicensed establishment.

8.72.160 Violations Violations of this ordinance are an immediate and present danger to the public health and welfare. Unlicensed or unsanitary operation of a tattoo or body piercing business shall be deemed to cause irreparable harm. Violations of this ordinance may be enjoined, without prejudice to seek forfeiture for the violations involved.

8.72.170 Penalties Each of the following acts or omissions of the ordinance shall constitute a misdemeanor.

- (a) Any performance of a tattooing or body piercing operation by an Operator in violation of any requirement of prohibition imposed in this article.
- (b) Any failure by a proprietor to maintain a tattooing or body piercing establishment in conformity with the requirements of this article. For purposes of this subparagraph (b), each day upon which such a failure to conform occurs shall constitute a separate violation.



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING

Phone 536-5271
Fax 374-1540
374-1648

September 28, 2006

Daniel McNab
19744 Beach Boulevard #458
Huntington Beach CA 92648

**SUBJECT: CONDITIONAL USE PERMIT NO. 06-034 (THE TATTOO GALLERY)
19921 BEACH BOULEVARD, HUNTINGTON BEACH**

Dear McNab:

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This preliminary list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission. Please note that if the design of your project changes or if site conditions change, the list may also change based upon modifications to your project and the applicable city policies, standard plans, and development and use requirements.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at (714) 374-1744 and/or the respective source department (abbreviation in parenthesis at end of each condition – contact person below).

Sincerely,

TESS NGUYEN
Associate Planner

Enclosure

cc: Gerald Caraig, Building and Safety Department – 714-374-1575
Lee Caldwell, Fire Department – 714-536-5564
Steve Bogart, Public Works – 714-536-5580
Herb Fauland, Principal Planner
Jason Kelley, Planning Department
Property Owner (Bella Spese, LLC)
Project File

ATTACHMENT NO. 5.1

**DRAFT CODE REQUIREMENTS, POLICIES, STANDARD PLANS OF THE
HUNTINGTON BEACH ZONING & SUBDIVISION ORDINANCE AND MUNICIPAL CODE**

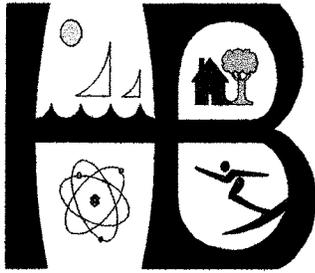
PROJECT: Conditional Use Permit No. 06-034 (Tattoo Gallery)
ADDRESS: 19921 Beach Boulevard, Huntington Beach

The draft list is intended to assist the applicant by identifying a preliminary list of code requirements applicable to the proposed project, which must be satisfied during the various stages of project implementation. Any conditions of approval adopted by the Planning Commission would also be applicable to your project. A final list of requirements will be provided upon approval by the applicable discretionary body. If you have any questions regarding these requirements, please contact the Project Planner and the applicable Department Representative.

CONDITIONAL USE PERMIT NO. 06-034:

1. The site plan, floor plans, and elevations approved by the Planning Commission shall be the conceptually approved layout.
2. Prior to submittal for building permits, the following shall be completed:
 - a. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
3. The Planning Director ensures that all code requirements herein are complied with. The Planning Director shall be notified in writing if any changes to the site plan, elevations and floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the Huntington Beach Zoning and Subdivision Ordinance.
4. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
5. Conditional Use Permit No. 06-034 shall not become effective until the ten calendar day appeal period from the Planning Commission approval of the entitlements has elapsed.
6. Conditional Use Permit No. 06-034 shall become null and void unless exercised within one (1) year 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 Department a minimum of 30 days prior to the expiration date.

7. The Planning Commission reserves the right to revoke Conditional Use Permit No. 06-034, pursuant to a public hearing for revocation, if any violation of the conditions or the Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
8. The development shall comply with all applicable provisions of the Municipal Code, Building and Safety Department, and Fire Department as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
9. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.
10. The applicant shall submit a check in the amount of \$43.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's action.
11. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs.
12. A Certificate of Occupancy must be approved by the Planning Department and issued by the Building and Safety Department prior to occupying the building.



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JULY 25, 2006

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL: P A P P P P A
Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
(Commissioner Livengood excused absence)
(Commissioner Dwyer arrived at 5:20 p.m.)

AGENDA APPROVAL

A MOTION WAS MADE BY SCANDURA SECONDED BY RAY TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF JULY 25, 2006, BY THE FOLLOWING VOTE:

AYES: Burnett, Scandura, Dingwall, Ray, Horgan
NOES: None
ABSENT: Livengood, Dwyer
ABSTAIN: None

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS):

A-1. DRAFT ENVIROMENTAL IMPACT REPORT NO. 05-01 (NEWLAND STREET RESIDENTIAL – 21471 NEWLAND STREET) – Jane James

Jane James, Senior Planner, stated that the project includes five entitlements; one of which is the Environmental Impact Report (EIR), which is being reviewed this evening. James introduced Marianne Tanzer, Project Director, who gave a presentation of the EIR.

Tanzer reviewed the proposed project and the environmental issue areas considered in the EIR. She also stated that there are 33 suggested mitigation measures in the report.

Discussion ensued regarding oil wells, floodplain issues, traffic, parkland, and park amenities.

A-2. GENERAL PLAN CONFORMANCE 06-03 (CITY OF HUNTINGTON BEACH CAPITAL IMPROVEMENTS PROGRAM) – Rosemary Medel

Rosemary Medel, Associate Planner, reviewed the program.

Discussion ensued regarding the Commission's role in the CIP, the list of projects, and budgeting.

Ray asked if items could be added after the fact and advised he did not feel comfortable voting on something that would change. Staff advised that the Commission's role is to decide whether or not the program meets the General Plan and that City Council could add to the project list after the fact.

B. STUDY SESSION ITEMS - NONE

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS):

Herb Fauland, Principal Planner, advised of late communications received for items B-1 and D-1 and also requested that item B-2 be continued to a later date.

D. PLANNING COMMISSION COMMITTEE REPORTS:

Commissioner Ray stated that the Subdivision Committee met on July 13, 2006, and unanimously approved the Newland Street Residential project.

E. PUBLIC COMMENTS (Regarding Study Session Portion of Meeting):

One speaker expressed her concerns regarding the programs in the Flood Management Plan and the capital improvements in and around Meredith Gardens. The speaker also stated that additional measures should be in place for the residents around the Pacific City project.

F. PLANNING COMMISSION COMMENTS - NONE

6:30 P.M. – RECESS FOR DINNER

7:05 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Scandura

ROLL CALL: *P* *A* *P* *P* *P* *P* *P*
Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer

AGENDA APPROVAL

A MOTION WAS MADE BY BURNETT, SECONDED BY HORGAN, TO MOVE ITEM D-1 IN ADVANCE OF ITEM B-1 AND TO APPROVE THE PLANNING COMMISSION AGENDA OF JULY 25, 2006, BY THE FOLLOWING VOTE:

AYES: Burnett, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES: None
ABSENT: Livengood
ABSTAIN: None

MOTION APPROVED

THE MINUTES WILL REFLECT ITEMS IN THEIR ORIGINAL ORDER

A. **ORAL COMMUNICATIONS - NONE**

B. **PUBLIC HEARING ITEMS**

PROCEDURE: Commission Disclosure Statement(s), Staff Report Presentation, Commission Questions, Public Hearing, Discussion/Action.

- B-1. **ZONING MAP AMENDMENT NO. 06-02/ZONING TEXT AMENDMENT NO. 06-04 (MAIN/CREST NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT)** **Applicant:** City of Huntington Beach **Request: ZMA:** To establish a Neighborhood Conservation Overlay District for properties located in the general area of Main Street and Crest Avenue; **ZTA:** To adopt the Main/Crest Neighborhood Conservation Plan comprised of development standards proposed by a group of neighbors concerned with preserving the character and traditional development pattern of their neighborhood. **Location:** Northeast of Palm Avenue, south of 11th Street, and west of Lake Street **Project Planner:** Jennifer Villasenor.

STAFF RECOMMENDATION:

- A. Motion to: "Approve Zoning Map Amendment No. 06-02 and Zoning Text Amendment No. 06-04 with findings for approval (Attachment No. 1) and forward the draft City Council Ordinance (Attachment No. 3) to the City Council for adoption"; or
- B. Motion to: "Approve, in modified form, Zoning Map Amendment No. 06-02 and Zoning Text Amendment No. 06-04 with findings for approval and forward draft City Council Ordinance to the City Council for adoption"; or
- C. Motion to: "Deny Zoning Map Amendment No. 06-02 and Zoning Text Amendment No. 06-04 with findings for denial."

The Commission made the following disclosures:

- Commissioner Dwyer attended two neighborhood meetings and spoke with City Councilmembers Hansen and Green.
- Commissioner Scandura spoke with City Councilmember Coerper, Angela Rainsberger, Commission Livengood and staff. He also visited the area.
- Chair Dingwall visited the area many times.
- Commissioner Horgan spoke with Angela Rainsberger and visited the area.
- Commissioner Ray visited the area and corresponded with Don and Susan Jones and Angela Rainsberger.
- Commissioner Burnett attended all but one neighborhood meeting.

Jennifer Villasenor, Associate Planner, gave a Powerpoint presentation of the proposed amendment, which was directed by the City Council. Villasenor reviewed the boundaries of the overlay district and issues such as the building height limitation, lot coverage and lot width.

Scandura asked if height limits would vary outside of the RM-Q (Medium Density Residential-Qualified) zoning designation and how many homes could be built on residential medium density zoned lots.

Villasenor advised that height limits could exceed two stories outside of the RM-Q area and residential medium density zoned lots allow for one unit per 6,000 square feet.

Herb Fauland, Principal Planner, interjected that the density for residential medium density zoned properties would allow a density of one unit per 2,904 square feet.

Scandura inquired what would necessitate a project going to the Design Review Board. Villasenor stated only if the project did not comply with city ordinances.

Burnett asked how the area of this overlay district was determined. Villasenor advised the boundaries were established through input by the residents and a series of neighborhood meetings.

THE PUBLIC HEARING WAS OPENED

Trish Gray, area resident, spoke in favor of the proposed overlay district by referencing cities that have incorporated them due to parking and energy issues caused by over building.

Brian Sullivan, resident, supports the overlay and stated he wants to preserve the quality of his neighborhood.

Tina Eberly, resident, voiced her disapproval of the proposed overlay district and stated that she bought her home under the current zoning ordinance and feels her home will be less marketable with the proposed overlay district restrictions.

Mike Hoskinson, resident, said he believed the overlay district would be beneficial to property values and stated that he had researched other historic preservation areas.

Angela Rainsberger, resident, stated that she was not contacted to sign the initial petition and when she attended the neighborhood meeting was not allowed to speak. She conducted a title search of property owners and distributed a petition against the overlay district. She advised that 74% of the property owners are against the overlay.

Joe DaSilva, resident, reiterated that over 70% of the property owners are against the overlay district and referenced signatures on the original petition as renters. He stated that if the overlay is passed he would file a law suit against the City.

Vance Eberly, resident, agreed with Mr. DaSilva and stated that he will file a law suit also if the overlay is passed. He said the overlay district would have negative financial ramifications.

Ron Cuha, resident, voiced his disapproval of the proposed overlay district and said the restrictions are not feasible to property owners.

Raisa Markarian, resident, stated that she is unable to make renovations to her home because the proposed overlay district will preclude her building plans.

Suzanne Franco, daughter of Raisa Markarian, spoke on behalf of her mother and her proposed remodel. She stated that the remodel is proposed at 4,200 square feet and the design is Spanish revivalist, which would fit with the neighborhood. She said the proposed overlay district would not allow this house to be built and felt it was unfair.

Marcus Kimmerer, resident, voiced his opposition to the overlay district and stated he is unable to go forward with the remodel of his home due to the restrictions in the proposed overlay.

Susan Wuerer, resident, stated she is opposed to the proposed overlay district and questioned how the boundaries were configured. She also noted that there is no design continuity in the area and did not understand how this area was chosen as a historic conservation district because most of the homes were built in the past 40 years.

Richard Kaue, resident, reiterated that there is no specific design concept in the proposed overlay area and that 50% of the homes were built in the 1970's.

Joe Wuerer, resident, advised he is against the proposed overlay district and did not understand how the area was chosen as a historical preservation district. He stated that the 40% lot restriction would negatively impact resale value of homes.

Steven Merrill, resident, voiced his opposition to the proposed overlay district and stated that he was advised at the initial neighborhood meeting that residents had an "opt out" option if the proposed overlay was passed, which is no longer the case.

Ken Marsett, resident, stated he purchased a "fixer-upper" home and is in the process of planning and building his dream home, which, he says, the proposed overlay would make an impossibility.

Jeanne Nevins, resident, says she feels the original petition was routed under false pretenses and she has no problem with "trophy homes" and is against Design Review Board intervention in their neighborhood.

Linda Mitchell, resident, spoke in favor of the proposed overlay district, which, she feels, will preserve the character and charm of her neighborhood.

Roslyn Marshall, resident, spoke in favor of the proposed overlay district and voiced concern regarding the growth of mold in smaller homes located next to 3-story mansions.

Rene Brookbark, resident, spoke in favor of the proposed overlay district and referenced other cities embarking on the historical preservation districts.

Nuana Robinson, resident, voiced her support of the proposed overlay district and is against the building of mansions in the area. She stated that she took the original petition door to door and the consensus was that residents did not want mansions built in their neighborhood. She said she held neighborhood meetings with residents and owners that suggested the proposed boundaries. She said she wants to maintain the character of the neighborhood as much as possible.

Barbara Sullivan, resident, stated that she supports the proposed overlay and believes that a lot of misinformation has been distributed to the residents. She addressed the question of a house in the area burning down and whether or not you could rebuild the home with the proposed overlay district in place. She stated that you would be able to rebuild the home because the proposed overlay district allows for this.

Gary Tucker, resident, spoke in favor of the proposed overlay district and stated that the neighborhood needs conservation efforts to maintain its character.

Rick Gomes, resident, spoke in favor of the proposed overlay district and said he enjoys his neighborhood and does not want to see it over built.

Melissa Luu, resident, spoke in opposition to the proposed overlay district, stating that she owns a small lot and the overlay would prohibit her building the type of home she wants.

Burnett asked if the boundaries of the proposed overlay could be changed. Scott Hess, Planning Manager, stated that the boundaries could be changed by the City Council.

Scandura asked about the issue of a home burning down and rebuilding it. Villasenor stated that you could rebuild your current home if it was destroyed by fire.

Scandura asked about the potential for litigation from the property owners. Mulvihill stated that she could not speculate on that issue.

Horgan asked if residents could "opt out" of the proposed overlay. Villasenor advised the Planning Commission could recommend to the City Council to modify the district.

WITH NO ONE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

Discussion ensued between the Commissioners and staff regarding the Planning Commission's role in the proposed amendment, the overlay district and the direction to staff by the City Council. Hess referred the Commissioners to the three staff recommendations.

Scandura voiced his concern for the majority of property owners in the area who are opposed to the proposed overlay. He advised that Main Street is already protected adequately by current zoning ordinances and does not see the need for the overlay. He stated he is in opposition to the proposed amendment and overlay district.

Dwyer stated that he would vote against the proposed overlay and felt concern for residents who advised they were unable to speak at the neighborhood meetings.

Burnett advised she would vote against the proposed overlay and did not agree with property owners being dictated how they can develop their property.

Horgan stated that the issue is too fragmented and she will vote against it.

Dingwall stated he felt that the Main Street area is worth preserving and he will be supporting the proposed overlay.

Discussion ensued regarding the changing of boundaries in the proposed overlay. Ray suggested that staff return with a better plan at a later date. Scandura stated that he opposed any further continuances.

A MOTION WAS MADE BY SCANDURA, SECONDED BY DWYER TO DENY ZONING MAP AMENDMENT NO. 06-02/ZONING TEXT AMENDMENT NO. 06-04 (MAIN/CREST NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT) WITH FINDINGS. ACTION WAS TAKEN BY THE FOLLOWING VOTE:

AYES: Burnett, Scandura, Horgan, Dwyer
NOES: Dingwall, Ray
ABSENT: Livengood
ABSTAIN: None

MOTION CARRIED

Fauland read the disclosure that a recommendation of denial for a Zoning Map Amendment or Zoning Text Amendment shall terminate all proceedings pursuant to Huntington Beach Zoning and Subdivision Ordinance Section 247.12 unless appealed.

FINDING FOR DENIAL

ZONING MAP AMENDMENT NO. 06-02 AND ZONING TEXT AMENDMENT NO. 06-04

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission 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 City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act. The project is exempt because it involves minor amendments to the Huntington Beach Zoning and Subdivision Ordinance, which do not change the density of the affected project areas.

FINDING FOR DENIAL - ZONING TEXT AMENDMENT NO. 06-04 AND ZONING MAP AMENDMENT NO. 06-02:

A community need is not demonstrated for the proposed zoning text amendment/zoning map amendment. The existing zoning requirements are sufficient to preserve the existing character of the neighborhood.

- B-2. ANNUAL REVIEW AND MONITORING REPORT – DOWNTOWN PARKING MASTER PLAN: Applicant: City of Huntington Beach Planning Department
Request: Annual review of the Downtown Parking Master Plan, documenting building activity and land use changes between June 1, 2004 and June 1, 2005
Location: Downtown Specific Plan area (generally bounded by Pacific Coast Highway, Sixth Street, Acacia Avenue and Second Street) Project Planner: Ron Santos**

STAFF RECOMMENDATION: Motion to: "Accept as adequate and complete the annual review and monitoring report of the Downtown Parking Master Plan and forward to the City Council for their review."

A MOTION WAS MADE BY RAY, SECONDED BY HORGAN TO CONTINUE THE ANNUAL REVIEW AND MONITORING REPORT – DOWNTOWN PARKING MASTER PLAN TO THE AUGUST 8, 2006, PLANNING COMMISSION MEETING. ACTION WAS TAKEN BY THE FOLLOWING VOTE:

AYES: Burnett, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES: None
ABSENT: Livengood
ABSTAIN: None

MOTION PASSED

C. CONSENT CALENDAR:

C-1. PLANNING COMMISSION MINUTES DATED OCTOBER 25, 2005

RECOMMENDED ACTION: Motion to: "Approve the October 25, 2005, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY RAY, SECONDED BY DWYER, TO APPROVE THE OCTOBER 25, 2005, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: Scandura, Dingwall, Ray, Horgan, Dwyer
NOES: None
ABSENT: Livengood
ABSTAIN: Burnett

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS:

D-1. 2005-2006 FLOOD MANAGEMENT PLAN ANNUAL REVIEW: Applicant: City of Huntington Beach. Request: Annual review of the Flood Management Plan to demonstrate that the City is actively pursuing implementation of the Flood Management Plan. Location: City-wide/Floodplain Project Planner: Ricky Ramos

STAFF RECOMMENDATION: Motion to: "Accept the Flood Management Plan Annual Review as adequate and complete and forward to the City Council for their review."

Ricky Ramos, Associate Planner, presented a Powerpoint program and an outline of the proposed plan. Ramos highlighted that the county seven-year improvement plan would include improvements to the East Garden Grove Wintersburg Channel.

Todd Broussard, Principal Civil Engineer, Public Works Department, reviewed several storm drain projects and advised of improvements to be made to drains and catch basins. He stated that the Capital Improvements Program is now open for bids and will be referred to the City Council meeting slated for August 21, 2006.

Horgan asked if these projects are regularly funded. Broussard stated that there is no dedicated fund other than developer fees and grant funding.

Ray asked if there were any water flow conflicts due to flooding. Broussard stated that only a 100-year event would cause water to back-up. He added that with an increase in the capacity of the catch basins the chance of back-up occurring would be lessened.

Ray asked if these improvements would save residents money on flood insurance. Ramos stated that certain activities and improvements could account for points towards flood insurance rate savings.

Ray referred to the filling in of wetlands as stated in the staff report; he asked where this was located in the General Plan. Ramos stated that the language is located in the Coastal Element and allows for road construction only.

A MOTION WAS MADE BY SCANDURA TO ACCEPT THE 2005-2006 FLOOD MANAGEMENT PLAN ANNUAL REVIEW WITH MODIFICATIONS AND FORWARD TO CITY COUNCIL, SECONDED BY RAY, ACTION WAS TAKEN BY THE FOLLOWING VOTE:

AYES: Burnett, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES: None
ABSENT: Livengood
ABSTAIN: None

MOTION APPROVED

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING
Scott Hess, Planning Manager – reported on the items from the previous City Council meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING
Scott Hess, Planning Manager – reported on the items scheduled for the next City Council meeting.

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING
Herb Fauland, Principal Planner – Advised that the Planning Commission Workshop packet would be delivered on July 27, 2006.

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS – NONE

F-2. PLANNING COMMISSION COMMENTS

Commissioner Burnett – None.

Commissioner Livengood - Absent.

Vice-Chairperson Scandura – Stated he is looking forward to the upcoming Planning Commission Workshop and the topic of limiting discussions at the Planning Commission meetings.

Chairperson Dingwall – None.

Commissioner Ray – None.

Commissioner Horgan – Expressed her support of the Planning Commission and the amount of time spent at meetings. She also expressed her disappointment that a joint City Council/Planning Commission study session was cancelled.

Commissioner Dwyer – None.

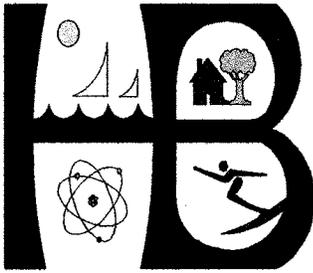
ADJOURNMENT:

Adjourned at 10:30 p.m. to the Planning Commission Workshop scheduled for August 2, 2006, and to the next regularly scheduled meeting of Tuesday, August 8, 2006.

APPROVED BY:

Scott Hess, Secretary

Robert Dingwall, Chair



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, AUGUST 8, 2006

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

6:00 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL: P A P A P P A
Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
Commissioner Livengood arrived at 6:05 p.m.
Chair Dingwall excused absence

AGENDA APPROVAL

A MOTION WAS MADE BY RAY, SECONDED BY HORGAN TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF AUGUST 8, 2006, BY THE FOLLOWING VOTE:

AYES: Burnett, Scandura, Ray, Horgan, Dwyer
NOES: None
ABSENT: Livengood, Dingwall
ABSTAIN: None

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS) - NONE

B. STUDY SESSION ITEMS - NONE

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS):

Herb Fauland, Principal Planner, advised of two late communications received for Item B-2a. He also requested that Item D-1 be moved to the beginning of the agenda.

D. PLANNING COMMISSION COMMITTEE REPORTS:

Commissioner Ray stated he would like to move forward with the Major Projects Review Process committee meetings.

Commissioner Horgan advised she would like to set up another Green Building subcommittee meeting.

E. PUBLIC COMMENTS (Regarding Study Session Portion of Meeting) – NONE

F. PLANNING COMMISSION COMMENTS:

Commissioner Burnett directed the Commissioners to read a late communication regarding Green Building.

Commissioner Scandura advised the Commissioners to use discretion when speaking with members of the press.

6:30 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Ray

ROLL CALL: *P* *P* *P* *A* *P* *P* *P*
Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY HORGAN, TO MOVE ITEM D-1 IN ADVANCE OF ITEM B-1 AND TO APPROVE THE PLANNING COMMISSION AGENDA OF AUGUST 8, 2006, BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Ray, Horgan, Dwyer
NOES: None
ABSENT: Dingwall
ABSTAIN: None

MOTION APPROVED

THE MINUTES WILL REFLECT ITEMS IN THEIR ORIGINAL ORDER

A. ORAL COMMUNICATIONS:

Mike Adams, Consultant representing the Applicant for Item D-2, reviewed the steps in the process of passing a General Plan Conformance and asked the Commissioners to take note of the number of residents who are in favor of the project when making their decision tonight.

Martha Morrow, Heritage Huntington Shores Home Owners Association, stated that gating the community would be a positive step towards the security of the neighborhood and would not be of any cost to the City. She added that the gating does conform to the General Plan and 90% of the residents are in favor of the project.

Joann Chivers, President, Edwards Central Park Home Owners Association, spoke in favor of the project and advised that 89% of her 38 members are in favor of the gating.

B. PUBLIC HEARING ITEMS

PROCEDURE: Commission Disclosure Statement(s), Staff Report Presentation, Commission Questions, Public Hearing, Discussion/Action.

- B-1. ANNUAL REVIEW AND MONITORING REPORT – DOWNTOWN PARKING MASTER PLAN (Continued from July 25, 2006, with public hearing to be open): Applicant: City of Huntington Beach Planning Department Request: Annual review of the Downtown Parking Master Plan, documenting building activity and land use changes between June 1, 2004 and June 1, 2005 Location: Downtown Specific Plan area (generally bounded by Pacific Coast Highway, Sixth Street, Acacia Avenue and Second Street) Project Planner: Ron Santos**

STAFF RECOMMENDATION: Motion to: "Accept as adequate and complete the annual review and monitoring report of the Downtown Parking Master Plan and forward to the City Council for their review."

Ron Santos, Associate Planner, gave an overview of the 7th Annual Review that included issues such as shared parking spaces, parking utilization and development activity.

The Commission made the following disclosures:

- Commissioner Burnett recused herself as she has a real property interest in the area.
- Commissioner Livengood visited the site.
- Commissioner Ray visited the site.
- Commissioner Horgan did not have a disclosure statement.
- Commissioner Scandura did not have a disclosure statement.
- Commissioner Dwyer visited the site.

Commissioner Ray stated that although there is no change to the review from last year, he asked if the anticipated occupancy of the Strand project has been considered in this review. Santos advised that the projected occupancy has been taken into consideration.

Ray questioned mixed-use floor areas and how they impact the number of parking spaces allowed due to their varied use of space.

Herb Fauland, Principal Planner, stated that the thresholds are set and allow for shifting between categories so long as adequate parking is provided and does not exceed the 715,000 square foot cap. He further explained that through analysis the cap will not be exceeded and there will be sufficient parking.

Ray expressed concern over the 15,000 square feet of unused space in the plan. Fauland advised that the unallocated space would be addressed only if a proposed development occurs.

Commissioner Horgan asked if the new parking structure slated for the Strand project would be considered part of the supply of parking and when the structure would be completed. Santos advised that the structure will be part of the supply of parking and construction should be completed in 2008.

THE PUBLIC HEARING WAS OPENED

WITH NO ONE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY HORGAN TO ACCEPT AS ADEQUATE AND COMPLETE THE ANNUAL REVIEW AND MONITORING REPORT OF THE DOWNTOWN PARKING MASTER PLAN AND FORWARD TO THE CITY COUNCIL FOR THEIR REVIEW, BY THE FOLLOWING VOTE:

AYES: Livengood, Scandura, Ray, Horgan, Dwyer
NOES: None
ABSENT: Dingwall
ABSTAIN: Burnett

MOTION APPROVED

Commissioner Scandura requested that the report be introduced in a timelier manner next year.

- B-2a. ENVIRONMENTAL IMPACT REPORT NO. 05-01 (NEWLAND STREET RESIDENTIAL): Applicant:** WL Direct Huntington Beach, LLC **Request:** **EIR:** To analyze the potential environmental impacts associated with the implementation of the proposed project. **Location:** 21471 Newland Street (northwest corner of the Newland Street/Hamilton Avenue intersection). **Project Planner:** Jane James

STAFF RECOMMENDATION: Motion to: "Certify EIR No. 05-01 because it adequately analyzes the potential environmental impacts associated with the project, identifies project alternatives and mitigation measures to lessen the project's impacts consistent with General Plan policies and has been prepared in accordance with the California Environmental Quality Act (CEQA)."

- B-2b. GENERAL PLAN AMENDMENT NO. 04-04/ ZONING MAP AMENDMENT NO. 04-01/ TENTATIVE TRACT MAP NO. 16733/ CONDITIONAL USE PERMIT NO. 04-32 (NEWLAND STREET RESIDENTIAL): Applicant:** WL Direct Huntington Beach, LLC **Request:** **GPA:** To amend the General Plan Land Use designation on 23.1 acres from the current I-F2-d (Industrial – 0.5 Floor Area Ratio – Design Overlay) to the proposed RM (Medium Density Residential) designation. **ZMA:** To amend the Zoning designation from the current IL-O-FP2 (Limited Industrial – Oil District Overlay – Flood Plain) to the proposed RM-FP2 (Medium Density Residential – Flood Plain). **TTM:** To subdivide the property into 21 numbered lots for multi-family residential development and nine lettered lots for private streets, sidewalks, open space, and parkway landscaping. **CUP:** To develop and construct a 204 unit multi-family residential project that a) Abuts an arterial street; b) Includes a dwelling unit more than 150 feet from a public street; c) Includes buildings exceeding 25 feet in height; d) Includes retaining walls up to four feet, six inches in height in lieu of a maximum height of two feet on pads raised approximately three to five feet above existing grade to comply with FEMA floodplain requirements; and e) Includes an eight foot high wall within 11 to 13 feet of the front property line in-lieu of the minimum 15 foot setback required. The proposed project includes dedication and improvement of a 2.0 acre public park. The existing recreational vehicle and boat storage yard on 4.5 acres of the property would be removed. **Location:** 21471 Newland Street (northwest corner of the Newland Street/Hamilton Avenue intersection). **Project Planner:** Jane James

STAFF RECOMMENDATION: Motion to:

- A. "Approve General Plan Amendment No. 04-04 by approving the draft City Council Resolution and forward to the City Council for adoption."
- B. "Approve Zoning Map Amendment No. 04-01 with findings for approval and forward the draft Ordinance to the City Council for adoption."
- C. "Approve Tentative Tract Map No. 16733 and Conditional Use Permit No. 04-32 with findings and suggested conditions of approval."
- D. "Approve CEQA Statement of Findings and Fact with a Statement of Overriding Considerations."

The Commission made the following disclosures:

- Commissioner Burnett spoke with Commissioner Horgan, Staff and the applicant.
- Commissioner Livengood visited the site and met with the applicant.
- Commissioner Ray visited the site, spoke with Steve Bone, Dick Harlow, Celena Chen, and Steve Schwartz.
- Commissioner Horgan visited the site, spoke with Commissioner Burnett, and the applicant.
- Commissioner Scandura visited the site; spoke with Steve Bone, Dick Harlow, Steve Schwartz and Commissioner Livengood.
- Commissioner Dwyer visited the site and spoke with Steve Bone.

Jane James, Senior Planner, gave an overview of both items (B-2a and B-2b) utilizing a Powerpoint presentation and explained why the Environmental Impact Report must be acted on prior to the General Plan Amendment and other entitlements. She stated that the project covers 23.1 acres and is currently zoned as industrial. She explained that the applicant is requesting the zoning be changed to medium density residential. She reviewed maps of current General Plan and Zoning Map designations in the area in order to show compatibility of the project.

Livengood asked if improvements were needed on the Newland Pump Station would the applicant be expected to pay for them.

Steve Bogart, Civil Engineer Associate, Public Works Dept., stated that the applicant is responsible for mitigating storm water run-off and downstream improvements including the Newland Station if required.

Livengood questioned the smaller size of the garage areas. James explained that some of the garages are outfitted with additional storage space, therefore, those garages do not need to be increased in size.

Scandura asked about the park being used for storm water overflow and if there was another option. James suggested the homeowners association could, in the future, contract an engineer to review alternatives.

THE PUBLIC HEARING WAS OPENED

Kurt Nelson, applicant, reviewed the application process and advised he is confident that everyone will be proud of this project upon completion. He stated he appreciated the efforts of staff, the adjacent homeowner's association and also the neighbors.

Bruce Holler, resident, voiced his approval of the project.

Dianne Gillespie, Surfside Homeowner's Association, stated that the homeowners in the Surfside HOA are very excited about the new development and recommend approval.

Chris Sullivan, resident, recommended approval of the project and feels that the architecture will be attractive to the area. He also appreciates the protection measures for the wetlands.

Frank Rosen, resident, urged approval of the project and stated he was glad the affordable housing program was being utilized in this project.

Rob Harris, resident, voiced his support of the project and welcomes the project's participation in the affordable housing program.

WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

Discussion ensued between the Commissioners and staff regarding the traffic circulation and access to the proposed 204 homes.

Ray asked the applicant if environmentally friendly building materials were being used during the construction of the project and if a condition could be added to the approval providing for the use of such materials when feasible. The applicant agreed to the condition.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY RAY TO APPROVE ENVIRONMENTAL IMPACT REPORT NO. 05-01 (NEWLAND STREET RESIDENTIAL); ACTION WAS TAKEN BY THE FOLLOWING VOTE:

AYES:	Burnett, Livengood, Scandura, Ray, Horgan, Dwyer
NOES:	None
ABSENT:	Dingwall
ABSTAIN:	None

MOTION PASSED

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY RAY TO APPROVE GENERAL PLAN AMENDMENT NO. 04-04/ZONING MAP AMENDMENT NO. 04-01 WITH FINDINGS AND FORWARD TO THE CITY COUNCIL FOR ADOPTION; APPROVE TENTATIVE TRACT MAP NO. 16733/CONDITIONAL USE PERMIT NO. 04-32 WITH FINDINGS AND CONDITIONS OF APPROVAL; APPROVE CEQA STATEMENT OF FACT; ACTION WAS TAKEN BY THE FOLLOWING VOTE:

AYES:	Burnett, Livengood, Scandura, Ray, Horgan, Dwyer
NOES:	None
ABSENT:	Dingwall
ABSTAIN:	None

MOTION PASSED

FINDINGS AND CONDITIONS OF APPROVAL

**GENERAL PLAN AMENDMENT NO. 04-04/
ZONING MAP AMENDMENT NO. 04-01/
TENTATIVE TRACT MAP NO. 16733/
CONDITIONAL USE PERMIT NO. 04-32**

FINDINGS FOR APPROVAL – ZONING MAP AMENDMENT NO. 04-01:

1. Zoning Map Amendment No. 04-01 amends the existing zoning designation by changing the IL-O-FP2 (Limited Industrial-Oil Overlay-Floodplain) zoning designation within the project area to RM (Medium Density Residential-Floodplain). The adoption of this amendment will establish the Medium Density Residential zoning and development standards and will be consistent with the objectives, policies, general land uses and programs specified in the City's General Plan as well as the proposed General Plan Amendment No. 04-04.

The proposed residential zoning is consistent with the goals and policies of the Land Use Element of the General Plan by allowing for the creation of a development compatible with, and sensitive to the existing land uses in the project area and adjoining properties.

2. In the case of general land use provisions, the Zoning Map Amendment is consistent with the uses authorized in, and the standards prescribed for, the zoning district for which they are proposed. The proposed land uses identified in the Medium Density Residential land use designation is consistent with the General Plan as well as the proposed General Plan Amendment No. 04-04.

3. A community need is demonstrated for the change proposed. The proposed medium density residential zoning provides the standards necessary to develop a high quality of residential land uses complementing and enhancing surrounding land uses. The existing Industrial Land Use and Zoning designations are not compatible with the existing surrounding land uses and are no longer appropriate for the site. The residential land use designation allows for more affordable housing units to be constructed and the medium density project, proposed at 9.6 units/acre with high quality attached housing provides for a variety of housing types and units within the City, as referenced in the Land Use Element of the City's General Plan.

4. The adoption of the Medium Density Residential zoning is consistent with good zoning practice and was prepared utilizing a comprehensive approach, which included involving the public in numerous public meetings and reviewing the proposed development in terms of existing development standards, design and architectural guidelines, and landscape guidelines. The resultant project provides high quality design, successful affordable housing, pleasing architecture, and a diverse development of land uses within the City of Huntington Beach.

FINDINGS FOR APPROVAL - TENTATIVE MAP NO. 16733:

1. Tentative Tract Map No. 16733 for the subdivision of 23.1 acres into 21 numbered lots for multi-family residential development and nine lettered lots for private streets, sidewalks, open space, and parkway landscaping for condominium purposes is consistent with the proposed General Plan Land Use Element designation of Medium Density Residential on the subject property. The proposed residential subdivision for the development of 204 townhome

units is permitted with a conditional use permit in the Medium Density Residential (RM) zoning areas of the City.

2. The site is physically suitable for the type and density of development. The project density of 9.6 dwelling units per acre is compatible with the density of the surrounding developments. Furthermore the proposed development complies with the development standards regarding open space, building height, site coverage, setbacks, parking, and landscaping of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO).
3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Short-term adverse impacts resulting from air quality impacts during construction of the project have been documented as significant and unavoidable even with mitigation measures to reduce and minimize the impacts. The project will comply with all mitigation measures identified in Environmental Impact Report No. 05-01.
4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. The subdivision will provide all necessary easements and will not affect any existing easements.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 04-32:

1. Conditional Use Permit No. 04-32 for the construction of 204 two and three-story townhomes abutting an arterial street; including a unit more than 150 feet from a public street; including buildings exceeding 25 feet in height; including retaining walls up to four feet, six inches in height in lieu of a maximum height of two feet on pads raised approximately three to five feet above the existing grade to comply with FEMA regulations; and including an eight foot high wall within 11 to 13 feet of the front property line in-lieu of the minimum 15 foot setback required 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 site layout and design of the project properly adapts the proposed structures to streets driveways, and other adjacent structures and uses in a harmonious manner. The proposed development is designed in a manner consistent with development recently constructed or previously existing in the immediate area. The project will provide affordable housing to a segment of the population, which has limited available housing options at rates, which are affordable at the medium-income and low-income levels. An improved public park will also be provided for public use.
2. The conditional use permit will be compatible with surrounding uses because the proposed residential use is consistent and complementary to existing uses in the vicinity. The project design is similar to the residential projects located to the north and east of the subject site and is in keeping with the surrounding single-family and multi-family neighborhood. Furthermore, compliance with the mitigation measures of Environmental Impact Report No. 05-01 and code provisions will ensure that the project will be compatible with other area developments.
3. The proposed 204-unit townhome subdivision will comply with the provisions of the base district and other applicable provisions in the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it

would be located. The proposed residential units meet all code provisions, including setbacks, density, open space, and parking.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the proposed Land Use Element designation of Residential Medium Density on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

LU 9.1.3: Require that multi-family residential projects be designed to convey a high level of quality and distinctive neighborhood character as discussed below:

- a. Design building elevations treatment to convey the visual character of individual units rather than a singular building mass and volume.
- b. Include separate and well-defined entries to convey the visual character of individual identity for each residential unit, which may be accessed from exterior facades, interior courtyards, and /or common areas.
- c. Include an adequate landscape setback along the street frontage that is integrated with abutting sidewalks and provides continuity throughout the neighborhood.

The proposed project will consist of attached townhome units that have distinct entries, courtyards, varied rooflines, abundant common areas, paseos between buildings, and viewing nodes for enjoying the adjacent wetlands. The use of different colors and materials will break up the mass of the buildings and will delineate the entry to the units. The landscape palette establishes a community theme within the project and presents a hierarchy of trees and plantings as the street scene progresses from the main street to the garage access driveways. The entire project will be landscaped to provide continuity and transition between the common open areas, paseos, viewing areas, and private open spaces.

LU 9 Achieve the development of a range of housing units that provides for the diverse economic, physical, and social needs of existing and future residents of Huntington Beach.

LU 9.5 Provide for the development of housing for senior citizens, the physically and mentally challenged, and very low, low and moderate-income families.

The project provides a mixture of affordable unit types consisting of 18 two-bedroom units for median-income level households and three two-bedroom units for low-income level households. The proposed affordable units will provide opportunities for the diverse economic needs of existing and future residents of Huntington Beach.

B. Housing Element

HE 3.1: Facilitate the development of housing for low and moderate-income households, which are compatible with and complement adjacent uses and are located in close proximity to public and commercial services.

HE 3.1.1: Encourage the provision and continued availability of a range of housing types throughout the community, with variety in the number of rooms and level of amenities.

HE 4.1: Mitigate any potential governmental constraints to housing production and affordability.

The project will provide a total of 204 additional units with private and common open space, landscaped paseos, viewing opportunities to the adjacent wetlands, barbeque facilities, and pedestrian access to the public park. The type of units will include 183 market-rate units and 21 affordable units. The development is located in close proximity to the public beach located just south of the project at Pacific Coast Highway and Newland Street. Additionally, the project is situated near existing commercial services located at Beach Boulevard and Atlanta Avenue and Magnolia Street and Atlanta Avenue. The proposed General Plan amendment and zone change facilitate and allow for the proposed residential subdivision and construction to commence.

C. Urban Design Element

Policies UD 1.1.2: Coordinate streetscape and landscape design in all residential neighborhoods to strengthen their identities.

The applicant's request includes provisions to allow an eight-foot high masonry wall located within 11 to 13 feet of the front property line along a portion of the Newland Street frontage in-lieu of the minimum 15-foot setback required. The eight foot high wall is necessary to mitigate potential noise impacts to the residential units from traffic noise along Newland Street. Although the wall does not meet the minimum setback, the street scene is designed in an aesthetically pleasing manner with an undulating wall, pilasters, and comprehensive landscaping. The wall design, which includes two-foot offsets every 50 feet along with pilasters at the transitions, softens the overall look and height of the proposed wall. The remaining portion of the Newland Street frontage, north of the project entry and adjacent to the public park, presents an open view of the new parkland with landscaped berms, open grassy field, and a low anodized aluminum fence.

CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 16733:

1. The Tentative Tract Map No. 16733 for subdivision of 23.1 acres into 21 numbered lots for multi-family residential development and nine lettered lots for private streets, sidewalks, open space, and parkway landscaping received and dated October 25, 2005 shall be the approved layout.
2. Prior to submittal of the Final Tract Map to the Public Works Department for processing and approval, the following shall be required:
 - a. At least 90 days before City Council action on the Final Tract Map, CC&Rs shall be submitted to the Planning Department for review and approval by the Public Works Department and the City Attorney. The CC&Rs shall reflect the common driveway access easements, and maintenance of all walls and common landscape areas by the Homeowners' Association. The CC&Rs must be in recordable form prior to recordation of the Final Tract Map.
 - b. An Affordable Housing Plan shall be submitted for review and approval as stipulated in Conditional Use Permit No. 04-32 conditions of approval.
3. The following conditions shall be completed prior to recordation of the Final Tract Map:

- a. Comply with Section 254.08, Parkland Dedication, of the Huntington Beach Zoning and Subdivision Ordinance.
 - i. A detailed park improvement plan shall be prepared to include typical neighborhood park amenities including but not limited to tot lot play equipment, open turf play area, picnic tables and benches, and half-court basketball. All amenities must conform to current Consumer Product Safety Commission Guidelines and Americans with Disabilities Act.
 - ii. The plan shall identify play equipment, architectural features, plant material, ground cover, sidewalks, lighting, etc. and shall be reviewed and approved by the Community Services Commission, Community Services Director, and Public Works Director prior to installation.
4. No construction or employee vehicle access shall be permitted on Lomond Drive except during construction of the roadway improvements on Lomond Drive.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 04-32:

1. The site plan and all associated technical exhibits (wall and fence plan, parking plan, sections, turning radius plan, etc.), floor plans, and elevations received and dated October 25, 2005 shall be the conceptually approved design with the following modifications.
 - a. All two-car garages in Plans 1 and 2 shall be revised to provide minimum interior wall-to-wall dimensions of 20 ft. by 20 ft or additional storage shelving within the garages shall be provided.
 - b. The approved site plan and section drawings shall be modified to reflect removal, replacement, and improvements to the Surfside Townhome Association wall at the northwest corner of the property as indicated in a site plan and elevations received and dated June 1, 2005.
2. Prior to submittal for building permits, the following shall be completed:
 - a. A corrosion report must be prepared by a qualified person who will determine the suitability of buried pipe and recommend a method to protect buried pipe when corrosive soil is encountered. Reproduce the recommendations of the report on the plans. (Bldg)
 - b. A copy of the approved "Grading Plan" by Planning and Public Works must be attached to the approved sets of construction plans prior to issuance of building permits. (Bldg)
 - c. Each lot for every residential unit must be provided with a clear yard that provides both egress and rescue door or window from the sleeping room(s) to the building front yard. (Bldg)
 - d. Submit a copy of the revised site plan, floor plans, elevations, and color schemes pursuant to Condition No. 1 for review and approval and inclusion in the entitlement file to the Planning Department.
 - e. Zoning entitlement conditions of approval and applicable code requirements shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.

3. Prior to issuance of building permits, the following shall be completed:
 - a. The draft Affordable Housing Program received and dated July 24, 2006 identifying 21 on-site units for-sale as affordable (based upon minimum 10% of the total 204 units proposed for the site) shall be the approved program. An Affordable Housing Agreement in accordance with the Affordable Housing Program shall be submitted to the Planning Department for review and approval by the City Attorney, and accepted by the City Council. Said agreement shall be recorded with the Orange County Recorder's Office prior to issuance of the first building permit for the tract. The Agreement shall comply with HBZSO Section 230.26 and include:
 - i. A detailed description of the type, size and location of the 21 two-bedroom affordable housing for-sale units on-site. The for-sale units shall be dispersed throughout the project.
 - ii. There shall be three units affordable to low-income households (income level less than 80% of Orange County median) and 18 units affordable to median-income households (income level 80% to 100% of Orange County median). The Orange County median income is adjusted for appropriate household size.
 - iii. Continuous affordability provisions for a period of 60 years. Any required for-sale affordable units shall be owner-occupied (not rented or leased).

The affordable units shall be constructed prior to or concurrent with the primary project. Final approval (occupancy) of the first market rate residential unit(s) shall be contingent upon the completion and public availability, or evidence of the applicant's reasonable progress towards attainment of completion of the affordable units.

- b. 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).
4. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released for the first residential unit until the following has been completed:
 - a. The public art element is installed.
 - b. Compliance with all conditions of approval specified herein are accomplished and verified by the Planning Department.

5. The project shall comply with all mitigation measures adopted in conjunction with Environmental Impact Report No. 05-01.

6. The "Green" building elements as specified in written communication dated August 7, 2006 from WL-Direct Huntington Beach, LLC and repeated below shall be incorporated in the design, construction, and maintenance of the project:

- a. Foundation, Frame, and Roofing
 - i. Use roofing materials with 40 year warranty or greater
- b. Plumbing
 - i. Install low flow showerheads (<2.5 gpm)
 - ii. Install water efficient kitchen and bath faucets (<2.5 gpm)
- c. Lighting and Appliances
 - i. Showcase in model and offer or install Energy Star Washing Machines
 - ii. Showcase in model and offer or install Energy Star Refrigerator
 - iii. Showcase in model and offer or install Energy Star Air Conditioner
- d. HVAC
 - i. Install high efficiency HVAC filters (MERV 6 or higher)
 - ii. Vent range hood to outside
- e. Energy Performance
 - i. Exceed Title 24 by at least 5%
 - ii. Achieve Energy Star Home Certification
- f. Indoor Air Quality
 - i. Use Low VOC interior paints (<50 g/l flat; < or = 150 g/l non-flat)
- g. Education and Awareness
 - i. Inclusion of "Green" building information into Homeowner Manuals

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.

Ray commended the applicant on their cooperation and design efforts regarding the project.

Burnett voiced her appreciation to the applicant regarding their use of green building materials when possible.

C. CONSENT CALENDAR:

C-1. PLANNING COMMISSION MINUTES DATED APRIL 25, 2006

RECOMMENDED ACTION: Motion to: "Approve the April 25, 2006, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY RAY, SECONDED BY SCANDURA, TO APPROVE THE APRIL 25, 2006, PLANNING COMMISSION MINUTES AS MODIFIED, BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Ray, Dwyer
NOES: None
ABSENT: Dingwall
ABSTAIN: Horgan

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS:

D-1. GENERAL PLAN CONFORMANCE NO. 06-03 (CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2006/07) Applicant: City of Huntington Beach Request: Evaluate Capital Improvement Program for Fiscal Year 2006/07 for compliance with the General Plan. Location: City-wide Project Planner: Rosemary Medel

STAFF RECOMMENDATION: Motion to: "Adopt Resolution No. 1609, approving General Plan Conformance No. 06-03."

Rosemary Medel, Associate Planner, reviewed the staff report and the goals, policies and objectives of the General Plan as they pertain to the City's Capital Improvements Program.

Horgan asked if energy efficient materials are going to be used in the proposed improvements.

David Webb, City Engineer, stated that the City does try to purchase energy saving materials whenever possible provided they fit the existing building. He explained that many older buildings are difficult to fit with new energy saving products.

Ray requested a modification reflecting more specificity to the projects outlined in attachment #1 of the staff report.

Horgan requested language in the approval to reflect the use of more energy efficient materials.

Leonie Mulvihill, City Attorney, stated that the energy efficiency language was more suited to a minute action at a later date which would be separate from the Capital Improvement Plan.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY BURNETT, TO ADOPT RESOLUTION NO. 1609, APPROVING GENERAL PLAN CONFORMANCE NO. 06-03 WITH MODIFICATIONS, ACTION WAS TAKEN BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Ray, Horgan, Dwyer
NOES: None
ABSENT: Dingwall
ABSTAIN: None

MOTION APPROVED

A MINUTE ACTION MOTION WAS MADE BY HORGAN, SECONDED BY DWYER, THAT ALL EFFORTS BE MADE TO USE ENERGY STAR OR RELATED ENERGY EFFICIENT EQUIPMENT IN THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2006/07, ACTION WAS TAKEN BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Ray, Horgan, Dwyer
NOES: None
ABSENT: Dingwall
ABSTAIN: None

MOTION APPROVED

D-2. GENERAL PLAN CONFORMANCE NO. 06-01 (PUBLIC STREET VACATIONS - ELLIS/GOLDENWEST QUARTERSECTION: SADDLEBACK LANE, QUARTERHORSE LANE, FAIRCREST DR, AND PORTIONS OF ROCKINGHORSE LANE, AND CHURCHILL DR.: Applicant: Michael C. Adams Request: To determine whether the proposed public street vacations of Saddleback Lane, Quarterhorse Lane, Faircrest Drive, and portions of Rockinghorse Lane and Churchill Drive conform to the goals and policies of the General Plan. Location: Ellis Goldenwest quarter section (Bounded by Ellis Avenue, Goldenwest Street, Garfield Avenue, and Edwards Street) Project Planner: Rami Talleh

STAFF RECOMMENDATION: Motion to: "Adopt Resolution No. 1608 approving General Plan Conformance No. 06-01 with findings."

Rami Talleh, Associate Planner, gave a presentation of the proposed project and the intent of the proposed street vacation. He further explained that if approved by the City Council, the streets would be vacated and transferred to the Homeowner's Association.

The Commission made the following disclosures:

- Commissioner Burnett visited the site numerous times, spoke with the applicant, staff, and homeowners.
- Commissioner Livengood visited the site, met with the Mike Adams, spoke with homeowners and staff.
- Commissioner Ray visited the site and received emails regarding project.
- Commissioner Horgan stated she is familiar with the area.
- Commissioner Scandura visited the site, spoke with Dr. Craig Towers and staff, received emails regarding project.
- Commissioner Dwyer visited the site and spoke with the applicant.

Burnett questioned whether the gating would affect the school adversely. Talleh advised that the school does not support the request due to potential financial obligations in maintaining the future private street. Talleh also stated that if the City Council approved the vacation, an access agreement would have to be made by the school district and the homeowners' association granting access to the bus loading area.

Ray asked for confirmation of land ownership. Talleh stated that the City of Huntington Beach currently has a public street easement over the land and the underlying fee owner would either be the HOA or adjacent homeowner.

Discussion ensued between the Commissioners and staff regarding prior street vacations and the application process.

Livengood voiced concern regarding the Findings of Approval and suggested that Goal No.2 of the Circulation Element be addressed in the suggested Findings.

Ray voiced his disapproval of the project and stated that he was unable to support the project.

Horgan advised that she agreed with Commissioner Ray.

Discussion ensued between the Commissioners regarding the approval of the project.

**A MOTION WAS MADE BY LIVENGOOD, SECONDED BY DWYER TO ADOPT
RESOLUTION NO. 1608 APPROVING GENERAL PLAN CONFORMANCE NO. 06-01
WITH REVISED FINDINGS, ACTION WAS TAKEN BY THE FOLLOWING VOTE:**

**AYES: Burnett, Livengood, Scandura, Dwyer
NOES: Ray, Horgan
ABSENT: Dingwall
ABSTAIN: None**

MOTION APPROVED

E. PLANNING ITEMS

- E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING**
Herb Fauland, Principal Planner – reported on the items from the previous City Council meeting.
- E-2. CITY COUNCIL ITEMS FOR NEXT MEETING**
Herb Fauland, Principal Planner – reported on the items scheduled for the next City Council meeting.
- E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING**
Herb Fauland, Principal Planner – reported on the items scheduled for the next Planning Commission meeting.

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS – NONE

F-2. PLANNING COMMISSION COMMENTS

Commissioner Burnett – Provided get well wishes to Chair Dingwall who was out sick.

Commissioner Livengood – Thanked Jane James for her thoroughness on the Newland Street Residential Project and also suggested canceling the Study Session on August 22, 2006.

Vice-Chairperson Scandura – Thanked staff for the Planning Commission Workshop and also thanked the other Commissioners for their support as he ran tonight's meeting.

Chairperson Dingwall – Absent.

Commissioner Ray – Announced his pending resignation from the Planning Commission, however, he is unsure when his last meeting will be.

Commissioner Horgan – Asked staff about a recent lawsuit filed against the City regarding the mobile home ordinance.

Commissioner Dwyer – Thanked staff for the workshop adding that it was very informative. He also welcomed the pending Planning Commission appointee, Mr. Blair Farley.

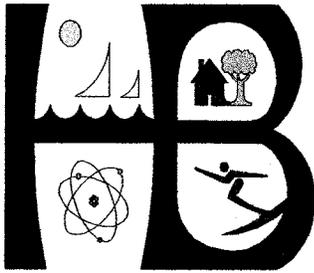
ADJOURNMENT:

Adjourned at 10:40 p.m. to the next regularly scheduled meeting of Tuesday, August 22, 2006.

APPROVED BY:

Scott Hess, Secretary

John Scandura, Vice-Chair



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, AUGUST 22, 2006

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL: P P P P P P A
Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
Commissioner Dwyer arrived at 5:35 pm

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SCANDURA TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF AUGUST 22, 2006, BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Dingwall, Ray, Horgan
NOES: None
ABSENT: Dwyer
ABSTAIN: None

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS):

- A-1. ENTITLEMENT PLAN AMENDMENT NO. 06-04 (AMENDMENT TO CONDITIONAL USE PERMIT NO. 03-35 - TARGET DEPARTMENT STORE) - Ron Santos

Ron Santos, Associate Planner, reviewed the proposed amendment regarding delivery hours and holiday store hours. He stated that Target has requested an amendment to the Conditions of Approval to allow a store opening time of 6:00 a.m. from Thanksgiving to New Year's Day and product deliveries at the west side door of the building. Santos further stated that the City Council directed staff to process the amendment within a 60-day period.

Discussion ensued regarding the loading door location, deliveries, noise, and the amendment process.

A-2. CONDITIONAL USE PERMIT NO. 06-20 (PONDEROSA STEAKHOUSE – 300 PACIFIC COAST HIGHWAY) – Rami Talleh

Rami Talleh, Associate Planner, gave an overview of the proposed project. He stated that the request included a two phase 1,000 square foot outdoor dining area. The second phase of the outdoor dining would be completed some time in the future and a parking analysis would be conducted prior to approval.

Discussion ensued regarding parking, outdoor dining, live music and entertainment.

Herb Fauland, Principal Planner, explained that the site was the original relocation of the Golden Bear, which provided live music along with Pepper's restaurant, which also had live music.

A-3. ZONING TEXT AMENDMENT NO. 06-02 (DENSITY BONUS ORDINANCE) – Rosemary Medel

Rosemary Medel, Associate Planner, explained the proposed amendments to the Density Bonus Ordinance. She referred to charts she had prepared in the staff report that explained the amendments based on the changes to State law. She further stated that the amendment covers affordable housing, childcare facilities and is developer friendly.

Discussion ensued between the Commissioners and staff regarding the childcare facilities and state requirements for affordable housing versus city requirements.

Ray questioned the proposed language of the Ordinance.

Leonie Mulvihill, City Attorney, explained that the language needs to be consistent with state law and advised against the Planning Commission changing the language as it pertains to state requirements.

Chair Dingwall stated that Public Comments will be moved ahead of Item B-1.

THE MINUTES WILL REFLECT ITEMS IN THEIR ORIGINAL ORDER

B. STUDY SESSION ITEMS:

B-1. PROJECT REVIEW PROCESS UPDATE – Steve Ray

Ray explained that this process deals primarily with large projects and whether or not a second study session would become a requirement.

Mulvihill advised that the second study session should be held on the public hearing date and does not recommend it become a requirement but handled on a case-by-case basis.

Scott Hess, Acting Director of Planning, stated that if the second study session becomes a requirement it would negatively impact the staff and other projects.

Commissioner Livengood voiced concern regarding the definition of a major project.

Discussion ensued regarding the ramifications of a required second study session for more significant projects.

Commissioner Scandura called for a straw vote on whether or not the second study session should be deemed optional or required in the review process.

A STRAW VOTE MOTION WAS MADE BY COMMISSIONER SCANDURA, SECONDED BY COMMISSIONER LIVENGOOD REGARDING STUDY SESSIONS REMAINING OPTIONAL AND AT THE DISCRETION OF THE PLANNING COMMISSION, THE VOTE AS FOLLOWS:

AYES: Burnett, Livengood, Scandura, Horgan, Dwyer
NOES: Dingwall, Ray
ABSENT: None
ABSTAIN: None

MOTION PASSED

The Planning Commission by acclamation referred the item to the subcommittee for review.

- C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) – NONE**
- D. PLANNING COMMISSION COMMITTEE REPORTS - NONE**
- E. PUBLIC COMMENTS (Regarding Study Session Portion of Meeting):**

Mike Adams, applicant for Study Session Item A-2, spoke in favor of the proposed project and advised that the establishment will have a dining area, pool tables and dancing. He advised that the outdoor dining would be located under the walkway, which will also alleviate noise. He stated that he was available for questions.

F. PLANNING COMMISSION COMMENTS:

Commissioner Burnett commended Rosemary Medel on her presentation of the Density Bonus Ordinance.

Commissioner Dwyer voiced his appreciation of the Planning Staff's consistent professionalism in presenting projects and in assisting the Planning Commissioners.

7:00 P.M. – COUNCIL CHAMBERS

CANCELLED: NO PUBLIC HEARINGS

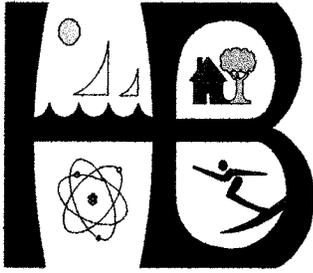
ADJOURNMENT:

Adjourned at 7:30 p.m. to the next regularly scheduled meeting of Tuesday, September 12, 2006.

APPROVED BY:

Scott Hess, Secretary

Robert Dingwall, Chair



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, SEPTEMBER 26, 2006

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL: P P P P A P P
Burnett, Livengood, Scandura, Dingwall, Farley, Horgan, Dwyer
(Commissioner Farley arrived at 5:30 p.m.)

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY BURNETT TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF SEPTEMBER 26, 2006, BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Dingwall, Horgan, Dwyer
NOES: None
ABSENT: Farley
ABSTAIN: None

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS):

A-1. ZONING TEXT AMENDMENT NO. 06-03 (NORTH HUNTINGTON CENTER SPECIFIC PLAN AMENDMENT/FREEWAY SIGNS) – Jennifer Villasenor

Jennifer Villasenor, Associate Planner, gave an overview of the proposed changes and provisions of the Specific Plan.

Discussion ensued regarding size and placement of signs and the possible presence of the Huntington Beach logo on the proposed signs.

A-2. ZONING TEXT AMENDMENT NO. 06-06 (VEHICLE STORAGE) - Bill Zylla

Bill Zylla, Principal Planner, reviewed the proposed amendment and explained how the proposed changes to the definition of vehicle storage would address the enforcement issues within the city.

Discussion ensued between Commissioners and staff regarding the proposed amendment and if the suggested changes would adversely affect different areas of the city.

A-3. GENERAL PLAN CONFORMANCE NO. 06-04 (EDINGER AVENUE BRIDGE REPLACEMENT) – Ricky Ramos

Ricky Ramos, Associate Planner, gave a brief overview of the project and presented an aerial photo of the bridge site.

Steve Soo, Project Manager, County of Orange, explained that the City of Huntington Beach would dispose of an easement to the County in order to receive funding for the project. The County would then be responsible for the construction and maintenance thereafter.

B. STUDY SESSION ITEMS - NONE

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS):

Jason Kelley, Associate Planner, advised of a late communication received for item D-1.

D. PLANNING COMMISSION COMMITTEE REPORTS:

Commissioner Scandura noted that the next City/School District Quarterly meeting is scheduled for October 6, 2006.

E. PUBLIC COMMENTS (Regarding Study Session Portion of Meeting) – NONE

F. PLANNING COMMISSION COMMENTS:

Commissioner Burnett announced that she would be hyphenating her name to Shier-Burnett for all future correspondence.

Commissioner Horgan asked if Home Depot had submitted an appeal and asked for updates on the Brightwater Project.

Commissioner Scandura suggested standardizing delivery hours for all big box type stores in Huntington Beach.

6:30 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Chair Dingwall

ROLL CALL: P P P P P P P
Burnett, Livengood, Scandura, Dingwall, Farley, Horgan, Dwyer

AGENDA APPROVAL

A MOTION WAS MADE BY SCANDURA, SECONDED BY BURNETT, TO APPROVE THE PLANNING COMMISSION AGENDA OF SEPTEMBER 26, 2006, BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Dingwall, Farley, Horgan, Dwyer
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

Chair Dingwall welcomed new Planning Commissioner Blair Farley.

A. ORAL COMMUNICATIONS - NONE

B. PUBLIC HEARING ITEMS - NONE

C. CONSENT CALENDAR - NONE

D. NON-PUBLIC HEARING ITEMS:

**D-1. GENERAL PLAN CONFORMANCE NO. 06-02 (VACATION OF PUBLIC STREET RIGHT-OF-WAY EASEMENT) Applicant: City of Huntington Beach
Request: To determine whether the proposed vacation of a 140 lineal feet portion of the Beach Blvd. frontage road is in compliance with the goals and policies of the General Plan.
Location: 8002 Taylor Drive (East of Beach, South of Taylor Drive)
Project Planner: Jason Kelley**

RECOMMENDATION: Motion to: "Adopt Resolution No. 1613 approving General Plan Conformance No. 06-02 with findings."

Jason Kelley, Associate Planner, gave a presentation of the proposed project that included landscaping and construction improvements prior to the vacation.

Chair Dingwall expressed his concern regarding the necessity and cost of improvements to the property.

Travis Hopkins, City Engineer, explained where the proposed improvements were on the subject property. He also explained the improvements on the adjacent Beach Blvd. frontage and how they met City requirements.

Commission Dwyer asked if this project was put out for public bidding. Hopkins advised that it was; five bids were received; and the City accepted the lowest bid.

Discussion ensued between the Commissioners and staff regarding the cost of improvements.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SCANDURA TO ADOPT RESOLUTION NO. 1613 APPROVING GENERAL PLAN CONFORMANCE NO. 06-02 WITH REVISED FINDINGS, ACTION WAS TAKEN BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Dingwall, Farley, Horgan, Dwyer
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

FINDINGS OF APPROVAL
GENERAL PLAN CONFORMANCE NO. 06-02

FINDINGS FOR APPROVAL – GENERAL PLAN CONFORMANCE NO. 2006-02

1. The proposed frontage road vacation is consistent with the following goals and policies of the Land Use, Urban Design and Circulation Elements of the City's General Plan:

A. Land Use Element

LU Goal 4: "Achieve and maintain high quality architectural, landscape, and public open spaces in the city."

The expanded lot and adjacent frontage road are being improved as part of the Beach Boulevard Parkway Enhancement Project. The project includes enhanced landscaping and a new split face block wall fronting Beach Boulevard. New curb, gutter, sidewalk and a bus pocket are included in the overall scope of the project.

LU Policy 4.3.2: "Promote and support community and neighborhood based efforts for the maintenance, upkeep, and renovation of structures and sites."

The proposed vacation of the public street easement would result in a transfer of land to the underlying fee owner of the property located at 8002 Taylor Drive. The transfer of land would allow the property owner to capture approximately 4,174 square feet in total lot area. Prior to recordation of the public street right-of-way easement vacation, a concrete driveway and concrete walkway extensions will be constructed within the existing street easement.

B. Urban Design Element

UD Goal 1: "Enhance the visual image of the City of Huntington Beach."

The portion of the frontage road proposed to be vacated is currently being used as vehicular access to the existing residential garage located at 8002 Taylor Drive. The purpose of the project is to provide aesthetic improvements to a portion of a major transportation corridor that is bordered by a single-family residence to the east. The project proposes to install landscape and hardscape improvements along 960 lineal feet of the public frontage road including a new driveway access to 8002 Taylor Drive.

C. Circulation Element

CE Goal 1: "Provide a circulation system which supports existing, approved and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections."

The vacation of the public street right-of-way easement will not adversely impact the City's transportation system. This portion of the frontage road is only utilized by the residential property to the east to access their garage. The proposed project intends to construct a new driveway and drive approach to maintain vehicular access to the existing residential garage located at 8002 Taylor Drive.

D-2. APPEAL OF DESIGN REVIEW NO. 06-24 (CIVIC CENTER SEISMIC RETROFIT) **Applicant:** City of Huntington Beach **Appellant:** Councilperson Jill Hardy **Request:** To review the design and materials for the Civic Center Administration Building seismic retrofit. **Location:** 2000 Main Street (Southeast corner of Main Street and Yorktown Avenue, Civic Center Administration Building) **Project Planner:** Rosemary Medel

RECOMMENDATION: Motion to: "Approve Design Review No. 06-24, with modifications, findings, and suggested conditions of approval."

Scott Hess, Acting Director of Planning, gave an overview of the proposed project and displayed the two design alternatives for the seismic retrofit: The Design Review Board design recommendation has the retrofit added to the base of the City Hall building to the top of the parapet of the building; the other design alternative has the retrofit from the base of City Hall but stopping part-way up the top floor of the building.

Scandura asked what the cost difference would be between the two designs and what difference the design with the retrofit to the top of the parapet would make on the project.

Ross Cranmer, Director of Building and Safety, stated that adding the top portion to the building would not only allow for a better design flow, but the additional weight would make the overall structure more stable. The approximate cost for the additional bracing would be between \$80,000 and \$90,000.

Discussion ensued between the Commissioners and staff regarding price, design and funding.

A MOTION WAS MADE BY BURNETT, SECONDED BY SCANDURA, TO APPROVE DESIGN REVIEW NO. 06-24 AS APPROVED BY THE DESIGN REVIEW BOARD, ACTION WAS TAKEN BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura
NOES: Dingwall, Farley, Horgan, Dwyer
ABSENT: None
ABSTAIN: None

MOTION FAILED

A MOTION WAS MADE BY HORGAN, SECONDED BY FARLEY, TO APPROVE DESIGN REVIEW NO. 06-24 WITH MODIFICATIONS, FINDINGS, AND SUGGESTED CONDITIONS OF APPROVAL. ACTION WAS TAKEN BY THE FOLLOWING VOTE:

AYES: Livengood, Dingwall, Farley, Horgan, Dwyer
NOES: Scandura, Burnett
ABSENT: None
ABSTAIN: None

MOTION APPROVED

CONDITION OF APPROVAL – DESIGN REVIEW NO. 06-24:

The elevations as depicted in Attachment No. 4 of the Staff Report shall be the conceptually approved elevations.

E. PLANNING ITEMS

**E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING
Scott Hess, Acting Planning Director:**

Hess advised that the Newland Street Residential Project and the Conditional Use Permit No. 06-24 (Condominium Conversions) had been approved on September 18, 2006, by City Council.

**E-2. CITY COUNCIL ITEMS FOR NEXT MEETING
Scott Hess, Acting Planning Director – reported on the items scheduled for the next City Council meeting.**

**E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING
Scott Hess, Acting Planning Director – reported on the items scheduled for the next Planning Commission meeting.**

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS – NONE

F-2. PLANNING COMMISSION COMMENTS

Commissioner Burnett – None.

Commissioner Livengood – None.

Vice-Chairperson Scandura – Welcomed Commissioner Farley to the Planning Commission.

Chairperson Dingwall – Welcomed Commissioner Farley to the Planning Commission.

Commissioner Farley – None.

Commissioner Horgan – Welcomed Commissioner Farley to the Planning Commission.

Commissioner Dwyer – Welcomed Commissioner Farley to the Planning Commission.

ADJOURNMENT:

Adjourned at 7:50 p.m. to the next regularly scheduled meeting of Tuesday, October 10, 2006.

APPROVED BY:

Scott Hess, Secretary

Robert Dingwall, Chair