



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Rami Talleh, Senior Planner 
DATE: December 9, 2008

SUBJECT: **MITIGATED NEGATIVE DECLARATION NO. 08-011/ COASTAL DEVELOPMENT PERMIT NO. 08-005/ CONDITIONAL USE PERMIT NO. 08-011 WITH SPECIAL PERMIT NO. 08-002 (Pacific View Mixed Use Building – continued from the September 23, 2008 meeting)**

APPLICANT: Karen Otis, Otis Architecture, 16871 Sea Witch Ln., Huntington Beach, CA 92649

PROPERTY

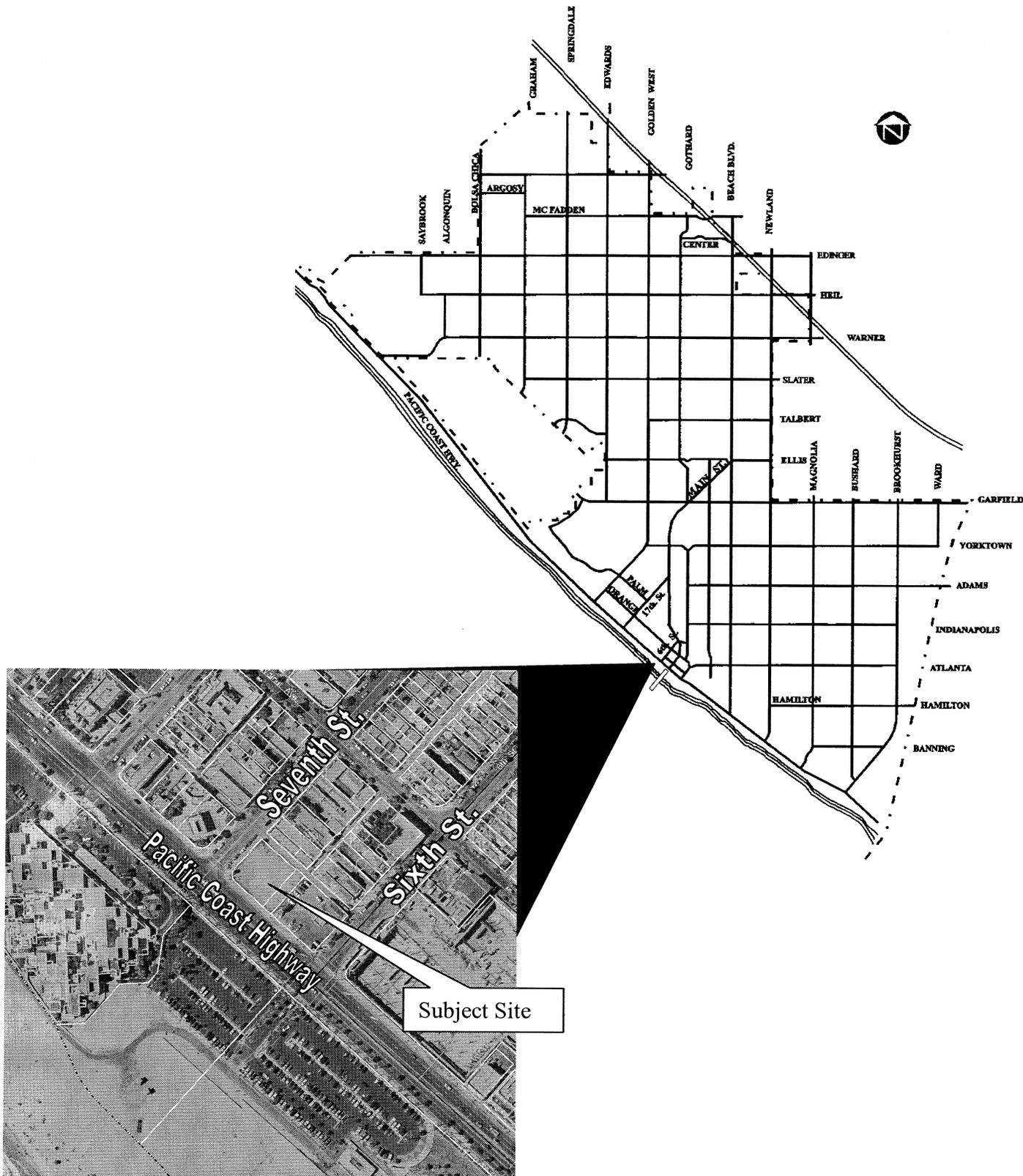
OWNER: Michael Younessi, Alea Investments, LLC., 16033 Bolsa Chica St. Ste. 104-200, Huntington Beach, CA 92649

LOCATION: 620 Pacific Coast Highway, 92648 (Northeast corner of Pacific Coast Highway and Seventh St.)

STATEMENT OF ISSUE:

- ♦ Mitigated Negative Declaration No. 08-011 analyzes the potential environmental impacts associated with implementation of the proposed project.
- ♦ Coastal Development Permit No. 08-005/Conditional Use Permit No. 08-11 is a request to construct a three story, approximately 12,735 sq. ft. mixed-use development consisting of visitor serving commercial (retail) on the ground floor, residential units on the second and third floor, and a 40 space two-level subterranean parking structure.
- ♦ Special Permit No. 08-002 request:
 - To permit a reduction of the minimum ground floor setbacks along Pacific Coast Highway (11 to 18 ft. in lieu of 25 ft.).
 - To permit a reduction of the minimum ground floor setbacks along Seventh Street (8 to 10 ft. in lieu of min. 15 ft.).
 - To permit a reduction of the minimum ground floor setbacks along interior side property line (5 ft. in lieu of min. 7 ft.).
 - To permit a reduction of the minimum upper story setbacks along Pacific Coast Highway (6 ft. in lieu of min. average of 10 ft.).

#B-1



VICINITY MAP
COASTAL DEVELOPMENT PERMIT NO. 08-005/ CONDITIONAL USE PERMIT NO. 08-011
WITH SPECIAL PERMIT NO. 08-002/ MITIGATED NEGATIVE DECLARATION NO. 08-011
(620 PACIFIC COAST HIGHWAY)

- To permit a reduction of the minimum upper story setbacks along Seventh Street (0 ft. in lieu of min. average of 10 ft.).
- To permit an increase of the maximum allowed slope for parking garage transition ramps (15% in lieu of the max. 10%).
- To permit a reduction of the minimum common open space requirement (500 sq. ft. in lieu of min. 2,163 sq. ft.).

◆ Staff's Recommendation:

Approve Mitigated Negative Declaration No. 08-011 based upon the following:

- The project (with mitigation) will have no significant adverse environmental impacts.

Approve Coastal Development Permit No. 08-005 and Conditional Use Permit No. 08-011 with Special Permit No. 08-002 based upon the following:

- The proposed mixed-use development is in compliance with the General Plan designation of Mixed Use-Specific Plan-Pedestrian Overlay.
- The project is consistent with the Downtown Specific Plan and will add to the pedestrian character of the downtown based on the proposed design.
- The project will develop a vacant lot within Downtown, which will continue the pattern of development along Pacific Coast Highway and enhance the appearance of the area in compliance with the Urban Design Guidelines.
- The development complies with all minimum development standards including parking, building height, and floor area ratio with exception of the requested special permits.

RECOMMENDATION:

Motion to:

- A. "Approve Mitigated Negative Declaration No. 08-011 with findings and mitigation measures (Attachment No. 1);"
- B. "Approve Coastal Development Permit No. 08-005 and Conditional Use Permit No. 08-011 with Special Permit No. 08-002 with findings and suggested conditions of approval (Attachment Nos. 1 and 2)."

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. "Deny Mitigated Negative Declaration No. 08-011, Coastal Development Permit No. 08-05, and Conditional Use Permit No. 08-011 with Special Permit No. 08-002 with findings for denial."
- B. "Continue Mitigated Negative Declaration No. 08-011, Coastal Development Permit No. 08-005, and Conditional Use Permit No. 08-011 with Special Permit No. 08-002 and direct staff accordingly."

PROJECT PROPOSAL:

Mitigated Negative Declaration No. 08-011 represents a request to analyze the potential environmental impacts associated with implementation of the proposed project.

Coastal Development Permit No. 08-005 and Conditional Use Permit No. 08-011 represents a request for the following:

- A. To permit new development pursuant to Chapter 245 Coastal Permit of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO).
- B. To construct a three-story, approximately 12,735sq. ft. mixed-use development consisting of visitor serving commercial (retail) on the ground floor, residential units on the second and third floor, and a 40 space two-level subterranean parking structure pursuant to Section 4.3.01(b) Permitted Uses of the Downtown Specific Plan (DTSP).

Special Permit No. 08-02, pursuant Section 4.1.02 of the DTSP, a special permit is requested for the following:

- A. An 11 ft. to 18 ft. front yard setback along Pacific Coast Highway in lieu of the minimum required 25 ft. landscaped setback (7 to 14 ft. reduction) pursuant to Section 4.3.06, Setback (Front Yard), of the DTSP; and
- B. A six foot upper story setback along the Pacific Coast Highway frontage in lieu of a minimum average of 10 ft. upper story setback (4 ft. reduction) pursuant to Section 4.3.09, Setback (Upper Story), of the DTSP; and
- C. An eight ft. to 10 ft. exterior (street) side yard setback along Seventh Street in lieu of the minimum required 15 ft. landscaped setback (5 to 7 ft. reduction) pursuant to Section 4.3.07(b), Setback (Side Yard), of the DTSP; and
- D. A 0 ft. foot upper story setback along the Seventh Street frontage in lieu of a minimum average of 10 ft. upper story setback (10 ft. reduction) pursuant to Section 4.3.09, Setback (Upper Story), of the DTSP; and
- E. A five ft. interior side yard setback in lieu of the minimum required seven ft. side yard setback (2 ft. reduction) pursuant to Section 4.3.07(a), Setback (Side Yard), of the DTSP; and
- F. A slope of 15% in lieu of the maximum allowed slope of 10% for parking garage transition ramps (5% increase); and
- G. A 500 sq. ft. common open space area in lieu of the minimum required 2,163 sq. ft. of common open space pursuant to Section 4.2.11(a), Common Open Space, of the DTSP. **(New Request)**

significantly revised the design of the building by eliminating the fourth floor deck (Variance No. 08-006 – withdrawn), reducing the number of units from seven units to six units, and redistributing the required common and private open space. Due to these changes the applicant requested a preliminary presentation of the revised project at a study session on November 11, 2008. The Planning Commission canceled the November 25, 2008 study session and scheduled the item for a noticed public hearing on December 9, 2008.

Study Session Summary:

The following are issues that were raised during the Planning Commission study session on Tuesday, November 11, 2008:

- The Planning Commission requested a comparison of the project plans dated June 11, 2008 presented to the Planning Commission at the September 23, 2008 meeting and the revised project plans dated October 7, 2008. Below is a comparison:

	Plans Dated June 11, 2008	Plans dated October 7, 2008
Building Size	12,898 sq. ft.	12,735 sq. ft.
Building Height	35 ft.	35 ft.
Number of Stories	4	3
Number of Residential Units	7	6
Common Open Space	2,163 sq. ft.	500 sq. ft.
Private Open Space	1130 sq. ft.	1130 sq. ft.
Number of parking spaces	40	40

ISSUES:

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

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	MV-F8-sp-d (Mixed Use Vertical – 1.5 Max. Floor Area Ratio/ 25 Dwelling Units per Acre – Specific Plan Overlay – design Overlay)	SP5 - CZ (Downtown Specific Plan – Coastal Zone)	Vacant
North of Subject Property (across Alley):	RH 30-d-sp (Residential High Density – 35 Dwelling Units per Acre – Specific Plan Overlay – Design Overlay)	SP5 - CZ	Multi-family residential
East of Subject Property:	MV-F8-sp-d	SP5 - CZ	Commercial
South of Subject Property: (across PCH)	OS-S (Open Space – Shore)	SP5 - CZ	Beach parking
West of Subject Property: (across Seventh Street)	MV-F8-sp-d	SP5 - CZ	Retail/Office

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is MV-F8-sp-d (Mixed Use Vertical – 1.5 Max. Floor Area Ratio/ 25 Dwelling Units per Acre – Specific Plan Overlay – design Overlay). 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

Goal LU 4: Achieve and maintain high quality architecture, landscape, and public open spaces in the City.

Policy LU 7.1.1: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Goal LU 8: Achieve a pattern of land uses that preserves, enhances, and establishes a distinct identity for the City’s neighborhoods, corridors, and centers.

Goal LU9: 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.

Policy LU 10.1.4: Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

Goal LU11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Policy 11.1.7: Require that mixed-use development projects be designed to achieve a consistent and high quality character, including the consideration of architectural treatment of building elevations to convey the visual character of multiple building volumes and individual storefronts.

Policy LU 15.2.2: Require that structures located in the pedestrian overlay zone be sited and designed to enhance pedestrian activity along the sidewalks, in consideration of the following guidelines:

- 1) Incorporation of uses that stimulate pedestrian activity in the first floor along the street frontage, encouraging professional offices, data computing, and other similar uses to be located in the rear or above the first floor unless economically infeasible;
- 2) Siting of the linear frontage of the building along the front yard property line to maintain a “building wall” character, except for areas contiguous with the structure use for outdoor dining or courtyards;
- 3) Assurance that areas between building storefronts and public sidewalks are visually and physically accessible to pedestrians, except as may be required for landscape and security;
- 4) Extensive articulation of the building façade and use of multiple building volumes and planes;
- 5) Incorporation of landscape and other elements such as planter beds, planters, and window boxes that visually distinguish the site and structure;

- 6) Incorporation of arcades, courtyards, and other recesses along the street elevation to provide visual relief and interest;
- 7) Use of roofline and height variation to break up the massing and provide visual interest;
- 8) Visual differentiation of upper and lower floors;
- 9) Distinct treatment of building entrances; and
- 10) Use of pedestrian-oriented signage.

The subject property is located within Community Subarea 1C (abutting the downtown “Core”) and complies with the standards for maximum building height of three (3) stories within the subarea. Along the street frontages, the proposed design incorporates roofline variations and articulation and decorative architectural details/elements. The project also provides visual interest while enhancing the pedestrian experience in the downtown. The visitor serving commercial (retail) and residential uses proposed for the site represent development that would support the needs and reflect market demand of City residents and visitors. The proposed development improves the project site, which is currently vacant, and provides additional destination uses that would attract and complement retail and restaurant uses.

B. Urban Design Element

Policies UD 1.1.2: Reinforce Downtown as the City’s historic center and as a pedestrian-oriented commercial and entertainment/recreation district by requiring new development be designed to reflect the Downtowns historical structures and adopted Mediterranean theme

Policies - UD 1.4.1: Enhance the connections, where feasible between the public sidewalk and private commercial interior open spaces/courtyard

The project complies with the Urban Design Guidelines. Along the street frontages the project provides an articulated facade and a pedestrian-oriented design through the use of design elements such as building siting along the sidewalk and decorative stone and a glass storefront used to distinguish the ground floor commercial from upper floor residential uses. The proposed mixed-use structure incorporates characteristics consistent with the historic structures in downtown such as pedestrian oriented storefronts, and distinction between lower and upper floors. The architecture adopts a Mediterranean theme by including a stone facade on the first floor, arched storefront mullions, decorative stone cornices, and window treatments above the second and third floor windows. Furthermore, the proposed development will be constructed at reduced setbacks that will place the storefront closer to the public sidewalk to encourage a pedestrian oriented design that provides window-shopping and an intimate downtown atmosphere. In addition, the building storefront wraps around to the east elevation along Seventh Street to extend the pedestrian activities.

C. Coastal Element

Policy C 1.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

Goal C 3: Provide a variety of recreational and visitor-serving commercial uses for a range of cost and market preferences

Policy C 3.2.3: Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including, but not limited to, shops, restaurants, hotels and motels, and day spas.

Policy C 3.4.2: Enhance the Municipal Pier and surrounding area to function as the “hubs” of tourist and community activity.

The development consists of a mixed-use project, which includes retail ground floor units for visitor-serving commercial establishments. Public services and infrastructure are currently available to the project site, as well as the surrounding parcels. Additionally, the proposed project would develop visitor-serving commercial uses at the periphery of the City’s downtown core area, which has been targeted for redevelopment as a destination location. Portions of the downtown core have already been established. The proposed project provides for a transition between the downtown core and surrounding residential areas which would help further establish the area. The project site is also located near other established points of attraction, including the Huntington Beach Municipal Pier, and is intended to reinforce the vicinity as a major visitor-serving district.

Zoning Compliance:

This project is located in District No. 1, Visitor-Serving Commercial of SP5 - CZ (Downtown Specific Plan – Coastal Zone), which is a mixed-use district intended to provide both commercial facilities to serve visitors to the beach as well residential uses. With the exception of the special permit requests, the project complies with the requirements of that zone. In addition, a list of City Code Requirements, Policies, and Standard Plans of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Code has been provided to the applicant (Attachment No. 6) for informational purposes only.

Urban Design Guidelines Conformance:

The proposed project is in substantial conformance with the Urban Design Guidelines, Chapter 5, Downtown/Main Street Commercial. The applicant has completed the Urban Design Checklist for the proposed project and indicates compliance with the Guidelines. The proposed mixed-use development will enhance the downtown as a focal point, emphasize design elements and viewshed of the shoreline and pier. The design will establish pedestrian-oriented, attractive, inviting, building that will provide high quality architecture and design. The proposed design and architecture along the street frontages therefore provides proper access, visibility and identity envisioned for the downtown. The proposed site planning and relationship to the street frontages provides a continuation of the massing of newly constructed

development with consistent setbacks and a Mediterranean architectural style encouraged in the City's Design Guidelines. The rear elevation is provided with a roofed walkway to soften the appearance of the three story structure. The elevations propose an architectural style and design that incorporates consistent building form and mass envisioned by the Downtown Specific Plan "Village Concept."

Environmental Status:

Staff has reviewed the environmental assessment and determined that no significant impacts are anticipated as a result of the proposed project that could not be mitigated to a level of insignificance with proper design and mitigation measures. Subsequently, draft MND No. 08-011 (Attachment No. 7) was prepared with mitigation measures pursuant to Section 240.04 of the HBZSO and the provisions of the California Environment Quality Act (CEQA).

Draft MND No. 08-011 was advertised and made available for a thirty (30) day public review and comment period, commencing August 7, 2008 and ending on September 5, 2008. A total of eight comment letters were received during the review period. Five letters were received from residents and property owners from the surrounding neighborhood addressing the following issues:

- Increase in traffic generated by the project; and
- Incompatibility with the surrounding neighborhood;

The California Department of Transportation (CalTrans) submitted a letter stating that an encroachment permit would be required for work with the Caltrans controlled right-of-way.

Environmental Board Comments:

The Environmental Board reviewed draft MND No. 08-011 at their September 4, 2008 meeting and provided a comment letter on September 8, 2008. The Environmental Board's letter addressed the following issues:

- Reduced setbacks affect the building's ability to "breathe".
- Park and recreation fees should be dedicated to improve park/open space within the neighborhood.
- Provisions should be made to address dewatering of the garage.
- Roof top elevator shafts and staircases may impede ocean views from neighboring residences.
- Special consideration should be given to existing abandoned oil wells on site.

A Response to Comments and Errata were prepared by staff addressing the issues identified in the eight letters and are included with the attached MND (Attachment No. 7).

Prior to any action on Coastal Development Permit No. 08-005 and Conditional Use Permit No. 08-011 with Special Permit No. 08-002, the Planning Commission must review and act on MND No. 08-011. Based on the initial study of the project, staff is recommending that the MND be approved with suggested findings and mitigation measures.

Coastal Status:

The proposed project is located within the non-appealable jurisdiction of the Coastal Zone. Coastal Development Permit No. 08-005 is being processed concurrently with Conditional Use Permit No. 08-011 with Special Permit No. 08-002. The proposed project complies with the zoning code (with exception to the requested special permits) and Coastal Zone requirements, and will implement the following policies of the Coastal Element of the General Plan:

- Protect, encourage and, where feasible, provide visitor-serving facilities in the Coastal Zone that are varied in type and price.
- Improve the appearance of visually degraded areas.
- Ensure that adequate parking is provided in all new development in the Coastal Zone.

Redevelopment Status:

The project is located in the Huntington Beach Redevelopment Project, Main-Pier subarea. The Economic Development Department has reviewed the request and supports the proposed development.

Design Review Board:

The project was reviewed by the Design Review Board (DRB) on May 8, 2008, May 29, 2008, and June 12, 2008. The DRB recommended approval of the project with the following modifications:

- An architectural reveal shall be provided between the edge of the staircase enclosure and the balconies along the Seventh St. frontage from the first floor to the third floor.
- Landscaping shall be provided along the Seventh Street frontage.
- The tower feature shall either provide a five ft. setback on the third floor or be redesigned as a circular feature with a circular roof.

The applicant concurs with the first two DRB recommended modifications. However, the applicant has expressed concern with the recommendation to modify the square tower proposed at the southwest corner of the site. The applicant has indicated that providing a five ft. setback to the third floor of the tower will have an undesirable affect to the third floor plan. The applicant has also indicated that redesigning the tower as a circular feature will conflict with the south and west elevations of the building. However, the applicant has prepared an alternative design which they believe addresses the issues raised by the DRB (Attachment No. 3). The applicant proposes to keep the square tower feature and provide an 18 inch upper story setback on the third floor of the tower. Staff does not support the applicant's alternative design because the tower is shifted approximately three ft. closer to the property line to provide the upper story setback. The DRB recommendations have been made suggested conditions of approval (No. 1) for the proposed project.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Departments of Fire, Public Works, and Planning have reviewed the application and identified applicable code requirements. The Code Requirements letter was transmitted on August 29, 2008 and is attached for informational purposes (Attachment No. 6). In addition, the Public Works Department recommended the following conditions of approval if the project were to be approved (Attachment No. 2):

- The underground parking structure shall be prohibited from encroaching onto adjacent properties and alley right-of-way.
- Underground utilities on the project site shall be field verified by an engineer.
- Construction method for shoring/tie back for the foundation construction shall be submitted for review and approval by the Department of Public Works.
- A raised median shall be constructed within the Pacific Coast Highway right-of-way.
- An encroachment permit from Caltrans for work within the Caltrans right-of-way shall be obtained by the applicant.

The Police Department also recommended the following conditions of approval if the project were to be approved as proposed (Attachment No. 2):

- An antenna shall be installed within the underground parking structure to relay Police and Fire Department radio transmissions.
- Lighting in the parking structure shall be placed over and in between parking stalls.
- Security cameras shall be installed at the entrance/exit of the parking structure, elevators, and stairwells.
- Elevators and stairwells shall be adequately lighted.

The Public Works and Police Department suggested conditions of approval have been attached and are made recommended conditions of approval for the proposed project.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on November 27, 2008, 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 December 2, 2008, one letter in addition to the eight letters received in response to the MND public comment period was received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

June 30, 2008

MANDATORY PROCESSING DATE(S):

Mitigated Negative Declaration: December 27, 2008
(180 days)

Coastal Development and Conditional Use Permit
with Special Permit: Within 60 days from Mitigated
Negative Declaration Approval

Coastal Development Permit No. 08-005 and Conditional Use Permit No. 08-036 with Special Permit No. 08-002 were filed on March 10, 2008 and Environmental Assessment No. 08-011 was filed on June 5, 2008. The entitlements were deemed complete June 30, 2008. The application is scheduled for the Planning Commission meeting of December 9, 2008.

ANALYSIS:

The primary issues to consider with this request are consistency with the General Plan, compliance with the Downtown Specific Plan, and compatibility with the surrounding land uses. The major site plan issues are the special permits for reduced front and side yard setbacks, reduced upper story setbacks, increased transition ramp slope, and reduced common open space for the residential units.

Consistency with the General Plan

The proposed project would develop visitor-serving commercial uses at the periphery of the City's downtown core area, which has been targeted for redevelopment as a destination location. Portions of the downtown core have already been established. The proposed project provides for a transition between the downtown core and surrounding residential areas which would help further establish the area. The project site is also located near other established points of attraction, including the Huntington Beach Municipal Pier, and is intended to reinforce the vicinity as a major visitor-serving district. The General Plan limits the number of stories within Community Subarea 1C to three stories. The project has been revised and the number of stories reduced from four stories to three stories. The project complies with the maximum number of stories allowed.

Compliance with the Downtown Specific Plan

The mixed use development complies with the intent of District No. 1, Visitor-Serving Commercial, of the DTSP with the exception of the special permits for the setbacks and common open space. The proposed mixed-use project would develop residential uses along with the necessary and required visitor-serving commercial uses. The project is located at the periphery of the City's downtown core area, which has been targeted for redevelopment as a destination location. Portions of the downtown core have already been established. The proposed project provides for a transition between the downtown core and surrounding residential areas which would help further establish the area. The project site is also located near other established points of attraction, including the Huntington Beach Municipal Pier, and is intended to reinforce the vicinity as a major visitor-serving district.

Special Permits

The applicant is requesting approval of six special permits. Section 4.1.02 of the Downtown Specific Plan allows the Planning Commission to grant special permits for deviations from the development standards of the Downtown Specific Plan. Special permits may be approved when the Planning Commission determines that significantly greater benefits from the project can be provided than would occur if all the minimum requirements were met. These benefits include unique or innovative designs and the use of energy conservation or solar technology. In addition, the Planning Commission must determine that the project and related special permits will also:

1. Promote better living environments; and
2. Provide better land planning techniques with maximum use of aesthetically pleasing types of architecture, landscaping, site layout and design; and
3. Not be detrimental to the general health, welfare, safety and convenience of the neighborhood or City in general, nor detrimental or injurious to the value of property or improvements of the neighborhood or of the City in general; and
4. Be consistent with objective of the Downtown Specific Plan in achieving a development adapted to the terrain and compatible with the surrounding environment; and
5. Be consistent with the policies of the Coastal Element of the City's General Plan and the California Coastal Act; and
6. Comply with State and Federal law.

Special Permit – Setbacks

The applicant asserts that the proposed development meets the intent of the DTSP by providing an innovative and an energy efficient building. The applicant proposes an energy efficient building consisting of reclaimed/recycled materials. The project is conditioned to obtain Silver Certification from the U.S. Green Building Council (Condition No. 3-b). Staff is in support of the requests for special permits for reduced setbacks in that the design of the building along the street frontages provides varying façades and roof offsets to create a “building wall” character. The Urban Design Guidelines indicates that downtown commercial development should create a familiar rhythm. The request continues a pattern of buildings with similar setbacks and scale that visually ties the streetscape together and creates a consistent pattern of development. In addition, it is important to note that the majority of new buildings in downtown have received some relief from the strict application of the ground level and upper story setback requirements. The basis for the upper story setback requirement is to provide a break in the building façade from the first two stories to the 3rd stories above and eliminate a shear wall design. Staff supports the reduced upper story setbacks because the applicant provides a distinctive break between the lower floors and the upper floors by the use of materials and upper story setbacks.

Special Permit – Common Open Space

The applicant asserts that the proposed development meets the intent of the DTSP by providing common open space that is centrally located and accessible to all the residential units. Furthermore the applicant contends that much of the recreational needs of the residents will be satisfied by the beach facilities across from PCH. Staff is in support of the request for special permit for reduced common open space in that the

project is provided with three times the amount of private open space required by code (1,130 sq. ft. provided vs. 360 sq. ft. required). In addition, approximately 1,780 sq. ft. common area throughout the project cannot be technically counted towards the common open space requirement because the areas have less than a minimum 20 ft. dimension. Even though the areas do not meet the minimum dimension, they do function and provide common open space for the overall project. As with the setback requirements, it is important to note that the majority of new residential/mixed use buildings in downtown have received some relief from the strict application of the common open space requirement. The basis for the common open space requirement is to provide for recreation amenities or gathering area on the site. Staff supports the reduced common open space area because the private open space area is three times the minimum required and the proposed 500 sq. ft. common open space is provided with amenities such as a seating area, barbeque, and fireplace and can be complimented by the beach facilities across Pacific Coast Highway.

Special Permit – Garage Transition Ramps

To provide a project consistent with the development concept established by District No. 1, Visitor-Serving Commercial, of the DTSP, adequate parking must be provided in compliance with the HBZSO. In order to avoid a streetscape dominated by vehicle parking, the applicant proposes to construct a 40-space subterranean parking structure. However the depth of the subject site (105'-6") restricts the availability of space to comply with max slope of 10% for transition ramps. The increased slope is necessary to provide adequate circulation throughout the parking structure. Staff supports the request for an increased slope of 15% for the transition ramps in that a subterranean parking garage is a superior land planning technique as opposed to provision of a surface parking lot. Furthermore, the increased slope of 15% is limited to the center portion of the transition ramp. Where the ramp meets the alley entrance and at each level of the parking structure, the slope is reduced to 10% to provide a safe transition.

Land Use Compatibility

The subject property is located within Community Subarea 1C (abutting the downtown "Core") and complies with the standards for maximum building height of three (3) stories, 35 ft., within the subarea. The building is setback approximately 50 ft. from the nearest residential use to the north. The rear elevation facing the residential uses to the north is softened through the use of horizontal and vertical offsets, a combination of several high quality building materials, and a hipped roof above the exterior walkways. Furthermore, the project incorporates several special permits to reduce the building setbacks along the Pacific Coast highway and Seventh Street Frontages from 25 ft. to between 11 and 18 ft. and from 15 ft. to between 8 and 10 ft. respectively. The reduced setbacks will be similar and/or greater than setbacks provided for new construction along PCH to the east (The Strand). The Mixed Use General Plan designation identifies the site as located in a pedestrian overlay which promotes siting of the linear frontage of buildings along the front yard property line to maintain a "building wall" character. The Urban Design Guidelines indicates that downtown commercial development should create a familiar rhythm. This pattern of buildings with similar setbacks and scale visually ties the streetscape together and creates a consistent pattern of development. In addition, repetition of traditional façade components creates patterns and alignment that visually link buildings within several blocks. Along the street frontages, the proposed design incorporates roofline variations and articulation and decorative architectural details/elements. The project also provides visual interest while enhancing the pedestrian experience in the downtown.

ATTACHMENTS:

1. Suggested Findings and Conditions for Approval – Mitigated Negative Declaration No. 08-011, Coastal Development Permit No. 08-005, Conditional Use Permit No. 08-011 with Special Permit No. 08-002
2. Public Works Department suggested conditions of approval dated August 29, 2008 and Police Department suggested conditions of approval dated March 30, 2008.
3. Site plan, floor plan, and elevations received and dated October 7, 2008.
4. Planning Commission Staff Report dated September 23, 2008
5. Revised Project Narrative dated October 14, 2008.
6. Code Requirements Letter dated April 21, 2008 (for informational purposes only).
7. Draft MND No. 08-011 and response to comments.
8. Letters of opposition

SH:HF:RT:lw

ATTACHMENT NO. 1

MITIGATED NEGATIVE DECLARATION NO. 08-011/ COASTAL DEVELOPMENT PERMIT NO. 08-005/ AND CONDITIONAL USE PERMIT NO. 08-011 WITH SPECIAL PERMIT NO. 08-002

SUGGESTED FINDINGS FOR APPROVAL - MITIGATED NEGATIVE DECLARATION NO. 08-011:

1. The Mitigated Negative Declaration No. 08-011 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and made available for a public comment period of thirty (30) days. Comments received during the comment period were considered by the Planning Commission prior to action on the Mitigated Negative Declaration.
2. Mitigation measures, incorporated into the attached conditions of approval, avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur.
3. There is no substantial evidence in light of the whole record before the Zoning Administrator that the project, as mitigated through the attached mitigation measures, will have a significant effect on the environment

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 08-005:

1. Coastal Development Permit No. 08-005 for the construction of a three story, approximately 12,898 sq. ft. mixed-use development consisting of visitor serving commercial (retail) on the ground floor, residential units on the second and third floor, and a 40 space two-level subterranean parking structure, as modified by conditions of approval, conforms with the General Plan, including the Local Coastal Program. The proposed project would develop a mix of commercial uses on parcels contiguous to similar uses in an established, urban, downtown core area. Public services are currently available to the project site, as well as the surrounding parcels, and the project includes improvements to existing infrastructure to ensure adequate service after project implementation. Additionally, the proposed project would develop visitor-serving commercial uses in the City's downtown core area, which has been targeted for redevelopment as a destination location. Portions of the downtown core have already been established, and include uses generally similar to those proposed by the project, with the exception of a hotel, which would help further establish the area. The project site is also located near other established points of attraction, including the Huntington Beach Municipal Pier, and is intended to reinforce the vicinity as a major visitor-serving district.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The proposed project as conditioned and with the special permits provides a development that is consistent with the design guidelines, and is compatible with the scale and transition of surrounding development, and provides consistent public.

3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project as conditioned and with the implementation of all mitigation measure will provide all necessary infrastructures to adequately service the site and not impact adjacent development. In addition, the project provides the necessary public improvements such as dedications, curb, gutters, sidewalks, streets, alleys, and easements.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed project maintains all exiting and proposed public access and does not conflict with any public recreation policies by the provision of a development consistent with the City's General Plan, Coastal Element, and Downtown Specific Plan.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 08-011:

1. Conditional Use Permit No. 08-005 for the construction of a three story, approximately 12,898 sq. ft. mixed-use development consisting of visitor serving commercial (retail) on the ground floor, residential units on the second and third floor, and a 40 space two-level subterranean parking structure will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The project has been evaluated for compatibility with the surrounding neighborhood and with the conditions of approval imposed, the project will be designed to address the transition and scale of adjacent properties, be designed on a pedestrian scale and character, will provide the required parking to serve the uses on site, and will meet the goals and policies of the General Plan.
2. The conditional use permit will be compatible with surrounding uses because the project is designed with a Mediterranean architectural theme which is compatible with the Downtown Design Guidelines and will provide architectural elements and features to enhance the pedestrian character and scale of the street scene surrounding the project. In addition, the project incorporates the proper massing and scale, the design features of the Mediterranean architectural style and the colors and materials recommended by the Design Guidelines for the Downtown.
3. The proposed mixed use development 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. . The proposed project as conditioned and with the special permits provides a development that is consistent with the design guidelines, is compatible with the scale and transition of surrounding development, and provides consistent public improvement for the two-block Main-Pier Phase II development.
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 MV-F8-sp-d (Mixed Use Vertical – 1.5 Max. Floor Area Ratio/ 25 Dwelling Units per Acre – Specific Plan Overlay – design Overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Goal LU 4: Achieve and maintain high quality architecture, landscape, and public open spaces in the City.

Policy LU 7.1.1: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Goal LU 8: Achieve a pattern of land uses that preserves, enhances, and establishes a distinct identity for the City's neighborhoods, corridors, and centers.

Goal LU9: 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.

Policy LU 10.1.4: Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

Goal LU11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Policy 11.1.7: Require that mixed-use development projects be designed to achieve a consistent and high quality character, including the consideration of architectural treatment of building elevations to convey the visual character of multiple building volumes and individual storefronts.

Policy LU 15.2.2: Require that structures located in the pedestrian overlay zone be sited and designed to enhance pedestrian activity along the sidewalks, in consideration of the following guidelines:

- 1) Incorporation of uses that stimulate pedestrian activity in the first floor along the street frontage, encouraging professional offices, data computing, and other similar uses to be located in the rear or above the first floor unless economically infeasible;
- 2) Siting of the linear frontage of the building along the front yard property line to maintain a "building wall" character, except for areas contiguous with the structure use for outdoor dining or courtyards;
- 3) Assurance that areas between building storefronts and public sidewalks are visually and physically accessible to pedestrians, except as may be required for landscape and security;
- 4) Extensive articulation of the building façade and use of multiple building volumes and planes;
- 5) Incorporation of landscape and other elements such as planter beds, planters, and window boxes that visually distinguish the site and structure;
- 6) Incorporation of arcades, courtyards, and other recesses along the street elevation to provide visual relief and interest;
- 7) Use of roofline and height variation to break up the massing and provide visual interest;
- 8) Visual differentiation of upper and lower floors;

- 9) Distinct treatment of building entrances; and
- 10) Use of pedestrian-oriented signage.

The subject property is located within Community Subarea 1C (abutting the downtown “Core”) and complies with the standards for maximum building height of three (3) stories within the subarea. Along the street frontages, the proposed design incorporates roofline variations and articulation and decorative architectural details/elements. The project also provides visual interest while enhancing the pedestrian experience in the downtown. The visitor serving commercial (retail) and residential uses proposed for the site represent development that would support the needs and reflect market demand of City residents and visitors. The proposed development improves the project site, which is currently vacant, and provides additional destination uses that would attract and complement retail and restaurant uses.

B. Urban Design Element

Policies UD 1.1.2: Reinforce Downtown as the City’s historic center and as a pedestrian-oriented commercial and entertainment/recreation district by requiring new development be designed to reflect the Downtowns historical structures and adopted Mediterranean theme

Policies - UD 1.4.1: Enhance the connections, where feasible between the public sidewalk and private commercial interior open spaces/courtyard

The project complies with the Urban Design Guidelines. Along the street frontages the project provides an articulated facade and a pedestrian-oriented design through the use of design elements such as building siting along the sidewalk and decorative stone and a glass storefront used to distinguish the ground floor commercial from upper floor residential uses. The proposed mixed-use structure incorporates characteristics consistent with the historic structures in downtown such as pedestrian oriented storefronts, and distinction between lower and upper floors. The architecture adopts a Mediterranean theme by including a stone facade on the first floor, arched storefront mullions, decorative stone cornices, and window treatments above the second and third floor windows. Furthermore, the proposed development will be constructed at reduced setbacks that will place the storefront closer to the public sidewalk to encourage a pedestrian oriented design that provides window-shopping and an intimate downtown atmosphere. In addition, the building storefront wraps around to the east elevation along Seventh Street to extend the pedestrian activities.

C. Coastal Element

Policy C 1.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

Goal C 3: Provide a variety of recreational and visitor-serving commercial uses for a range of cost and market preferences

Policy C 3.2.3: Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including, but not limited to, shops, restaurants, hotels and motels, and day spas.

Policy C 3.4.2: Enhance the Municipal Pier and surrounding area to function as the “hubs” of tourist and community activity.

The development consists of a mixed-use project, which includes retail ground floor units for visitor-serving commercial establishments. Public services and infrastructure are currently available to the project site, as well as the surrounding parcels. Additionally, the proposed project would develop visitor-serving commercial uses at the periphery of the City’s downtown core area, which has been targeted for redevelopment as a destination location. Portions of the downtown core have already been established. The proposed project provides for a transition between the downtown core and surrounding residential areas which would help further establish the area. The project site is also located near other established points of attraction, including the Huntington Beach Municipal Pier, and is intended to reinforce the vicinity as a major visitor-serving district.

SUGGESTED FINDINGS FOR APPROVAL – SPECIAL PERMITS NO. 08-002:

1. The granting of Special Permits pursuant to Section 4.1.02 of the Downtown Specific Plan in conjunction with Conditional Use Permit No. 08-011 for the following:
 - a. An 11 ft. to 18 ft. front yard setback along Pacific Coast Highway in lieu of the minimum required 25 ft. landscaped setback (7 to 14 ft. reduction); and
 - b. A six foot upper story setback along the Pacific Coast Highway frontage in lieu of a minimum average of 10 ft. upper story setback (4 ft. reduction); and
 - c. An eight ft. to 10 ft. exterior (street) side yard setback along Seventh Street in lieu of the minimum required 15 ft. landscaped setback (5 to 7 ft. reduction); and
 - d. A 0 ft. foot upper story setback along the Seventh Street frontage in lieu of a minimum average of 10 ft. upper story setback (10 ft. reduction); and
 - e. A five ft. interior side yard setback in lieu of the minimum required seven ft. side yard setback (2 ft. reduction); and
 - f. A slope of 15% in lieu of the maximum allowed slope of 10% for parking garage transition ramps (5% increase); and
 - g. A 500 sq. ft. common open space area in lieu of the minimum required 2,163 sq. ft. of common open space pursuant to Section 4.2.11(a), Common Open Space, of the DTSP.

These Special Permits result in a greater benefit from the project and will promote a better living environment because the design of the project provides a consistent development pattern along Pacific Coast Highway (PCH), and promotes the pedestrian scale envisioned by the “Village Concept” of the Downtown Specific Plan (DTSP), and provides three times the required private open space for the residential units. Furthermore, the development is energy efficient and consists of recycled/reclaimed

materials. The project is conditioned to obtain Silver Certification from the U.S. Green Building Council. In addition, the project provides an architectural style that provides a distinctive break between the lower floor and the two upper floors by the use of a reduced upper story setbacks, the provision of varied roofline treatments, the use of quality colors and materials and including building heights and a tower that is compatible with the surroundings and provides a focal element encouraged by the Design Guidelines. Finally, the project will not diminish any existing coastal views for the pedestrian at the street level. The incorporation of the special permits into the project benefits the overall design and therefore provides a better living environment for the resident, tenant, customer, and visitor to the downtown core.

2. The granting of Special Permits will provide better land planning techniques with maximum use of aesthetically pleasing types of architecture, site layout and design due to the use of appropriate site planning by placing buildings in a relationship to the street and pedestrian, the use of Mediterranean architecture, the incorporation of compatible upper story setbacks, the use of code compliant building heights, and the provision of a tower as a focal element.
3. The granting of Special Permits will not be detrimental to the general health, welfare, safety, and convenience of the neighborhood or City in general, nor detrimental or injurious to the value of property or improvements of the neighborhood or of the City in general. The project has been evaluated for compatibility with the surrounding neighborhood and with the conditions of approval imposed, the project will be designed to address the transition and scale of adjacent properties, will be designed on a pedestrian scale and character, will provide the required parking to serve the uses on site, and will meet the goals and policies of the General Plan.
4. The granting of Special Permits will be consistent with objectives of the Downtown Specific Plan in achieving a development adapted to the terrain and compatible with the surrounding environment. The proposed project is physically suitable for the site, it consolidates multiple parcels for an adequate mixed-use development site, provides parking consistent with the Huntington Beach Zoning and Subdivision Ordinance, is consistent with the type and intensities of proposed uses, complies with the Downtown Specific Plan, and is consistent with the Downtown Design Guidelines.
5. The granting of Special Permits will be consistent with the policies of the Coastal Element of the City's General Plan and the California Coastal Act. The project is consistent with the following Coastal Element goals, objectives, and policies:

Policy C 1.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

Goal C 3: Provide a variety of recreational and visitor-serving commercial uses for a range of cost and market preferences

Policy C 3.2.3: Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including, but not limited to, shops, restaurants, hotels and motels, and day spas.

Policy C 3.4.2: Enhance the Municipal Pier and surrounding area to function as the “hubs” of tourist and community activity.

The development consists of a mixed-use project, which includes retail ground floor units for visitor-serving commercial establishments. Public services and infrastructure are currently available to the project site, as well as the surrounding parcels. Additionally, the proposed project would develop visitor-serving commercial uses at the periphery of the City’s downtown core area, which has been targeted for redevelopment as a destination location. Portions of the downtown core have already been established. The proposed project provides for a transition between the downtown core and surrounding residential areas which would help further establish the area. The project site is also located near other established points of attraction, including the Huntington Beach Municipal Pier, and is intended to reinforce the vicinity as a major visitor-serving district.

SUGGESTED MITIGATION MEASURES FOR ENVIRONMENTAL CONCERNS:

1. The grading plan prepared for the new proposed project shall contain the recommendations included in the Geotechnical Engineering Report for the site prepared by Soil Pacific, Inc., dated July 2004 and updated July 2008. These recommendations shall be implemented in the design of the project and include measures associated with site preparation, fill placement and compaction, dewatering, seismic design features, excavation and shoring requirements, foundation design, concrete slabs and pavement, cement type, surface drainage, trench backfill, and geotechnical observation.
2. The developer shall consult with DOGGR to determine if plug or re-plug of existing abandoned oil wells is necessary. Prior to the issuance of grading permits, the developer shall submit evidence of consultation with DOGGR indicating wells have been plugged or abandoned to current DOGGR standards.
3. In the event that abandoned oil wells are damaged during construction, construction activities shall cease in the immediate vicinity immediately. Remedial plugging operations would be required to re-plug the affected wells to current Department of Conservation specifications. Depending on the nature of soil contamination, if any, appropriate agencies shall be notified (e.g. City of Huntington Beach Fire Department). The developer shall ensure proper implementation for the re-abandonment operation in compliance with all applicable laws and regulations.

**SUGGESTED CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT 08-005/
CONDITIONAL USE PERMIT NO. 08-011 WITH SPECIAL PERMIT NO. 08-002:**

1. The site plan, floor plans, and elevations received and dated October 7, 2008, shall be the conceptually approved design with the following modifications:
 - a. The parking requirement tabulation on the cover sheet (Sheet T-1) shall be revised to reflect accurate parking requirements and number of units.

- b. An architectural reveal shall be provided between the edge of the staircase enclosure and the balconies along the Seventh St. frontage from the first floor to the fourth floor. **(DRB)**
 - c. Landscaping shall be provided along the Seventh Street frontage. **(DRB)**
 - d. The tower feature shall either provide a five ft. setback on the third floor or be redesigned as a circular feature with a circular roof. **(DRB)**
 - e. A minimum drive aisle width of 26 feet shall be maintained within the subterranean parking structure.
 - f. Parking spaces adjacent to a wall over twelve inches in height shall be increased in width by three feet.
 - g. The parking spaces adjacent to the alley shall be setback one ft. from the property line to provide a total turn around space of 25 ft. as measured from the opposite side of the alley to the parking stall.
 - h. The overall building footprint shall be decreased by approximately 165 sq. ft. and comply with the maximum 50% lot coverage.
 - i. The trash enclosures shall be provided with a 3 ft. rear yard setback.
 - j. The awning along the Seventh Street frontage shall be removed.
2. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning Department.
3. Prior to submittal for building permits, the following shall be completed:
- a. An Affordable Housing Agreement shall be submitted for review by the City of Huntington Beach Redevelopment Agency and Planning Department. The Agreement shall provide for a minimum of 15 percent of the affordable housing requirement as required by State redevelopment law. The affordable housing agreement shall be approved by the City of Huntington Beach City Council prior to issuance of Building Permits.
 - b. The project shall be registered with the U.S. Green Building Council (USGBC) for purposes of obtaining Silver Certification. A project checklist shall be submitted to the USGBC listing the project characteristics proposed to meet the minimum qualifications for obtaining Silver Certification. A copy of the completed checklist and evidence of project registration and submittal of the checklist with the USGBC shall be submitted to the Planning Department.
4. Prior to issuance of building permits, the following shall be completed:
- a. A public art element shall be integrated and be in a publicly accessible place within the proposed project. Public art shall include art of:

- Artistic excellence and innovation,
- Appropriate to the design of the project,
- Reflective of the community's cultural identity, (ecology, history, society).

The public art element shall be reviewed and approved by the Design Review Board, the Planning Department, and the Cultural Services Division Manager prior to issuance of a building permit for the project. The public art shall be in place at the subject site prior to final inspection.

- b. A planned sign program for all signage shall be submitted to the Planning Department. Said program shall be reviewed and approved by the Design Review Board prior to the issuance of the first sign permit.
5. Within Six months of occupancy of the structure, evidence that Silver Certification has been obtain from the USGBC shall be provided to the Planning Department.

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.



**HUNTINGTON BEACH
PUBLIC WORKS DEPARTMENT
SUGGESTED CONDITIONS OF APPROVAL**

DATE: APRIL 10, 2008
PROJECT NAME: PACIFIC VIEW MIXED USE BUILDING
ENTITLEMENTS: CDP NO. 2008-005, CUP NO. 2008-011, DR NO. 2008-011 AND SPECIAL PERMIT NO. 2008-002
PLNG APPLICATION NO: 2008-0050
DATE OF PLANS: MARCH 3, 2008
PROJECT LOCATION: 620 PACIFIC COAST HIGHWAY (NORTHEAST CORNER OF PACIFIC COAST HIGHWAY AND 7 TH STREETS)
PROJECT PLANNER: RAMI TALLEH, ASSOCIATE PLANNER
TELEPHONE/E-MAIL: 714-374-1682 / RTALLEH@SURFCITY-HB.ORG
PLAN REVIEWER: JAMES WAGNER, SENIOR CIVIL ENGINEER *Ab for*
TELEPHONE/E-MAIL: 714-536-5467 / JWAGNER@SURFCITY-HB.ORG
PROJECT DESCRIPTION: TO PERMIT THE DEVELOPMENT OF A 12,751 MIXED USE DEVELOPMENT CONSISTING OF RETAIL ON THE FIRST FLOOR AND RESIDENTIAL ON THE SECOND AND THIRD FLOOR.

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

1. The underground parking structure shoring and other structural elements, either temporary or permanent, shall not encroach into the public right-of-way (alley and street side of the project) and shall not encroach into the private properties to the east of the project unless written permission from the property owners is obtained and submitted to Public Works.
2. Underground utilities on the project site shall be field verified by engineer during the design phase and shall be submitted to Public Works.
3. Construction method for shoring/ tie back, etc. for the foundation construction and parking walls shall be submitted to Public Works for review and approval.
4. A raised median shall be constructed in PCH for a length approximately equal to the project frontage. Patterned, colored concrete shall be placed on both sides of the median at the curbs and landscape planting and irrigation shall be provided per plans submitted to and approved by the City of Huntington Beach. Median improvements shall require the removal of all soil under the existing PCH paving that shall be removed, to a 36" depth and importation of a City approved Class A topsoil that has been approved as agriculturally suitable by soil tests performed by the applicant or the material supplier. A separate irrigation controller, SCE meter pedestal, and water meter are required and shall be purchased and installed by the applicant. The

applicant shall be responsible for maintaining the median for 365 days after the initial installation and 30 day plant establishment period has been approved by the City. The applicant shall submit a separate set of landscape development plans to the City for approval prior to the applicant submitting final design plans to Cal Trans. Signing and striping shall be modified consistent with the new raised median. Final concept approval for median improvements shall be by Cal Trans and shall be determined prior to developing final landscape improvement plans. Median improvements shall be completed prior to building occupancy.

5. CALTRANS Encroachment permits for work within the CALTRANS right-of-way (for construction of sidewalks, curb and gutter, etc.) shall be obtained by the applicant or contractor from CALTRANS. A copy of each permit, traffic control plans and other permission granted by CALTRANS shall be transmitted to Public Works prior to start of work.



HUNTINGTON BEACH POLICE DEPARTMENT SUGGESTED CONDITIONS OF APPROVAL

DATE: MARCH 30, 2008
PROJECT NAME: PACIFIC VIEW MIXED USE BUILDING
PLANNER: RAMI TALLEH
PLANNING APP. NO.: PLANNING APPLICATION NO. 2008-0050
ENTITLEMENTS: COASTAL DEVELOPMENT PERMIT NO. 2008-005, CONDITIONAL USE PERMIT NO. 2008-011, DESIGN REVIEW NO. 2008-011 AND SPECIAL PERMIT NO. 2008-002
DATE OF PLANS: MARCH 3, 2008
PROJECT LOCATION: 620 PACIFIC COAST HIGHWAY (NORTHEAST CORNER OF PACIFIC COAST HIGHWAY AND 7TH STREET)
PLAN REVIEWER: JAN THOMAS
TELEPHONE/E-MAIL: (949) 348-8186 - JCKTHOMAS@COX.NET
PROJECT DESCRIPTION: TO PERMIT THE DEVELOPMENT OF A 12,751 MIXED USE DEVELOPMENT CONSISTING OF RETAIL ON THE FIRST FLOOR AND RESIDENTIAL ON THE SECOND AND THIRD FLOOR.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

SUGGESTED CONDITIONS OF APPROVAL

Garage radio transmittal:

The Police and Fire Department emergency radios may not be able to receive or transmit in the subterranean parking levels. If this is the case, it is imperative that an effective antenna be installed so that emergency personnel can receive/transmit in the parking structure. Please contact Jim Moore, City of Huntington Beach, Information Systems, at (714) 536-5943 for more information.

Parking structure lighting:

Lighting in parking structures should optimally be placed over and between the parked vehicles. Crimes mainly occur between vehicles; therefore, lighting is important and should focus in these areas. Lighting should also focus on pedestrian areas.

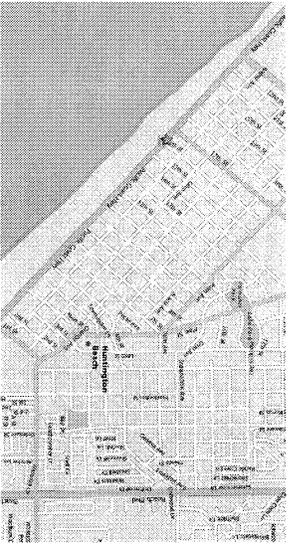
Parking garage and elevators:

Install a 24 hour-recorded camera at the entrance and exit of the parking garage. Ensure that the camera captures the license plate of each vehicle that enters and exits the structure.

Elevator areas and stairwells should be well lighted and recorded via surveillance cameras 24 hours a day, every day.

PACIFIC VIEW

612 - 620 PACIFIC COAST HIGHWAY HUNTINGTON BEACH, CA 92648



LEGAL DESCRIPTION

PARCEL 1:
 LOT 6-7-8-9 AND 10 IN BLOCK 106 OF THE HUNTINGTON BEACH SECTION OF HUNTINGTON BEACH AS PER MAP RECORDED IN BOOK 3, PAGE 36 OF MISCELLANEOUS MAP IN THE OFFICE OF THE RECORDER OF DAID COUNTY.

APN: 024-0151-28, 024-0151-29

SCOPE OF WORK

NEW CONSTRUCTION OF MIXED USE THREE STORY BUILDING (RETAIL STORES AND RESIDENTIAL UNITS) WITH TWO LEVEL UNDERGROUND PARKING.

FLOOR AREA RATIO.....1:1
 LOT AREA.....12,924.77 SF.
 LIVING AREA.....12,737.32 SF.
 LOT COVERAGE.....6.627, 80 SF

PROPERTY DEVELOPMENT STANDARDS:

DESCRIPTION	REQUIRED	PROVIDED
MIN. FRONT FCH SETBACK	25'-0"	15'-0"
UNDERGROUND PARKING SETBACK	5'-0"	5'-0"
REAR ALLEY SETBACK	12'-0" TO CENTER LINE	12'-6" TO CENTER LINE
7th STREET SETBACK	15'-0"	10'-0"
INTERIOR SIDE SETBACK	7'-0"	5'-0"
BUILDING HEIGHT	35'-0" TO MID-POINT	35'-0" TO MID-POINT

ARCHITECT:

OTIS ARCHITECTURE INC.
 16871 SEA WITCH LN
 HUNTINGTON BEACH, CA 92649
 714. 846. 0117
 REP. KAREN OTIS

CLIENT:

PACIFIC VIEW PLAZA LLC.
 MIKE YOUNESSI
 16882 BOLSA CHICA ST. #105
 HUNTINGTON BEACH, CA 92649
 714. 379. 1111

SQUARE FOOTAGE:

FIRST FLOOR.....4,082.93 SF.
 RETAIL AREA
 SECOND FLOOR.....4,458.71 SF.
 RESIDENTIAL AREA

THIRD FLOOR.....4,195.68 SF.
 RESIDENTIAL AREA

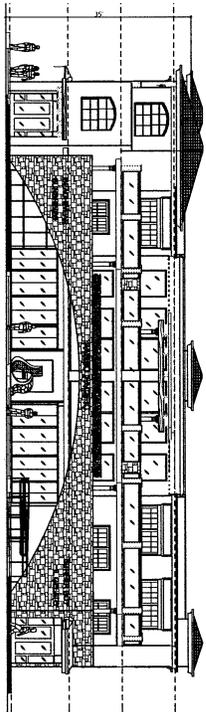
TOTAL BUILDING AREA.....12,737.32 SF.
 COMMON OPEN SPACE:

COMMON OPEN SPACE: 25% OF 8,654.39 SF.
2,163.60 SF. REQUIRED
 500.27 SF. PROVIDED

PRIVATE OPEN SPACE (BALCONY)

APT. 201.....136.5 SF.
 APT. 202.....111.2 SF.
 APT. 203.....111.2 SF.
 APT. 204.....167.2 SF.
 APT. 301.....325.6 SF.
 APT. 302.....278.4 SF.

TOTAL PRIVATE OPEN SPACE:
 1,130.00 SF. PROVIDED.
 360.00 SF. REQUIRED.



SHEET INDEX

T-1	TITLE SHEET
A-1.1	SITE PLAN
A-1.1.1	ALLEY DEDICATION
A-1.2	FIRST FLOOR
A-1.3	SECOND FLOOR
A-1.4	THIRD FLOOR
A-1.5	ROOF PLAN
A-1.6	FIRST SUBFLOOR
A-1.7	SECOND SUBFLOOR
A-2.1	ELEVATIONS
A-2.2	ELEVATIONS

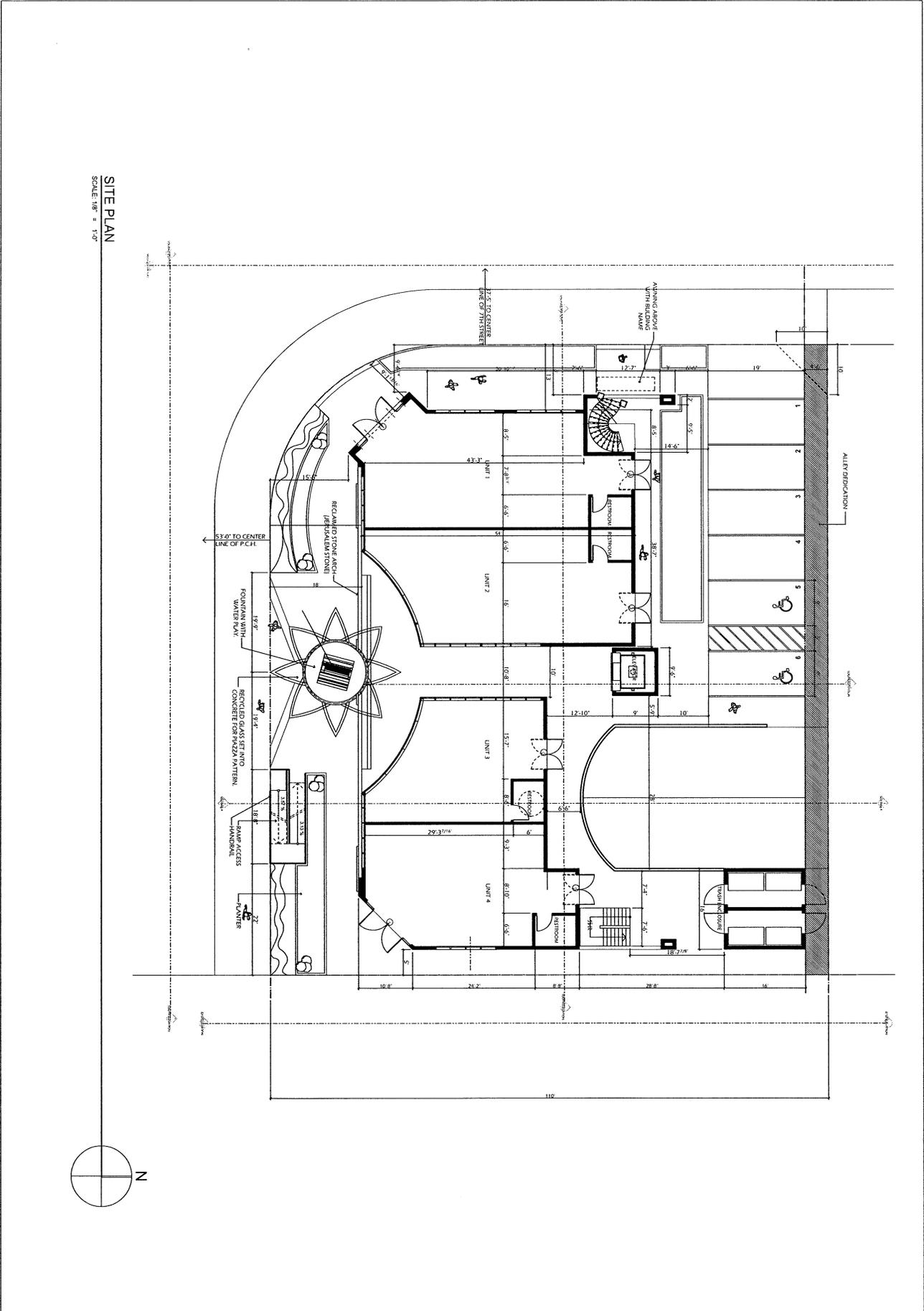
PARKING REQUIREMENTS:

RETAIL AREA.....21 STALLS
 RESIDENTIAL AREA.....10 STALLS (4 TWO BEDROOMS)
 6 STALLS (2 THREE BEDROOMS)

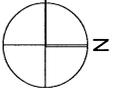
TOTAL PARKING REQUIRED: 37 STALLS
 PARKING PROVIDED: 40 STALLS

- HUNTINGTON BEACH SECURITY ORDINANCE
- SLIDING GLASS DOORS AND WINDOWS LOCATED LESS THAN 16 FEET ABOVE ANY SURFACE AVAILABLE FOR USE BY THE PUBLIC SHALL BE FULLY TEMPERED GLASS. GLASS PANELS SHALL NOT BE EXCISELY REMOVED FROM THE FRAME.
 - ALL MAIN OR FRONT ENTRY DOORS TO DWELLINGS SHALL BE FULLY TEMPERED GLASS. GLASS SHALL BE FULLY TEMPERED GLASS.
 - EXTERIOR WOODEN DOORS SHALL BE OF SOLID CORE CONSTRUCTION OR SHALL BE COVERED ON THE INSIDE FACE WITH 1/2" GAUGE SHEET METAL ATTACHED WITH SCREWS AT 6 INCH ON CENTER AROUND THE PERIMETER.
 - ALL SWINGING DOORS SHALL BE EQUIPPED WITH A DEAD BOLT WITH A MINIMUM THROW OF 1 INCH AND AN EMBEDMENT OF NOT LESS THAN 5/8 INCH.
 - THE INACTIVE LEAF OF A PAIR OF DOORS AND THE UPPER LEAF OF DUTCH DOORS SHALL BE EQUIPPED WITH A DEAD BOLT.
 - NON-REMOVABLE PINS SHALL BE USED IN PIN TYPE HINGES THAT ARE ACCESSIBLE FROM THE OUTSIDE WHEN THE DOOR IS CLOSED.
 - UNFRAMED GLASS DOORS SHALL BE OF FULLY TEMPERED GLASS NOT LESS THAN 1/2 INCH THICK.
 - NARROW-FRAMED GLASS DOORS SHALL BE OF FULLY TEMPERED GLASS NOT LESS THAN 1/4 INCH THICK.
 - ANY GLASS THAT IS LOCATED WITHIN 40 INCHES OF THE LOCKING DEVICE ON A DOOR SHALL BE FULLY TEMPERED, OR HAVE APPROVED METAL BARS, SCREENS OR GRILLS.
 - SOLID WOODEN HATCHWAYS LESS THAN 1 3/4 INCHES THICK SHALL BE COVERED ON THE INSIDE WITH 1/2 GAUGE SHEET METAL ATTACHED WITH SCREWS AT 6 INCH ON CENTER AROUND THE PERIMETER AND SHALL BE SECURED FROM THE INSIDE WITH A SIDE SHOCKLE. ALL OTHER OPENINGS LONGER THAN 36 SQUARE INCHES WITH A DIMENSION IN EXCESS OF 8 INCHES SHALL BE SECURED BY METAL BARS, SCREENS, OR GRILLS (EXCEPTION: NO OVENABLE SHTUDHNS).
 - A DEVELOPMENT THAT INCLUDES 3 OR MORE DWELLING UNITS SHALL BE PROVIDED WITH FULLY ENCLOSED GARAGES. GARAGE SPACE FOR EACH TENANT SHALL BE SEPARATED BY FIRE RESISTANT WALLS AND SHALL BE EQUIPPED WITH 3/4" THICK SET NO MORE THAN 24 INCHES ON CENTER.

<p>OTIS ARCHITECTURE INC. 16871 Sea Witch Lane Huntington Beach, CA. 92649 (714) 846-0177 or (714) 846-2917 fax www.otisarchitecture.com</p>	<p>PACIFIC VIEW 612-620 PACIFIC COAST HIGHWAY HUNTINGTON BEACH, CA. 92648</p>	<p>TITLE SHEET</p>	<p>DATE: OCTOBER 07/08 DRAWN BY: K.OHS CHECKED BY: E.M.</p>	<p>Scale: 1/4" = 1'-0" SHEET NUMBER: T-1</p>
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SITE PLAN
SCALE: 1/8" = 1'-0"



DATE: OCTOBER 07/08
PROJECT NUMBER: K-098
DRAWN: E.M.
SHEET NUMBER: A-1.1
TOTAL SHEETS: 1

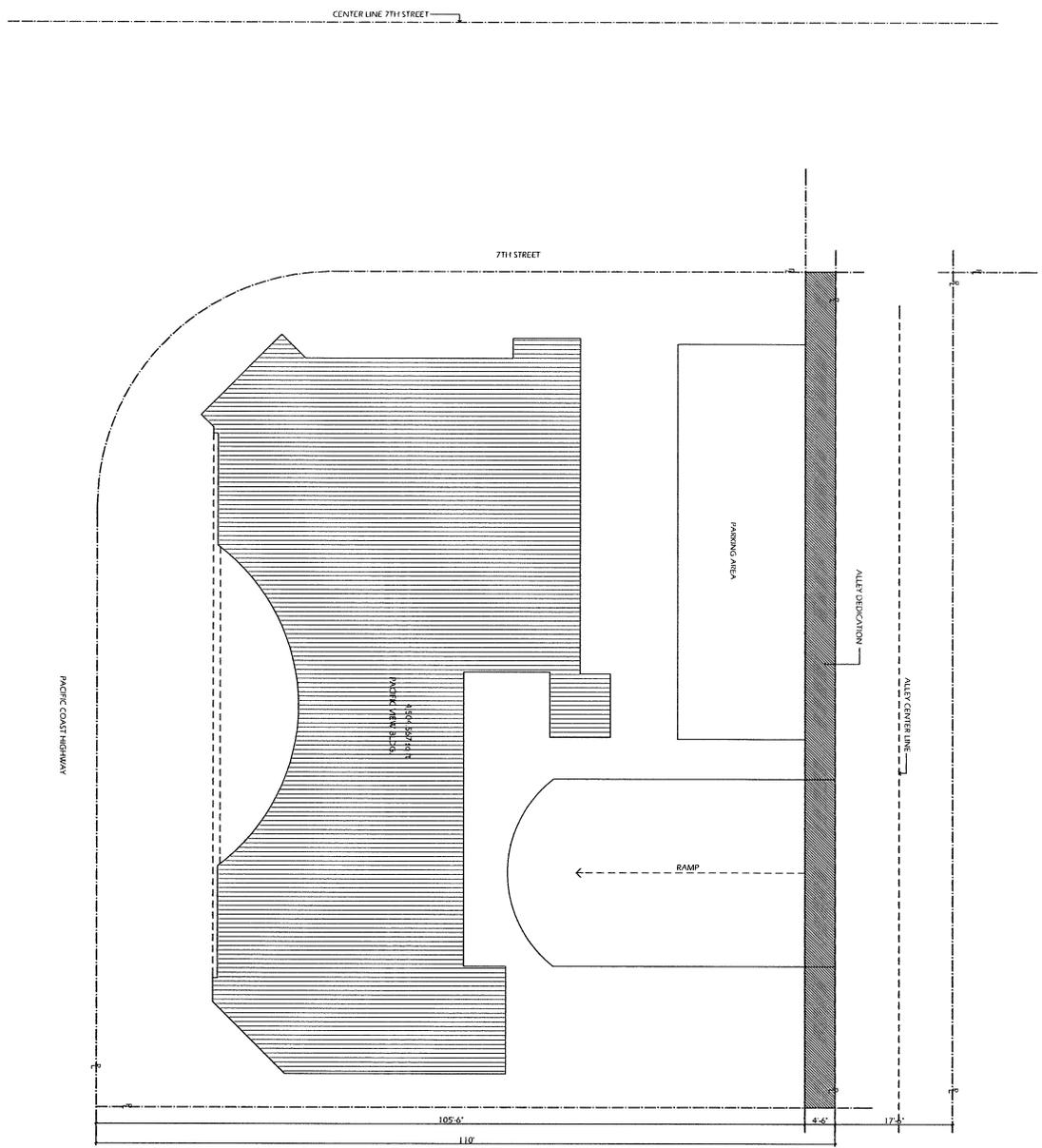
SITE PLAN

PACIFIC VIEW
612-620 PACIFIC COAST HIGHWAY
HUNTINGTON BEACH, CA. 92648

OTIS ARCHITECTURE INC.
16871 Sea Witch Lane
Huntington Beach, CA. 92649
(714) 846-4177 ph (714) 846-2817 fax
www.otisarchitecture.com

ATTACHMENT NO. 3.2

ALLEY DEDICATION PLAN
SCALE: 1/8" = 1'-0"

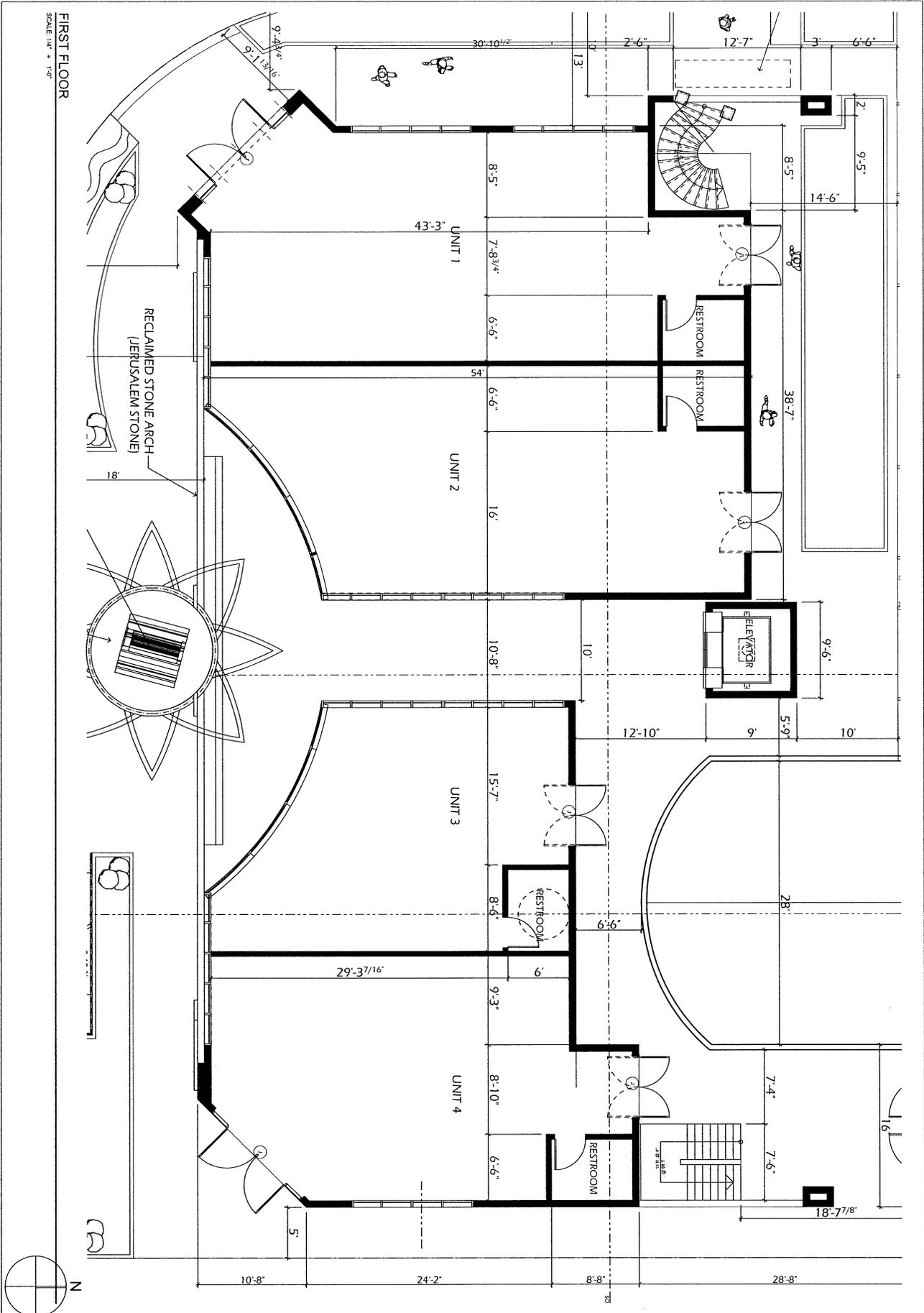


DATE: OCTOBER 2018
DRAWN BY: K.OHS
CHECKED BY: E.M.
SCALE: A-1:1.1
SHEET NUMBER: 3

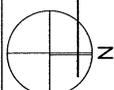
ALLEY DEDICATION

PACIFIC VIEW
612-620 PACIFIC COAST HIGHWAY
HUNTINGTON BEACH, CA. 92648

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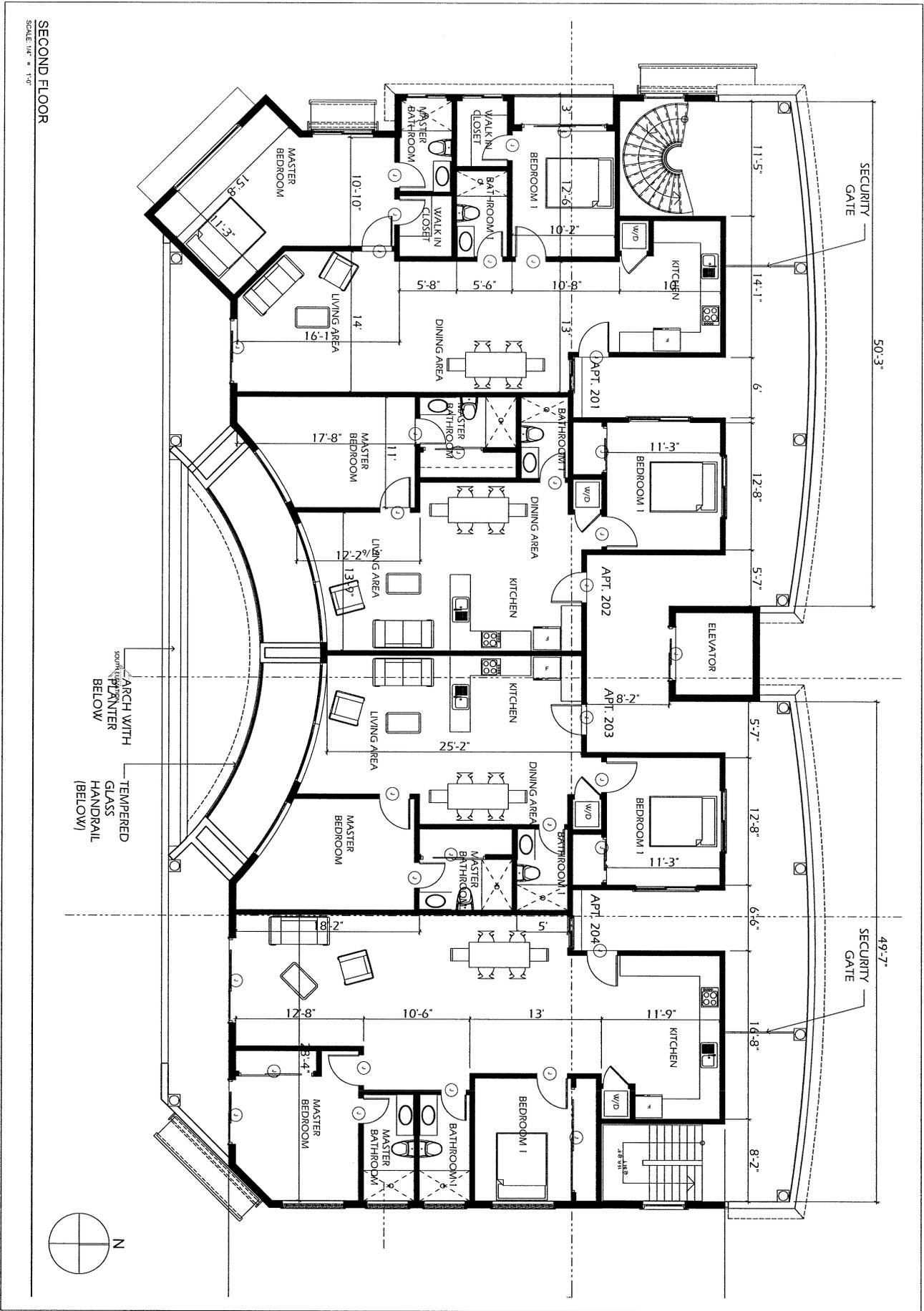


FIRST FLOOR
SCALE 1/8" = 1'-0"



Sheet Number: A-1.2	Date: Project Name: Designer: E.M.	FIRST FLOOR	PACIFIC VIEW 612-620 PACIFIC COAST HIGHWAY HUNTINGTON BEACH, CA. 92648	Architect: OTIS ARCHITECTURE INC. 16871 Sea Witch Lane Huntington Beach, CA. 92649 (714) 846-8177 ph (714) 846-2817 fax www.otisarchitecture.com
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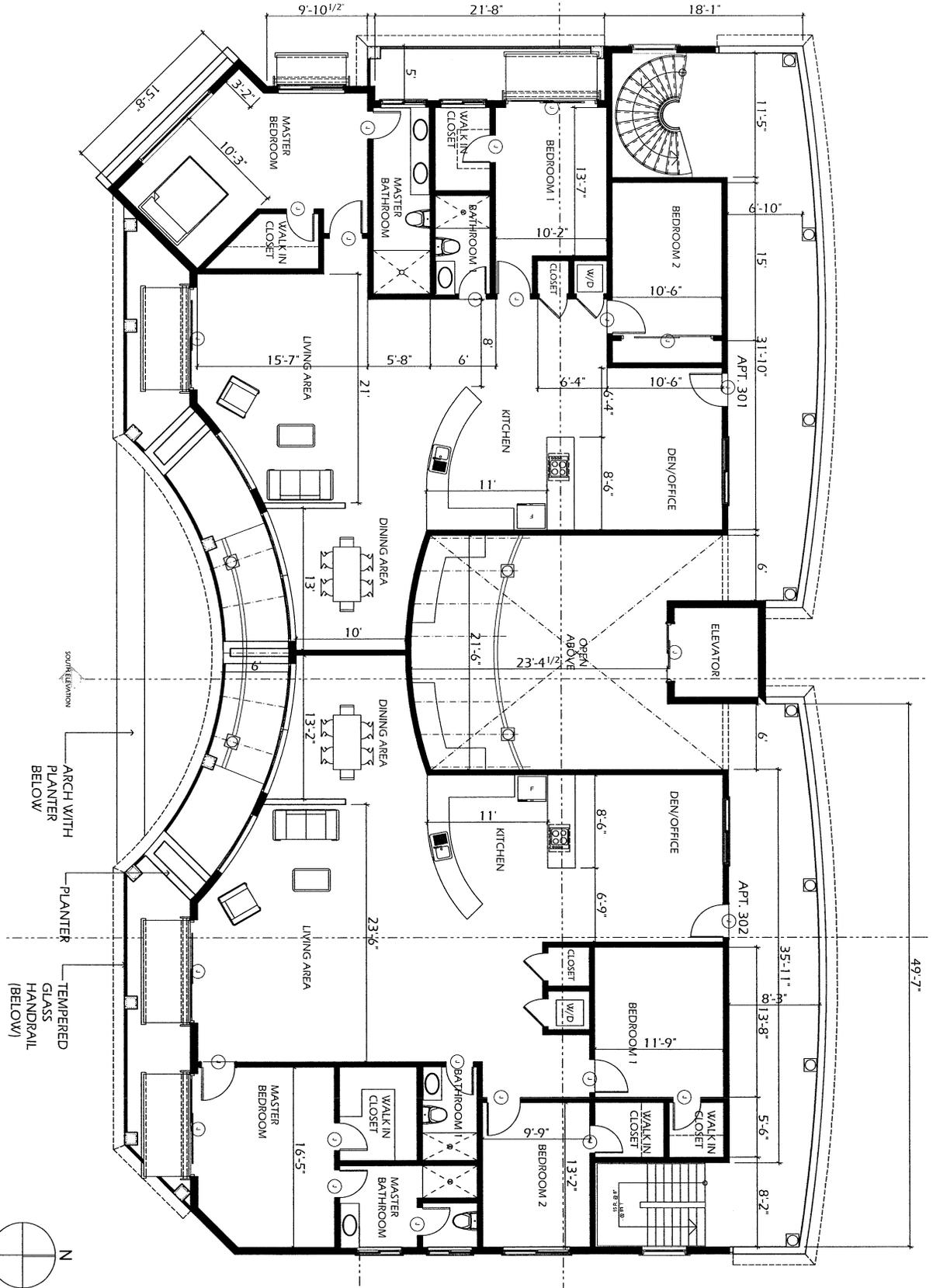
ATTACHMENT NO. 3.4



<p>Scale: 1/4" = 1'-0"</p> <p>A-1.3</p>	<p>DATE: OCTOBER 2013</p> <p>BY: K.O.B.</p> <p>PROJECT: E.M.</p>	<p>PACIFIC VIEW</p> <p>612-620 PACIFIC COAST HIGHWAY</p> <p>HUNTINGTON BEACH, CA. 92648</p>	<p>OTIS ARCHITECTURE INC.</p> <p>16871 Sea Witch Lane</p> <p>Huntington Beach, CA. 92649</p> <p>(714) 846-0177 ph (714) 846-2817 fax</p> <p>www.otisarchitecture.com</p>	<p>Revision</p> <p>No.</p> <p>Date</p>
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ATTACHMENT NO. 8.5

THIRD FLOOR
SCALE 1/4" = 1'-0"

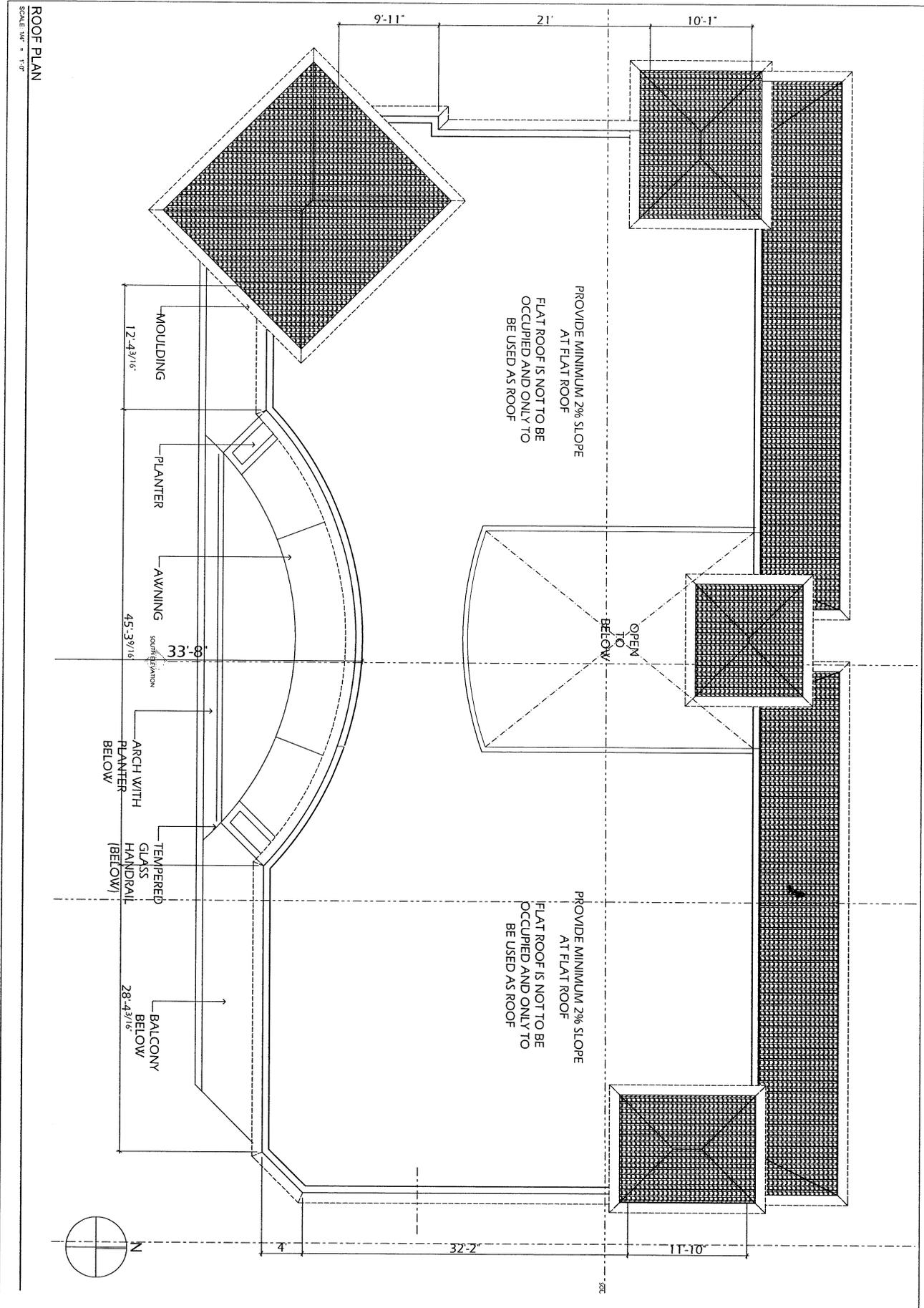


Project Number: A-1.4
 Date: 10/20/07
 Designer: K. OHS
 E.M.

THIRD FLOOR

PACIFIC VIEW
 612-620 PACIFIC COAST HIGHWAY
 HUNTINGTON BEACH, CA. 92648

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Sheet Number:
A-1.5
 Date:
 OCTOBER 07/08
 Project:
 PACIFIC VIEW
 Scale:
 E.M.

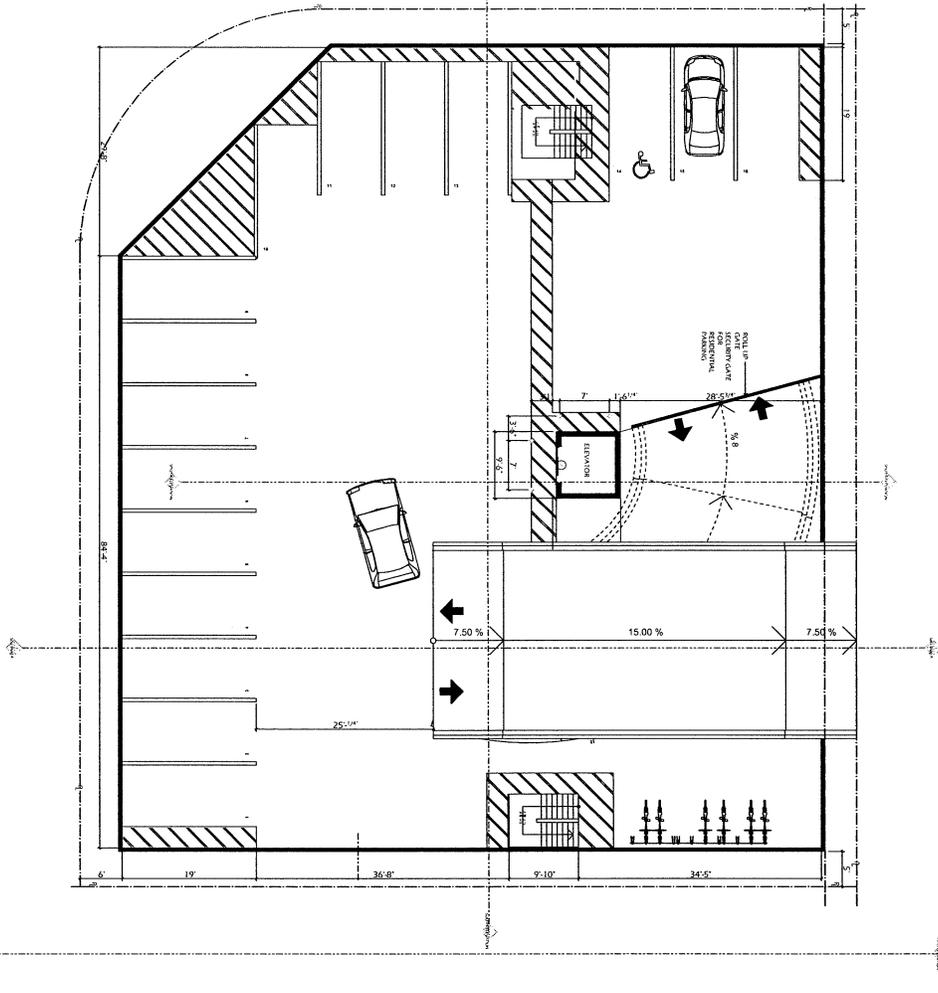
ROOF DECK PLAN

PACIFIC VIEW
 612-620 PACIFIC COAST HIGHWAY
 HUNTINGTON BEACH, CA. 92648

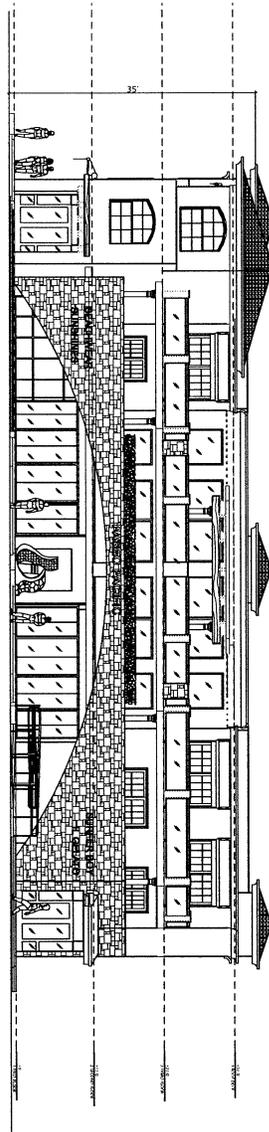
OTIS ARCHITECTURE INC.
 16871 Sea Witch Lane
 Huntington Beach, CA. 92649
 (714) 846-0177 ph (714) 846-2817 fax
 www.otisarchitecture.com

FIRST SUBFLOOR

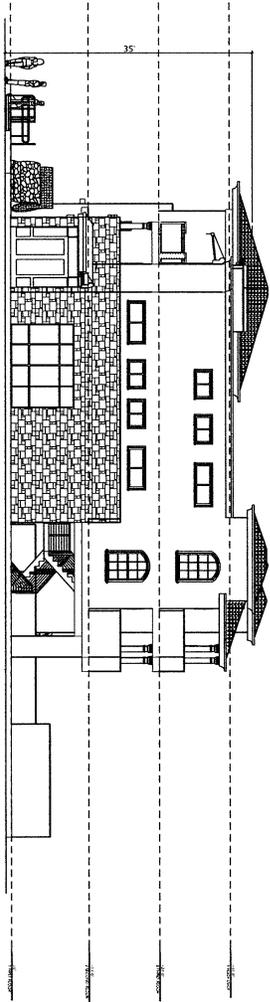
SCALE: 1/8" = 1'-0"



<p>Sheet Number A-1.6</p>	<p>Project Name PACIFIC VIEW</p>	<p>Project Address 612-620 PACIFIC COAST HIGHWAY HUNTINGTON BEACH, CA. 92648</p>	<p>Architect OTIS ARCHITECTURE INC. 16871 Sea Witch Lane Huntington Beach, CA. 92648 (714) 846-0177 ph (714) 846-2817 fax www.otisarchitecture.com</p>	<table border="1"> <tr> <td>Revision</td> <td>By</td> <td>Date</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	Revision	By	Date									
Revision	By	Date														

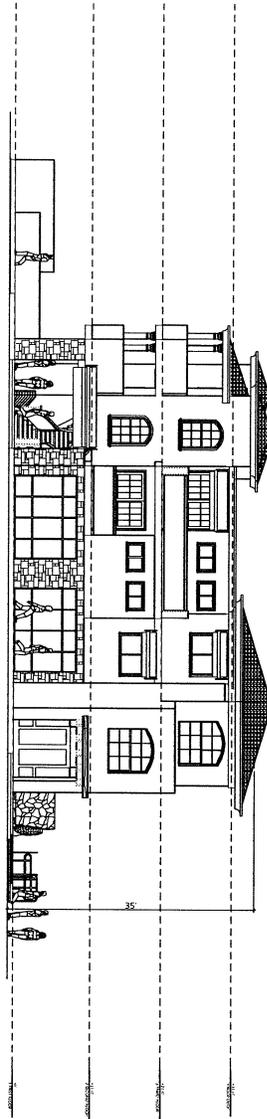


SOUTH ELEVATION
SCALE 1/8" = 1'-0"



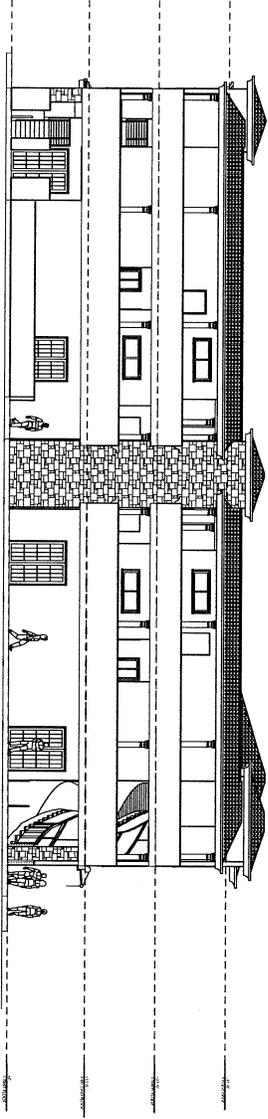
EAST ELEVATION
SCALE 1/8" = 1'-0"

Revision By	OTIS ARCHITECTURE INC. 16871 Sea Witch Lane Huntington Beach, CA, 92648 (714) 846-4177 ph. (714) 846-2817 fax www.otisarchitecture.com	PACIFIC VIEW 612-620 PACIFIC COAST HIGHWAY HUNTINGTON BEACH, CA. 92648	ELEVATIONS	Title OCTOBER/NOVEMBER Project/Architect K.O.S. Designer E.M. Sheet Number A-2.1 Total Sheet Count
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WEST ELEVATION

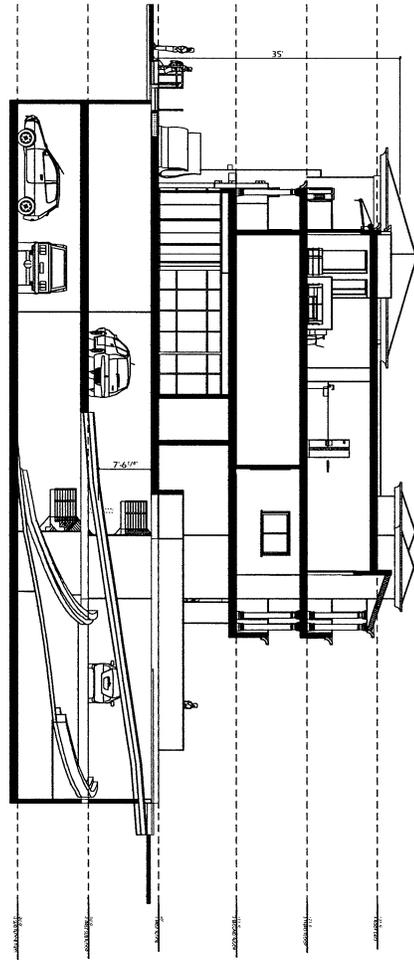
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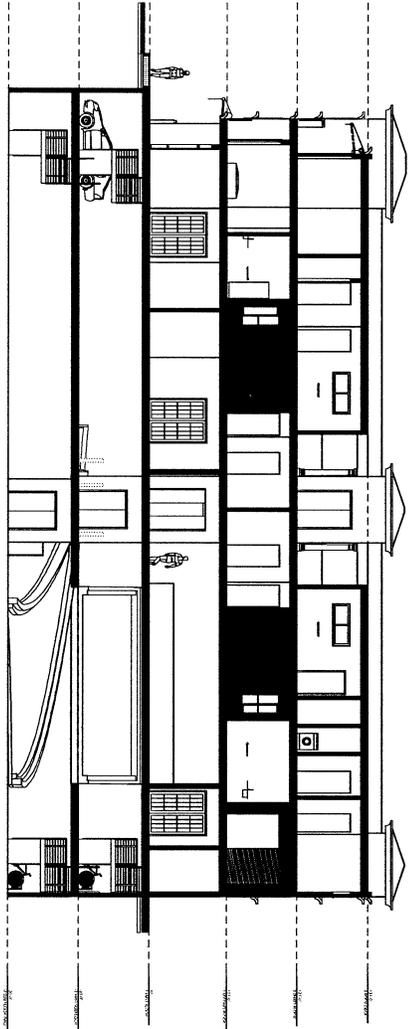
NORTH ELEVATION

SCALE: 1/8" = 1'-0"

Revision No.	OTIS ARCHITECTURE INC. 16871 Sea Witch Lane Huntington Beach, CA. 92649 (714) 846-0177 ph (714) 846-2817 fax www.otisarchitecture.com	PACIFIC VIEW 612-620 PACIFIC COAST HIGHWAY HUNTINGTON BEACH, CA. 92648	ELEVATIONS	Sheet Number: A-2.2 Title: ELEVATIONS
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SECTION-A
SCALE: 1/8" = 1'-0"



SECTION-B
SCALE: 1/8" = 1'-0"

SHEET NUMBER: A-3.1	DATE: OCTOBER/07/08 PROJECT: K.O.H. DRAWN BY: E.H.	PACIFIC VIEW 612-620 PACIFIC COAST HIGHWAY HUNTINGTON BEACH, CA. 92648		OTIS ARCHITECTURE INC. 16871 Sea Witch Lane Huntington Beach, CA. 92649 (714) 846-0177 ph (714) 846-2817 fax www.otisarchitecture.com	REVISIONS NO. DESCRIPTION
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ATTACHMENT NO. 3.12



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Rami Talleh, Senior Planner *RT*
DATE: September 23, 2008

SUBJECT: **MITIGATED NEGATIVE DECLARATION NO. 08-011/ COASTAL DEVELOPMENT PERMIT NO. 08-005/ CONDITIONAL USE PERMIT NO. 08-011 WITH SPECIAL PERMIT NO. 08-002/ VARIANCE NO. 08-006 (Pacific View Mixed Use Building)**

APPLICANT: Karen Otis, Otis Architecture, 16871 Sea Witch Ln., Huntington Beach, CA 92649

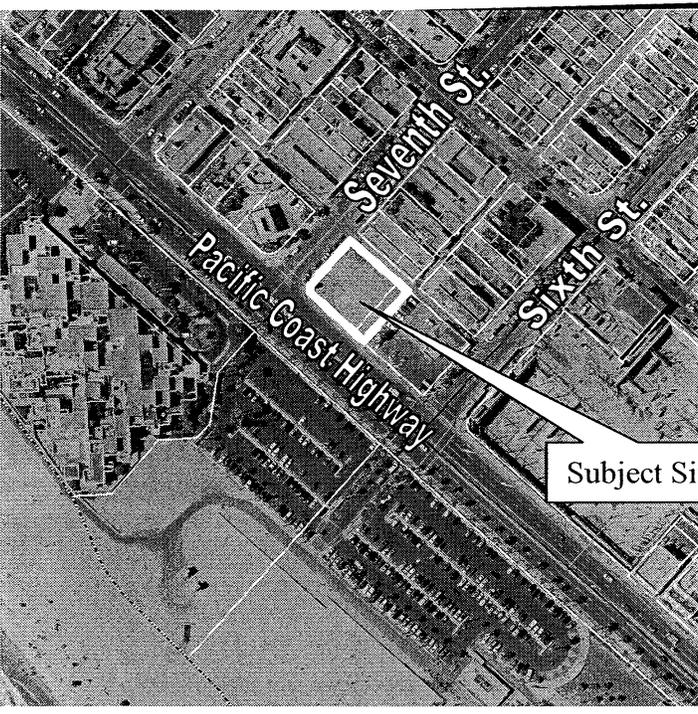
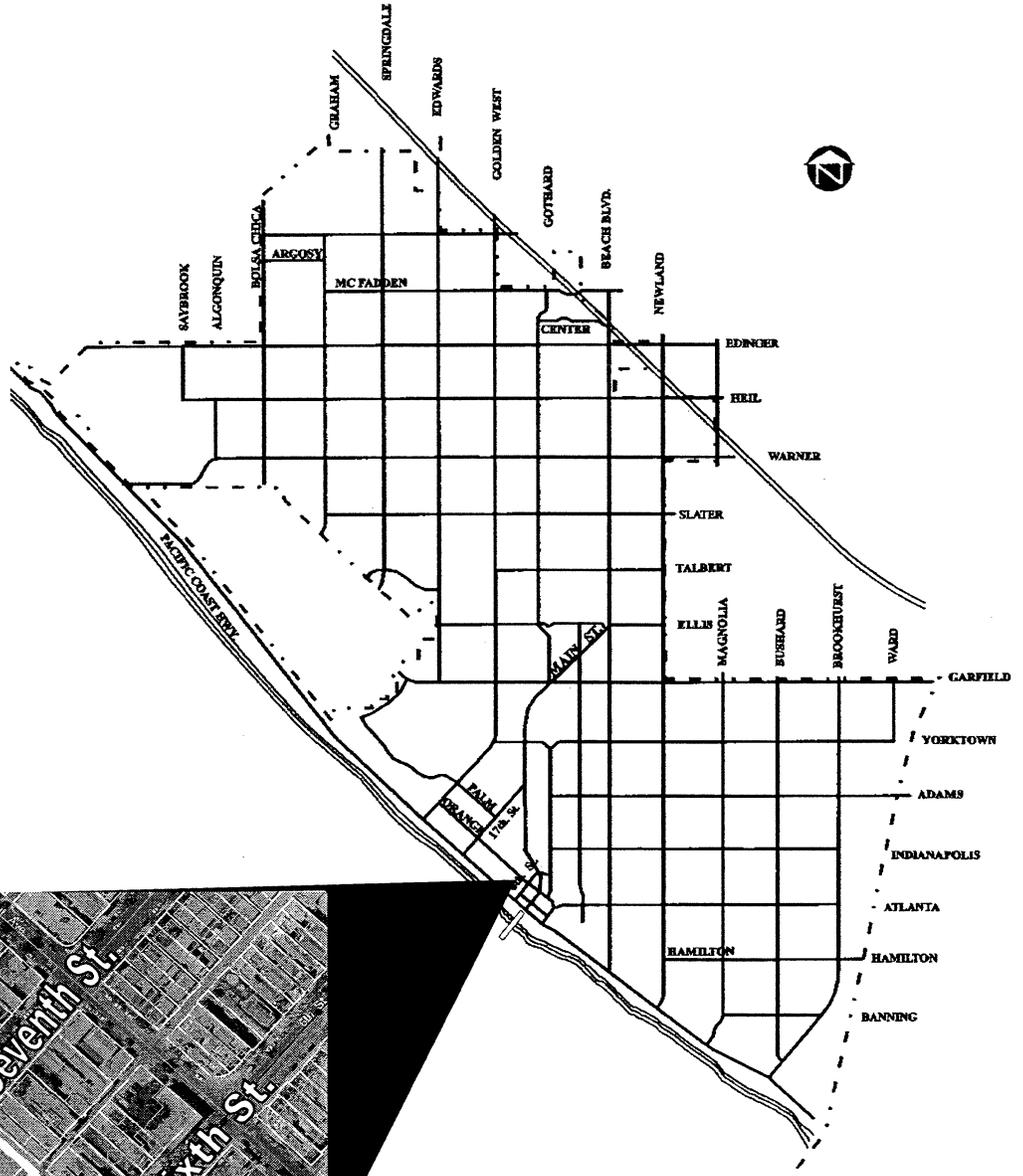
PROPERTY

OWNER: Michael Younessi, Alea Investments, LLC., 16033 Bolsa Chica St. Ste. 104-200, Huntington Beach, CA 92649

LOCATION: 620 Pacific Coast Highway, 92648 (Northeast corner of Pacific Coast Highway and Seventh St.)

STATEMENT OF ISSUE:

- ◆ Mitigated Negative Declaration No. 08-011 analyzes the potential environmental impacts associated with implementation of the proposed project.
- ◆ Coastal Development Permit No. 08-005/Conditional Use Permit No. 08-11 request to construct a four story, approximately 12,898 sq. ft. mixed-use development consisting of visitor serving commercial (retail) on the ground floor, residential units on the second and third floor, and a 40 space two-level subterranean parking structure.
- ◆ Variance No. 08-006 requests to exceed the maximum allowed number of building stories (4 stories in lieu of the maximum 3 stories).
- ◆ Special Permit No. 08-002 request:
 - To permit a reduction of the minimum ground floor setbacks along Pacific Coast Highway (11 to 18 ft. in lieu of 25 ft.).
 - To permit a reduction of the minimum ground floor setbacks along Seventh Street (8 to 10 ft. in lieu of min. 15 ft.).
 - To permit a reduction of the minimum ground floor setbacks along interior side property line (5 ft. in lieu of min. 7 ft.).



Subject Site

VICINITY MAP
COASTAL DEVELOPMENT PERMIT NO. 08-005/ CONDITIONAL USE PERMIT NO. 08-011
WITH SPECIAL PERMIT NO. 08-002/ VARIANCE NO. 08-006/
MITIGATED NEGATIVE DECLARATION NO. 08-011
(620 PACIFIC COAST HIGHWAY)

- To permit a reduction of the minimum upper story setbacks along Pacific Coast Highway (6 ft. in lieu of min. average of 10 ft.).
- To permit a reduction of the minimum upper story setbacks along Seventh Street (0 ft. in lieu of min. average of 10 ft.).
- To permit an increase of the maximum allowed slope for parking garage transition ramps (15% in lieu of the max. 10%).

◆ Staff's Recommendation:

Approve Mitigated Negative Declaration No. 08-011 based upon the following:

- The project (with mitigation) will have no significant adverse environmental impacts.

Deny Variance No. 08-006 based upon the following:

- Approval of the requested variance would constitute a grant of special privilege.
- There are no special circumstances applicable to the property which warrants approval of the requested variance.
- Adherence to the maximum three floor requirement is necessary to maintain a consistent and compatible land use pattern in the neighborhood.

Continue Coastal Development Permit No. 08-005 and Conditional Use Permit No. 08-011 with Special Permit No. 08-002 to allow the applicant time to redesign the project.

RECOMMENDATION:

Motion to:

- A. "Approve Mitigated Negative Declaration No. 08-011 with findings and mitigation measures (Attachment No. 1);"
- B. "Deny Variance No. 08-06 with findings for denial (Attachment No. 1)."
- C. "Continue Coastal Development Permit No. 08-005 and Conditional Use Permit No. 08-011 with Special Permit No. 08-002 to redesign the project (**Staff Recommendation**).

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. "Approve Variance No. 08-006, Coastal Development Permit No. 08-005, and Conditional Use Permit No. 08-011 with Special Permit No. 08-002 with findings and conditions of approval" (**Applicant's Request**).
- B. "Deny Mitigated Negative Declaration No. 08-011, Variance No. 08-006, Coastal Development Permit No. 08-05, and Conditional Use Permit No. 08-011 with Special Permit No. 08-002 with findings for denial."

- C. "Continue Mitigated Negative Declaration No. 08-011, Variance No. 08-006, Coastal Development Permit No. 08-005, and Conditional Use Permit No. 08-011 with Special Permit No. 08-002 and direct staff accordingly."

PROJECT PROPOSAL:

Mitigated Negative Declaration No. 08-011 represents a request to analyze the potential environmental impacts associated with implementation of the proposed project.

Coastal Development Permit No. 08-005 and Conditional Use Permit No. 08-011 represents a request for the following:

- A. To permit new development pursuant to Chapter 245 Coastal Permit of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO).
- B. To construct a four-story, approximately 12,898 sq. ft. mixed-use development consisting of visitor serving commercial (retail) on the ground floor, residential units on the second and third floor, and a 40 space two-level subterranean parking structure pursuant to Section 4.3.01(b) Permitted Uses of the Downtown Specific Plan (DTSP).

Special Permit No. 08-02, pursuant Section 4.1.02 of the DTSP, a special permit is requested for the following:

- A. An 11 ft. to 18 ft. front yard setback along Pacific Coast Highway in lieu of the minimum required 25 ft. landscaped setback (7 to 14 ft. reduction) pursuant to Section 4.3.06, Setback (Front Yard), of the DTSP; and
- B. A six foot upper story setback along the Pacific Coast Highway frontage in lieu of a minimum average of 10 ft. upper story setback (4 ft. reduction) pursuant to Section 4.3.09, Setback (Upper Story), of the DTSP; and
- C. An eight ft. to 10 ft. exterior (street) side yard setback along Seventh Street in lieu of the minimum required 15 ft. landscaped setback (5 to 7 ft. reduction) pursuant to Section 4.3.07(b), Setback (Side Yard), of the DTSP; and
- D. A 0 ft. foot upper story setback along the Seventh Street frontage in lieu of a minimum average of 10 ft. upper story setback (10 ft. reduction) pursuant to Section 4.3.09, Setback (Upper Story), of the DTSP; and
- E. A five ft. interior side yard setback in lieu of the minimum required seven ft. side yard setback (2 ft. reduction) pursuant to Section 4.3.07(a), Setback (Side Yard), of the DTSP; and
- F. A slope of 15% in lieu of the maximum allowed slope of 10% for parking garage transition ramps (5% increase).

Variance No. 08-006 pursuant to Chapter 240 of the HBZSO is requested to allow a fourth floor deck in lieu of the maximum allowed number of three floors pursuant to Section 4.3.04, Maximum Building Height, of the DTSP.

The request involves the construction of a four-story 12,898 sq. ft. mixed-use building on the subject property. The applicant is proposing approximately 4,261.5 square feet of retail space on the first floor consisting of up to four units. The size of the units range from approximately 777 sq. ft. to 1,204.2 sq ft. The building is designed with the retail storefront facing Pacific Coast Highway (PCH) and Seventh Street. The main entrances of the retail units face PCH. Secondary access is provided at the rear of the units facing the alley.

The project proposes a total of seven residential units on the second and third floors. The following is a break down of the units:

Unit No.	Size (sq. ft.)	Number of Bedrooms
201	1,278	2
202	958	2
203	954	2
204	1,280	2
301	1,437	2
302	1,382	3
303	1,551	2

The units are designed with balconies located along the PCH and Seventh Street frontages. Access to the units is provided from PCH via a pedestrian paseo on the ground floor. The paseo bisects the retail units and leads to an elevator at the rear of building. The elevator provides access to the residential units on the upper floors as well as the subterranean parking structure below. Two staircases, along Seventh St. and the easterly property line, also provide access to the residential units. Common open space for all the residential units is provided on a fourth floor deck. The deck provides amenities such as a barbeque, fire pit and seating areas.

The project proposes to provide parking within a two-level, 40-space subterranean parking garage. Additionally six surface level parking spaces are provided at the rear of the building and accessible from the alley.

Study Session Summary:

The following are issues that were raised during the Planning Commission Study Session meeting on Tuesday, September 9, 2008:

- Comparison of project to other downtown developments

The Planning Commission requested a comparison of the surrounding developments that were approve with special permits. The tables below provide a breakdown of the Project Site, The Strand and, Plaza Almeria developments in comparison to the proposed project and applicable code requirements.

Pacific View (Subject Site)			
	Development Standard	Proposed	Required
	Front Setback (PCH)	11 to 18 ft	25 ft. min.
	Street Side Setback (7 th St.)	8 to 10 ft.	15 ft. min.
	Interior Setback	5 ft.	7 ft. min.
	Upper story setback (PCH)	6 ft.	10 ft. avg. min
	Upper story setback (7 th St.)	0 ft.	10 ft. avg. min.
	Number of Stories	4	3 max.
	Transition Ramp Incline	15%	10% max.

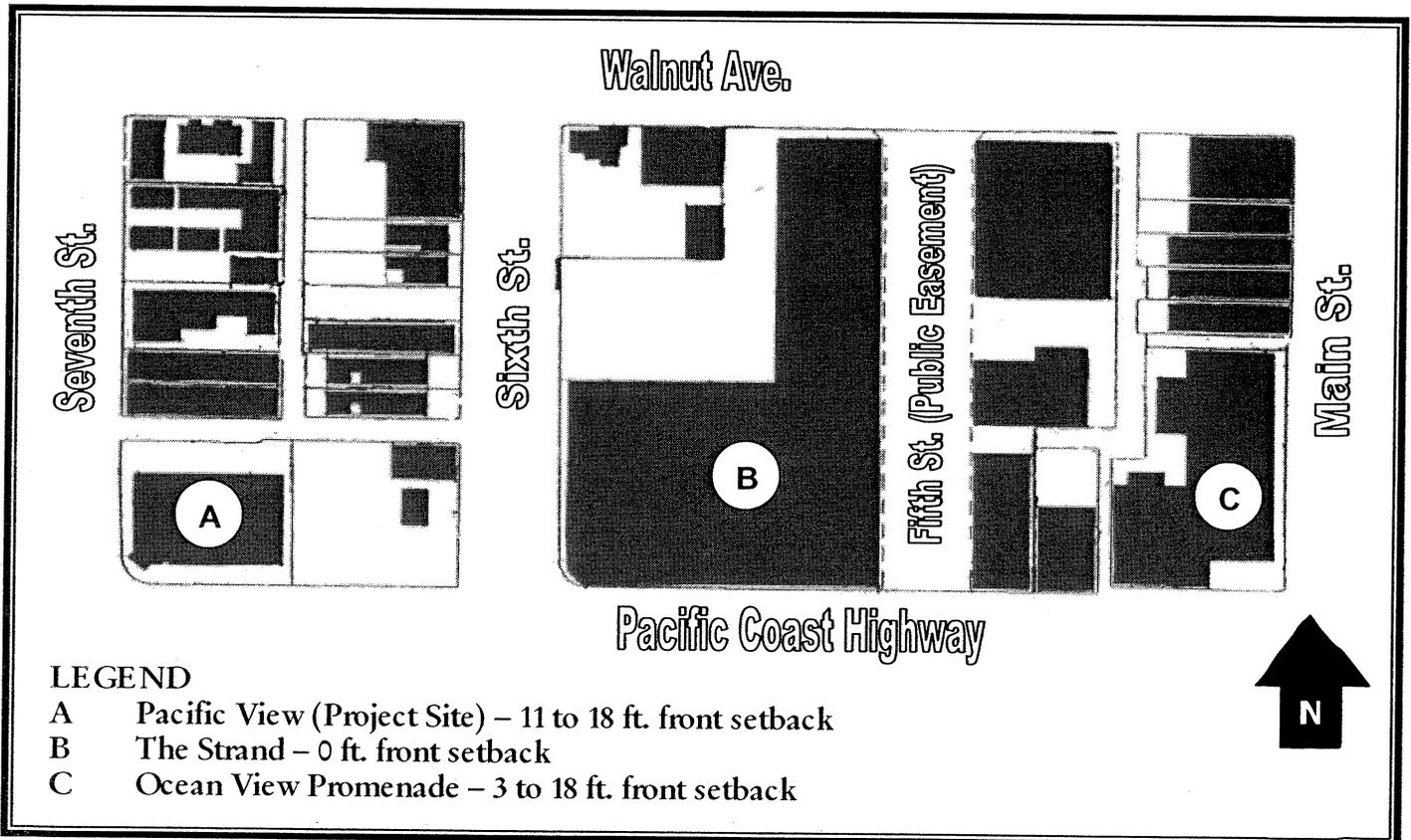
The Strand (155 5th St.)			
	Development Standard	Approved	Required
	Front Setback (PCH)	0 ft	15 ft. min.
	Street Side Setback (6 th St.)	6.5 ft.	15 ft. min.
	Street Side Setback (Walnut Ave.)	5 ft.	15 Ft. min.
	Upper Story Setback (PCH)	11 ft. avg.	25 ft. avg. min.
	Height	49 ft. (building) 70 ft. (tower)	45 ft. max. 55 ft. max
	Reduced View Corridor (5 th St.)	65 ft.	80 ft. avg. min.

Plaza Almeria (301 Main St.)

	Development Standard	Proposed	Required
	Street Setback (Main St., Olive Ave., and Orange Ave.)	0 to 5 ft	5 ft. min.
	Upper story setback (Main St., Olive Ave., and Orange Ave. and 5 th St.)	0 to 10 ft.	10 ft. avg. min
	Height	54 ft. (building) 65 ft. (Tower)	45 ft. max. 55 ft. max.
	Public Open Space	3,235 sq ft. linear	1,000 sq. ft. square
	Common Open Space	15,600 sq. ft. 10 ft. dimension	12,735 sq. ft. 20 ft. min. dimension

- Study of setbacks between Seventh St. and Main St.

The Planning Commission requested a study of the setbacks for proposed project in comparison with the adjacent surrounding structures. The graphic below depicts the setbacks for the proposed development in comparison with the structures along PCH from Main St. to 7th St..



LEGEND

- A Pacific View (Project Site) – 11 to 18 ft. front setback
- B The Strand – 0 ft. front setback
- C Ocean View Promenade – 3 to 18 ft. front setback

- Alley width

The Planning Commission requested a plan showing the full width of the alley. The applicant has prepared a plan provided in Attachment No. 5 which depicts the full width of the alley.

ISSUES:

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

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	MV-F8-sp-d (Mixed Use Vertical – 1.5 Max. Floor Area Ratio/ 25 Dwelling Units per Acre – Specific Plan Overlay – design Overlay)	SP5 - CZ (Downtown Specific Plan – Coastal Zone)	Vacant
North of Subject Property (across Alley):	RH 30-d-sp (Residential High Density – 35 Dwelling Units per Acre – Specific Plan Overlay – Design Overlay)	SP5 - CZ	Multi-family residential
East of Subject Property:	MV-F8-sp-d	SP5 - CZ	Commercial
South of Subject Property (across PCH)	OS-S (Open Space – Shore)	SP5 - CZ	Beach parking
West of Subject Property (across Seventh Street)	MV-F8-sp-d	SP5 - CZ	Retail/Office

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is MV-F8-sp-d (Mixed Use Vertical – 1.5 Max. Floor Area Ratio/ 25 Dwelling Units per Acre – Specific Plan Overlay – design Overlay). 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

Goal LU 4: Achieve and maintain high quality architecture, landscape, and public open spaces in the City.

Policy LU 7.1.1: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Goal LU 8: Achieve a pattern of land uses that preserves, enhances, and establishes a distinct identity for the City's neighborhoods, corridors, and centers.

Goal LU9: 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.

Policy LU 10.1.4: Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

Goal LU11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Policy 11.1.7: Require that mixed-use development projects be designed to achieve a consistent and high quality character, including the consideration of architectural treatment of building elevations to convey the visual character of multiple building volumes and individual storefronts.

Policy LU 15.2.2: Require that structures located in the pedestrian overlay zone be sited and designed to enhance pedestrian activity along the sidewalks, in consideration of the following guidelines:

- 1) Incorporation of uses that stimulate pedestrian activity in the first floor along the street frontage, encouraging professional offices, data computing, and other similar uses to be located in the rear or above the first floor unless economically infeasible;
- 2) Siting of the linear frontage of the building along the front yard property line to maintain a "building wall" character, except for areas contiguous with the structure use for outdoor dining or courtyards;
- 3) Assurance that areas between building storefronts and public sidewalks are visually and physically accessible to pedestrians, except as may be required for landscape and security;
- 4) Extensive articulation of the building façade and use of multiple building volumes and planes;
- 5) Incorporation of landscape and other elements such as planter beds, planters, and window boxes that visually distinguish the site and structure;
- 6) Incorporation of arcades, courtyards, and other recesses along the street elevation to provide visual relief and interest;
- 7) Use of roofline and height variation to break up the massing and provide visual interest;
- 8) Visual differentiation of upper and lower floors;
- 9) Distinct treatment of building entrances; and
- 10) Use of pedestrian-oriented signage.

The subject property is located within Community Subarea 1C (abutting the downtown "Core") and does not comply with the standards for maximum building height of three (3) stories within the subarea. The project proposal includes a request for a variance to allow a fourth floor in lieu of the maximum allowed three floors to provide the required common open space for all the residential units (7). The fourth floor deck encompasses the majority of the top level of the structure at the rear elevation and reduces the overall merits of the project. Along the street frontages, the proposed design

incorporates roofline variations and articulation and decorative architectural details/elements. The project also provides visual interest while enhancing the pedestrian experience in the downtown. Yet the requested variance to allow a fourth floor for the provision of the required common open space in lieu of the maximum of three floors renders the building incompatible. The mass and bulk along the rear elevation cannot be addressed through the application of suggested conditions of approval. Removal of the fourth floor would require significant redesign of the overall project and the provision of common open space for the residential units.

B. Urban Design Element

Policies UD 1.1.2: Reinforce Downtown as the City's historic center and as a pedestrian-oriented commercial and entertainment/recreation district by requiring new development be designed to reflect the Downtowns historical structures and adopted Mediterranean theme

Policies - UD 1.4.1: Enhance the connections, where feasible between the public sidewalk and private commercial interior open spaces/courtyard

Absent the issue of incompatibly between the design of the fourth floor along the rear elevation and the character of the residential uses to the north, the project complies with the Urban Design Guidelines. Along the street frontages the project provides an articulated facade and a pedestrian-oriented design through the use of design elements such as building siting along the sidewalk and decorative stone and a glass storefront used to distinguish the ground floor commercial from upper floor residential uses. The proposed mixed-use structure incorporates characteristics consistent with the historic structures in downtown such as pedestrian oriented storefronts, and distinction between lower and upper floors. The architecture adopts a Mediterranean theme by including a stone facade on the first floor, arched storefront mullions, decorative stone cornices, and window treatments above the second and third floor windows. Furthermore, the proposed development will be constructed at reduced setbacks that will place the storefront closer to the public sidewalk to encourage a pedestrian oriented design that provides window-shopping and an intimate downtown atmosphere. In addition, the building storefront wraps around to the east elevation along Seventh Street to extend the pedestrian activities.

C. Coastal Element

Policy C 1.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

Goal C 3: Provide a variety of recreational and visitor-serving commercial uses for a range of cost and market preferences

Policy C 3.2.3: Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including, but not limited to, shops, restaurants, hotels and motels, and day spas.

Policy C 3.4.2: Enhance the Municipal Pier and surrounding area to function as the “hubs” of tourist and community activity.

The development consists of a mixed-use project, which includes retail ground floor units for visitor-serving commercial establishments. Public services and infrastructure are currently available to the project site, as well as the surrounding parcels. Additionally, the proposed project would develop visitor-serving commercial uses at the periphery of the City’s downtown core area, which has been targeted for redevelopment as a destination location. Portions of the downtown core have already been established. The proposed project provides for a transition between the downtown core and surrounding residential areas which would help further establish the area. The project site is also located near other established points of attraction, including the Huntington Beach Municipal Pier, and is intended to reinforce the vicinity as a major visitor-serving district.

Zoning Compliance:

This project is located in the SP5 - CZ (Downtown Specific Plan – Coastal Zone) specific plan. With the exception of the variance request and special permit requests, the project complies with the requirements of that zone. In addition, a list of City Code Requirements, Policies, and Standard Plans of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Code has been provided to the applicant (Attachment No. 8) for informational purposes only.

Urban Design Guidelines Conformance:

Absent the issue of incompatibility between the design and provision of the fourth floor for all the required common open space, the proposed project is in substantial conformance with the Urban Design Guidelines, Chapter 5, Downtown/Main Street Commercial. The applicant has completed the Urban Design Checklist for the proposed project and indicates compliance with the Guidelines. The proposed mixed-use development will enhance the downtown as a focal point, emphasize design elements and viewshed of the shoreline and pier. The design will establish pedestrian-oriented, attractive, inviting, building that will provide high quality architecture and design. The proposed design and architecture along the street frontages therefore provides proper access, visibility and identity envisioned for the downtown. The proposed site planning and relationship to the street frontages provides a continuation of the massing of newly constructed development with consistent setbacks and a Mediterranean architectural style encouraged in the City’s Design Guidelines. However, the merits of the project proposal are overshadowed by the variance request for the fourth floor to provide all of the required common open spaces. While the street frontages propose architectural style and design that incorporates consistent building form and mass envisioned by the Downtown Specific Plan “Village Concept,” the rear elevation is incompatible with the character of the residential uses to the north resulting from the fourth floor. The mass and bulk along the rear elevation cannot be addressed through suggested conditions of approval. Removal of the fourth floor would require significant redesign of the project and re-evaluation by staff for zoning compliance.

Environmental Status:

Staff has reviewed the environmental assessment and determined that no significant impacts are anticipated as a result of the proposed project that could not be mitigated to a level of insignificance with proper design and mitigation measures. Subsequently, draft MND No. 08-011 (Attachment No. 9) was prepared with mitigation measures pursuant to Section 240.04 of the HBZSO and the provisions of the California Environment Quality Act (CEQA).

Draft MND No. 08-011 was advertised and made available for a thirty (30) day public review and comment period, commencing August 7, 2008 and ending on September 5, 2008. A total of eight comment letters were received during the review period. Five letters were received from residents and property owners from the surrounding neighborhood addressing the following issues:

- Increase in traffic generated by the project; and
- Incompatibility with the surrounding neighborhood;

The California Department of Transportation (CalTrans) submitted a letter stating that an encroachment permit would be required for work with the Caltrans controlled right-of-way.

Environmental Board Comments:

The Environmental Board reviewed draft MND No. 08-011 at their September 4, 2008 meeting and provided a comment letter on September 8, 2008. The Environmental Board's letter addressed the following issues:

- Reduced setbacks affect the building's ability to "breathe".
- Park and recreation fees should be dedicated to improve park/open space within the neighborhood.
- Provisions should be made to address dewatering of the garage.
- Roof top elevator shafts and staircases may impede ocean views from neighboring residences.
- Special consideration should be given to existing abandoned oil wells on site.

A Response to Comments and Errata were prepared by staff addressing the issues identified in the eight letters and are included with the attached MND (Attachment No. 9).

Prior to any action on Coastal Development Permit No. 08-005, Conditional Use Permit No. 08-011 with Special Permit No. 08-002, and Variance No. 08-006 the Planning Commission must review and act on MND No. 08-011. Based on the initial study of the project, staff is recommending that the MND be approved with suggested findings and mitigation measures.

Coastal Status:

The proposed project is located within the non-appealable jurisdiction of the Coastal Zone. Coastal Development Permit No. 08-005 is being processed concurrently with Conditional Use Permit No. 08-011 with Special Permit No. 08-002, and Variance No. 08-006 pursuant to Chapter 245 of the HBZSO. The proposed project complies with the zoning code (with exception to the requested special permits and

Variance) and Coastal Zone requirements, and will implement the following policies of the Coastal Element of the General Plan:

- Protect, encourage and, where feasible, provide visitor-serving facilities in the Coastal Zone that are varied in type and price.
- Improve the appearance of visually degraded areas.
- Ensure that adequate parking is provided in all new development in the Coastal Zone.

Redevelopment Status:

The project is located in the Huntington Beach Redevelopment Project, Main-Pier subarea. The Economic Development Department has reviewed the request and supports the proposed development. Only verbal comments have been provided no written comments were received.

Design Review Board:

The project was reviewed by the Design Review Board (DRB) on May 8, 2008, May 29, 2008, and June 12, 2008. The DRB recommended approval of the project with the following modifications:

- An architectural reveal shall be provided between the edge of the staircase enclosure and the balconies along the Seventh St. frontage from the first floor to the fourth floor.
- Landscaping shall be provided along the Seventh Street frontage.
- The tower feature shall either provide a five ft. setback on the third floor or be redesigned as a circular feature with a circular roof.

The applicant concurs with the first two DRB recommended modifications. However, the applicant has expressed concern with the recommendation to modify the square tower proposed at the southwest corner of the site. The applicant has indicated that providing a five ft. setback to the third floor of the tower will have an undesirable affect to the third floor plan. The applicant has also indicated that redesigning the tower as a circular feature will conflict with the south and west elevations of the building. However, the applicant has prepared an alternative design which they believe addresses the issues raised by the DRB (Attachment No. 4). The applicant proposes to keep the square tower feature and provide an 18 inch upper story setback on the third floor of the tower. Staff does not support the applicant's alternative design because the tower is shifted approximately three ft. closer to the property line to provide the upper story setback.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Departments of Fire, Public Works, and Planning have reviewed the application and identified applicable code requirements. The Code Requirements letter was transmitted on August 29, 2008 and is attached for informational purposes (Attachment No. 8). In addition, the Public Works Department recommended the following conditions of approval if the project were to be approved (Attachment No. 2):

- The underground parking structure shall be prohibited from encroaching onto adjacent properties and alley right-of-way.

- Underground utilities on the project site shall be field verified by an engineer.
- Construction method for shoring/tie back for the foundation construction shall be submitted for review and approval by the Department of Public Works.
- A raised median shall be constructed within the Pacific Coast Highway right-of-way.
- An encroachment permit from Caltrans for work within the Caltrans right-of-way shall be obtained by the applicant.

The Police Department also recommended the following conditions of approval if the project were to be approved as proposed (Attachment No. 2):

- An antenna shall be installed within the underground parking structure to relay Police and Fire Department radio transmissions.
- Lighting in the parking structure shall be placed over and in between parking stalls.
- Security cameras shall be installed at the entrance/exit of the parking structure, elevators, and stairwells.
- Elevators and stairwells shall be adequately lighted.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on September 11, 2008, 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 September 16, 2008, no additional letters other than the eight received in response to the MND public comment period were received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

June 30, 2008

MANDATORY PROCESSING DATE(S):

Mitigated Negative Declaration: December 27, 2008
(180 days)

Coastal Development, Conditional Use Permit with Special Permit, and Variance: Within 60 days from Mitigated Negative Declaration Approval

Coastal Development Permit No. 08-005 and Conditional Use Permit No. 08-036 with Special Permit No. 08-002 were filed on March 10, 2008 and Environmental Assessment No. 08-011 and Variance No. 08-006 were filed on June 5, 2008. The entitlements were deemed complete June 30, 2008. The application is tentatively scheduled for the Planning Commission meeting of September 23, 2008.

If the MND is approved at the September 23, 2008 meeting and the remaining applications, with the exception of the variance request, are continued (staff recommendation), the State mandatory processing deadline will be November 22, 2008. Therefore the coastal development permit and conditional use permit with special permits must be continued to the October 28, 2008 meeting in compliance with the Planning Commission project processing requirements. However, if the entire project is continued

(MND, CDP, CUP w/ SP), the MND will have to be acted upon by December 27, 2008 and the remaining actions must occur within 60 days or by February 25, 2009 at the latest.

ANALYSIS:

The primary issues to consider in conjunction with this request are compatibility with the surrounding land uses, consistency with the General Plan, and compliance with the Downtown Specific Plan. The major site plan issues are the special permits for reduced front and side yard setbacks, reduced upper story setbacks, increased transition ramp slope, and a variance to permit a fourth floor deck for the provision of the code required common open space for the residential units.

Land Use Compatibility

The subject property is located within Community Subarea 1C (abutting the downtown "Core") and does not comply with the standards for maximum building height of three (3) stories within the subarea. The project proposal includes a request for a variance to allow a fourth floor in lieu of the maximum allowed three floors. The fourth floor is designed as an uncovered deck to provide the code required common open space (approximately 2,229 sq. ft.) for all the residential units (7). While the project is designed to appear like a three story structure along the street frontages, the fourth floor deck encompasses the entire top level of the structure appears massive and bulky at the rear elevation. Along the PCH and Seventh Street frontages, the fourth floor is concealed by a decorative tower at the southwest corner of the building and is integrated into the third floor through the use of parapet walls of varying heights. However, access to the fourth floor is provided via two staircases, an elevator, and balcony located at the rear elevation. These elements are located at the edge of the proposed building and add mass and bulk adjacent to the single family uses. The location, design, and size of these elements results in an incompatible design facing the residential uses to the north (across the alley).

The merits of the overall project proposal are reduced by the variance request for the fourth floor. Absent the issue of incompatibility resulting from the fourth floor, the project meets the intent of the general plan. The project incorporates several special permits to reduce the a building setbacks along the Pacific Coast highway and Seventh Street Frontages from 25 ft. to between 11 and 18 ft. and from 15 ft. to between 8 and 10 ft. respectively. The reduced setbacks will be similar and/or greater then setbacks provided for new construction along PCH to the east (The Strand). The Mixed Use General Plan designation identifies the site as located in a pedestrian overlay which promotes sitting of the linear frontage of buildings along the front yard property line to maintain a "building wall" character. The Urban Design Guidelines indicates that downtown commercial development should create a familiar rhythm. This pattern of buildings with similar setbacks and scale visually ties the streetscape together and creates a consistent pattern of development. In addition, repetition of traditional façade components creates patterns and alignment that visually link buildings within several blocks.

Along the street frontages, the proposed design incorporates roofline variations and articulation and decorative architectural details/elements. The project also provides visual interest while enhancing the pedestrian experience in the downtown. Yet the requested variance to allow a fourth floor for the provision of the required common open space in lieu of the maximum of three floors renders the building incompatible. The mass and bulk along the rear elevation cannot be addressed through the application of

suggested conditions of approval. Removal of the fourth floor would require significant redesign of the overall project and the provision of common open space for the residential units. In an effort to allow the applicant to re-design the project within the parameters of the maximum number of floors, staff is recommending a continuance.

Consistency with the General Plan

The General Plan limits the number of stories within Community Subarea 1C to three stories. The project proposal includes a request for a variance to allow a fourth floor in lieu of the maximum allowed three floors. The fourth floor is designed as an uncovered deck to provide required common open space for the residential units. The design of the fourth floor is incompatible with the adjacent residential uses to the north. Because the fourth floor deck encompasses the majority of the top level of the structure at the rear elevation, the provision of a fourth floor is not consistent with the maximum allowed number of floors identified in the General Plan and that the edge of the building is massive and bulky adjacent to the maximum three story residential uses to the north.

Compliance With The Downtown Specific Plan

The mixed use development complies with the intent of District 1 of the DTSP with the exception of the variance for the maximum number of floors and the special permits for the setbacks. The proposed project would develop visitor-serving commercial uses at the periphery of the City's downtown core area, which has been targeted for redevelopment as a destination location. Portions of the downtown core have already been established. The proposed project provides for a transition between the downtown core and surrounding residential areas which would help further establish the area. The project site is also located near other established points of attraction, including the Huntington Beach Municipal Pier, and is intended to reinforce the vicinity as a major visitor-serving district.

As previously mentioned and discussed in further detail below the merits of the project are outweighed by the impacts associated with a variance requests to allow a fourth floor in lieu of the maximum allowed three floors. The applicant requests the variance in order to provide minimum required amount of common open space required by the DTSP. Furthermore, several special permits are requested to deviate from ground floor and upper story setback requirements. The special permit requests are also discussed in further detail below.

Variance

When considering requests for a variance, the Planning Commission must consider whether the subject property presents unique circumstances which justify approval of the variance request. The Planning Commission must also consider whether or not approval of the variance would constitute a grant of special privilege.

HBZSO Section 241.10(B) – *Required Findings for Variances*, states that the Planning Commission must make the following findings when granting a variance:

1. The granting of a variance will not constitute a grant of special privilege inconsistent with limitations 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 under identical zone classification.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification and is consistent with the General Plan.

If the Planning Commission finds that there is insufficient basis for each of the findings listed above, the application must be denied. The requested variance finding identified under No. 4 cannot be made because the fourth floor request is inconsistent with the three story limit identified in the General Plan.

The applicant contends that given the lot size, nature of mixed use development, parking requirements, and amount of open space required by the code (2,229 sq. ft.), the site is limited in terms of viable locations for accommodating the open space requirement. The solution presented by the applicant is to provide a fourth floor deck in lieu of the maximum three floors for purposes of providing common open space.

Staff believes that there are no special circumstances applicable to the property which warrants approval of the requested variance. The subject property, which is 12,924.77 sq. ft. in area and 125 ft. in width, is both larger and wider than the minimum lot area (10,000 sq. ft.) and width (100 ft.) required in District 1 of the DTSP. Moreover, the lot is regular/rectangular in shape and has no topographical constraints or unique surroundings which serve as a basis for approval of an additional floor. Absent such special circumstances, approval of the variance would constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and with the General Plan limit of three stories.

Staff also believes that requiring adherence to the maximum three floor requirement is necessary to maintain a consistent and compatible land use pattern in the neighborhood and minimize any the mass and bulk of structures adjacent to residential uses.

A review of the submitted plans also indicates that other opportunity exists for providing common open for the development. While the proposal complies with the maximum allowed density and maximum allowed floor area ratio, the number of residential units could be reduced and adequate common open space could be provided on the third floor, eliminate the need of a fourth floor deck. Granted, this alternative design may reduce the economic feasibility of the project; however the costs and economic feasibility associated with building in compliance with the applicable codes (absent unique circumstances associated with the property) are not, under the provisions of the HBZSO, a basis for the granting of a variance.

Special Permits

The applicant is requesting approval of six special permits (For a depiction of the special permit request see Attachment No. 6). Section 4.1.02 of the Downtown Specific Plan allows the Planning Commission to grant special permits for deviations from the development standards of the Downtown Specific Plan. Special permits may be approved when the Planning Commission determines that significantly greater benefits from the project can be provided than would occur if all the minimum requirements were met.

These benefits include unique or innovative designs and the use of energy conservation or solar technology. In addition, the Planning Commission must determine that the project and related special permits will also:

1. Promote better living environments; and
2. Provide better land planning techniques with maximum use of aesthetically pleasing types of architecture, landscaping, site layout and design; and
3. Not be detrimental to the general health, welfare, safety and convenience of the neighborhood or City in general, nor detrimental or injurious to the value of property or improvements of the neighborhood or of the City in general; and
4. Be consistent with objective of the Downtown Specific Plan in achieving a development adapted to the terrain and compatible with the surrounding environment; and
5. Be consistent with the policies of the Coastal Element of the City's General Plan and the California Coastal Act; and
6. Comply with State and Federal law.

Special Permit – Setbacks

The applicant asserts that the proposed development meets the intent of the DTSP by providing an innovative and an energy efficient building. Staff is in support of the requests for special permits for reduced setbacks in that the design of the building along the street frontages provides varying façades and roof offsets to create a “building wall” character. The Urban Design Guidelines indicates that downtown commercial development should create a familiar rhythm. The request continues a pattern of buildings with similar setbacks and scale that visually ties the streetscape together and creates a consistent pattern of development. In addition, it is important to note that the majority of new buildings in downtown have received some relief from the strict application of the ground level and upper story setback requirements. The basis for the upper story setback requirement is to provide a break in the building façade from the first two stories to the 3rd stories above and eliminate a shear wall design. Staff supports the reduced upper story setbacks because the applicant provides a distinctive break between the lower floors and the upper floors by the use of materials and reduced upper story setbacks.

Special Permit – Garage Transition Ramps

To provide a project consistent with the development concept established by District of the DTSP, adequate parking must be provided in compliance with the HBZSO. In order to avoid a streetscape dominated by vehicle parking, the applicant proposes to construct a 40-space subterranean parking structure. However the depth of the subject site (105'-6") restricts the availability of space to comply with max slope of 10% for transition ramps. The increased slope is necessary to provide adequate circulation throughout the parking structure. Staff supports the request for an increased slope of 15% for the transition ramps in that a subterranean parking garage is a superior land planning technique as opposed to provision of a surface parking lot. Furthermore, the increased slope of 15% is limited to the center portion of the transition ramp. Where the ramp meets the alley entrance and at each level of the parking structure, the slope is reduced to 10% to provide a safe transition.

SUMMARY:

The merits of the project proposal are over shadowed by the variance request for the fourth floor. While the street frontages propose an architectural style and design that incorporates consistent building form and mass envisioned by the Downtown Specific Plan "Village Concept," the rear elevation is incompatible with the character of the residential uses to the north. Absent the issue of incompatibility resulting from the fourth floor, the project meets the intent of the General Plan. However, staff believes the request for a variance to allow a fourth floor deck in lieu of the maximum allowed three floors is not warranted. Removal of the fourth floor would require significant redesign of the project. Therefore staff recommends approval of the MND, denial of the variance request, and continuance of the remaining entitlements to give the applicant ample time to redesign the project. It is important to note that staff's analysis of the special permit requests will be reevaluated in the event that the project is redesigned; therefore staff's recommendation may be subject to change.

ATTACHMENTS:

- ~~1. Suggested Finding for Approval – Mitigated negative Declaration No. 08-011 and Suggested Findings for Denial – Variance No. 08-006.~~
- ~~2. Public Works Department suggested conditions of approval dated August 29, 2008 and Police Department suggested conditions of approval dated March 30, 2008.~~
- ~~3. Site plan, floor plan, and elevations received and dated June 11, 2008.~~
- ~~4. Applicant's alternative design dated and received June 19, 2008.~~
- ~~5. Exhibit depicting the full width of the alley dated September 16, 2008.~~
- ~~6. Site plan, floor plan, and elevations depicting special permit requests.~~
- ~~7. Project Narrative dated March 10, 2008.~~
- ~~8. Code Requirements Letter dated April 21, 2008 (for informational purposes only).~~
- ~~9. Draft MND No. 08-011 and response to comments.~~

SH:HF:RT:lw

Narrative for Pacific View:
October 14, 2008

The request is for a mixed use project incorporating 4,082 sf retail on the first floor, 4,458 sf residential on the second floor, and 4,195 sf residential on the third floor. The project has been redesigned to completely eliminate the fourth floor deck. In order to accommodate this, the number of units has been reduced from 7 to 6. In addition to the special permit requests for reductions of setbacks, we are requesting a special permit for the reduction in common open space.

Given the residential square footage of 8,654 the zoning code requires a total of 2,163 sf. of open space. We have located 500 sf of open space at the center of the third floor. This space is accessible to residents on all levels, and creates a communal space that is ideally at the very core of the building. It is open to the sky, sheltered from the wind, and enhanced with built in seating and a decorative trellis. We ask that the Planning Dept take note of the rear common balconies which are accented with full length planters on both the second and third floors. While these do not meet the 20' minimum dimension for common open space, they nevertheless serve as communal spaces at both residential levels. These total 1,780 additional sf.

While the code requires the common open space on the lot, the beach directly across from Pacific View will inevitably provide the most beautiful and usable common open space to the residents of the project. That, in combination with the more contained open spaces we have provided will give the residents a variety of outdoor environments.

Additionally, in order to offset the deficiency in common open space directly on the lot, we have gone beyond the requirements for the private open spaces. Each unit is required to have 60 sf of private open space. Totaling 360 sf required private open space. As noted below, each unit substantially exceeds that amount.

PRIVATE OPEN SPACE CALCULATIONS:

Unit 201: 136.5 sf open space

Unit 202: 111.2 sf open space

Unit 203: 111.2 sf open space

Unit 204: 167.2 sf open space

Unit 301: 325.6 sf open space

Unit 302: 278.4 sf open space

Total private open space = 1,130.1 sf

This private open space provided is three times greater than that required.

By reducing the project from four to three stories, we have brought down the scale and massing of Pacific View to be more compatible with the neighboring residences. In addition, we have eliminated our request for a variance.

In regards to the special permits we are requesting:

We understand the three ways necessary to achieve a special permit and are addressing each one:

1. We plan to create a “green” building with ecologically friendly materials such as hardscape and countertops made of recycled glass products, reclaimed stone, energy efficient lighting, possible solar panels, bamboo flooring, etc.
2. The project is architecturally enhanced in its design and detailing to create a building that is appealing and design-conscious.
3. The project creates enhancement to the public with its landmark appearance, plaza frontage that has public water art and gathering spaces for an appealing promenade along PCH.



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING

August 29, 2008

Karen Otis
Otis Architecture
16871 Sea Witch Ln.
Huntington Beach, CA 92649

SUBJECT: COASTAL DEVELOPMENT PERMIT NO. 2008-005, CONDITIONAL USE PERMIT NO. 2008-011, DESIGN REVIEW NO. 2008-011, AND SPECIAL PERMIT NO. 2008-002 (17725 BEACH BLVD.) PROJECT IMPLEMENTATION CODE REQUIREMENTS

Dear Ms. Otis,

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 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 or site conditions change, the list may also change.

The attached project implementation code requirements may be appealed to the Planning Commission as a matter separate from the associated entitlement(s) within ten calendar days of the approval of the project pursuant to the Huntington Beach Zoning and Subdivision Ordinance Section 248.24. The appeal fee is \$494.00.

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 or at rtalleh@surfcity-hb.org and/or the respective source department (contact person below).

Sincerely,

Rami Talleh,
Associate Planner

Enclosure

cc: Gerald Caraig, Building and Safety Department – 714-374-1575
Lee Caldwell, Fire Department – 714-536-5531
Steve Bogart, Public Works – 714-536-1692
Herb Fauland, Principal Planner
Jason Kelley, Planning Department
Michael Younessi, Alea Investments, LLC., 16033 BOlsa Chica St. Ste. 104-200
Project File

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JUL 29 2008



HUNTINGTON BEACH PUBLIC WORKS DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: JULY 28, 2008

PROJECT NAME: PACIFIC VIEW MIXED USE BUILDING

ENTITLEMENTS: CDP NO. 2008-005, CUP NO. 2008-011, DR NO. 2008-011 AND SPECIAL PERMIT NO. 2008-002

PLNG APPLICATION NO: 2008-0050

DATE OF PLANS: MARCH 3, 2008

PROJECT LOCATION: 620 PACIFIC COAST HIGHWAY (NORTHEAST CORNER OF PACIFIC COAST HIGHWAY AND 7 TH STREETS)

PROJECT PLANNER: RAMI TALLEH, ASSOCIATE PLANNER

TELEPHONE/E-MAIL: 714-374-1682 / RTALLEH@SURFCITY-HB.ORG

PLAN REVIEWER: JAMES WAGNER, SENIOR CIVIL ENGINEER *jeu*

TELEPHONE/E-MAIL: 714-536-5467 / JWAGNER@SURFCITY-HB.ORG

PROJECT DESCRIPTION: TO PERMIT THE DEVELOPMENT OF A 12,751 MIXED USE DEVELOPMENT CONSISTING OF RETAIL ON THE FIRST FLOOR AND RESIDENTIAL ON THE SECOND AND THIRD FLOOR.

The following is a list of code requirements deemed applicable to the proposed project based on plans as stated above. The items below are to meet the City of Huntington Beach's Municipal Code (HBMC), Zoning and Subdivision Ordinance (ZSO), Department of Public Works Standard Plans (Civil, Water and Landscaping) and the American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), the Orange County Drainage Area management Plan (DAMP), and the City Arboricultural and Landscape Standards and Specifications. The list is intended to assist the applicant by identifying requirements which shall be satisfied during the various stages of project permitting, implementation and construction. If you have any questions regarding these requirements, please contact the Plan Reviewer or Project Planner.

This memo shall supersede the previous memo dated April 10, 2008. This memo eliminates development requirements for a Final Parcel Map which is not required for this entitlement.

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

1. The following dedication to the City of Huntington Beach shall be shown on the Grading Plan (ZSO 230.084A).
 - a. 4.5-feet of additional alley dedication. This will bring the alley right-of-way line to 12-feet from alley centerline. (ZSO 230.84)
2. A Legal Description and Plot Plan of the dedication to City to be prepared by a licensed surveyor or engineer and submitted to Public Works for review and approval. The dedication shall be recorded prior to issuance of a grading permit.
3. 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 plans shall comply with Public Works plan preparation guidelines and include the following improvements on the plan:
 - a. Set back of underground parking walls shall be a minimum of 5 feet from the Public right-of-way.
 - b. All curb, gutter and sidewalk along the 7th Street frontage shall be removed and replaced per Public Works Standard Plan Nos. 202 and 207. (ZSO 230.84)
 - c. All curb, gutter and sidewalk along the Pacific Coast Highway frontage shall be removed and replaced per CALTRANS Standard Plans. (ZSO 230.84)
 - d. Pavement for 4.5-feet of additional alley dedication. (ZSO 230.84)
 - e. An ADA compliant access ramp at the corner per CALTRANS Standard Plan A88A. (ZSO 230.84, ADA)
 - f. A new sewer lateral shall be installed connecting to the main in the alley. (ZSO 230.84)
 - g. Each unit may have a separate domestic water service and meter, installed per Water Division Standards, and sized to meet the minimum requirements set by California Plumbing Code (CPC). Alternatively, the building complex or individual floor may be served by a master water service and meter. The domestic water service(s) shall be a minimum of 1-inch in size for residential use and 2-inch in size for commercial. (ZSO 230.84)
 - h. 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 232)
 - i. A separate dedicated fire service line shall be constructed per Water Division Standards for the fire sprinkler system required by the fire Department (ZSO 230.84)
 - j. A separate backflow protection device shall be installed per Water Division Standards for domestic, irrigation, and fire water services. (Resolution 5921 and Title 17)
 - k. The existing water services and meter shall be abandoned per water Division Standards (ZSO 230.84)
4. If soil remediation is required, a remediation plan shall be submitted to the Planning, Public Works and Fire Departments for review and approval in accordance with City Specifications No. 431-92 and the conditions of approval. The plan shall include methods to minimize remediation-related impacts on the surrounding properties; details on how all drainage associated with the

remediation efforts shall be retained on site and no wastes or pollutants shall escape the site; and shall identify wind barriers around remediation equipment. (MC 17.05.150/FD Spec. 431-92)

5. 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)
 - a. "Smart irrigation controllers" and/or other innovative means to reduce the quantity of runoff shall be installed. (ZSO 232.04D)
 - b. Standard landscape code requirements apply. (ZSO 232)
6. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. (ZSO 232.04B)
7. Landscaping plans should utilize native, drought-tolerant landscape materials where appropriate and feasible. (DAMP)
8. A 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 signature shall be incorporated onto the Landscape Architect's plans and shall include the Arborist's name, certificate number and the Arborist's wet signature on the final plan. (Resolution 4545)
9. Hydrology and hydraulic analysis shall be submitted for Public Works review and approval (10, 25, and 100-year storms and back to back storms shall be analyzed). The drainage improvements shall be designed and constructed as required by the Department of Public Works to mitigate impact of increased runoff due to development, or deficient, downstream systems. Design of all necessary drainage improvements shall provide mitigation for all rainfall event frequencies up to a 100-year frequency. (ZSO 230.84)
10. A Project Water Quality Management Plan (WQMP) conforming to the City of Huntington Beach's Project WQMP Preparation Guidance Manual dated June 2006 and prepared by a Licensed Civil Engineer, shall be submitted to the Department of Public Works for review and acceptance and shall include the following:
 - a. Discusses regional or watershed programs (if applicable)
 - b. Addresses Site Design BMPs (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas
 - c. Incorporates the applicable Routine Source Control BMPs as defined in the Drainage Area Management Plan (DAMP)
 - d. Incorporates Treatment Control BMPs as defined in the DAMP
 - e. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs
 - f. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs
 - g. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs
 - h. Includes an Operations and Maintenance (O&M) Plan for all structural BMPs

- i. After incorporating plan check comments of Public Works, three final WQMPs (signed by the owner and the Registered Civil Engineer of record) shall be submitted to Public Works for acceptance. After acceptance, two copies of the final report shall be returned to applicant for the production of a single complete electronic copy of the accepted version of the WQMP on CD media that includes:
 - i. The 11" by 17" Site Plan in .TIFF format (400-by 400 dpi minimum).
 - ii. The remainder of the complete WQMP in .PDF format including the signed and stamped title sheet, owner's certification sheet, Inspection/Maintenance Responsibility sheet, appendices, attachments and all educational material.
 - j. The applicant shall return one CD media to Public Works for the project record file.
11. Indicate the type and location of Water Quality Treatment Control Best Management Practices (BMPs) on the Grading Plan consistent with the Project WQMP. The WQMP shall follow the City of Huntington Beach; Project Water Quality Management Plan Preparation Guidance Manual dated June 2006. The WQMP shall be submitted with the first submittal of the Grading Plan.
 12. 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 covered or roofed with a solid, impervious material. Connection of trash area drains into the storm drain system is prohibited. If feasible, the trash enclosure area shall be connected into the sanitary sewer. (DAMP)
 13. A soils report, prepared by a Licensed Engineer shall be submitted for reference only. (MC 17.05.150)
 14. 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)
 15. The name and phone number of an on-site field supervisor hired by the developer shall be submitted to the Planning and Public Works Departments. In addition, clearly visible signs shall be posted on the perimeter of the site every 250 feet indicating who shall be contacted for information regarding this development and any construction/grading-related concerns. This contact person shall be available immediately to address any concerns or issues raised by adjacent property owners during the construction activity. He/She will be responsible for ensuring compliance with the conditions herein, specifically, grading activities, truck routes, construction hours, noise, etc. Signs shall include the applicant's contact number, regarding grading and construction activities, and "1-800-CUTSMOG" in the event there are concerns regarding fugitive dust and compliance with AQMD Rule No. 403.
 16. The applicant shall notify all property owners and tenants within 300 feet of the perimeter of the property of a tentative grading schedule at least 30 days prior to such grading.

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

1. An Encroachment Permit is required for all work within the City's right-of-way. (MC 12.38.010/MC 14.36.030)
2. An Encroachment Permit is required for all work within Caltrans' right-of-way. (CALTRANS)

3. The developer shall coordinate the development of a truck haul route with the Department of Public Works if the import or export of material in excess of 5000 cubic yards is required. This plan shall include the approximate number of truck trips and the proposed truck haul routes. It shall specify the hours in which transport activities can occur and methods to mitigate construction-related impacts to adjacent residents. These plans must be submitted for approval to the Department of Public Works. (MC 17.05.210)
4. Water trucks will be utilized on the site and shall be available to be used throughout the day during site grading to keep the soil damp enough to prevent dust being raised by the operations. (California Stormwater BMP Handbook, Construction Wind Erosion WE-1)
5. 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)
6. Wet down the areas that are to be graded or that is being graded, in the late morning and after work is completed for the day. (WE-1/MC 17.05)
7. The construction disturbance area shall be kept as small as possible. (California Stormwater BMP Handbook, Construction Erosion Control EC-1) (DAMP)
8. All haul trucks shall be covered or have water applied to the exposed surface prior to leaving the site to prevent dust from impacting the surrounding areas. (DAMP)
9. Prior to leaving the site, all haul trucks shall be washed off on-site on a gravel surface to prevent dirt and dust from leaving the site and impacting public streets. (DAMP)
10. Comply with appropriate sections of AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. (AQMD Rule 403)
11. Wind barriers shall be installed along the perimeter of the site. (DAMP)
12. All construction materials, wastes, grading or demolition debris and stockpiles of soils, aggregates, soil amendments, etc. shall be properly covered, stored and secured to prevent transport into surface or ground waters by wind, rain, tracking, tidal erosion or dispersion. (DAMP)

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

1. A Precise Grading Permit shall be issued. (MC 17.05)
2. Traffic impact fees shall be paid at the rate applicable at the time of Building Permit issuance. The current rate of \$154 per net new added daily trip is adjusted annually. This project is forecast to generate 220 new daily trips for a total traffic impact fee of \$31,108.00. The rate is subject to an annual adjustment on December 1st. (MC 17.65)

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. General tree requirements, regarding quantities and sizes shall apply to this site. (ZSO 232.08B and C).
3. 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. (ZSO 232.04D)
4. 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.
5. Prior to grading or building permit close-out and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
 - a. Demonstrate that all structural Best Management Practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
 - b. Demonstrate all drainage courses, pipes, gutters, basins, etc. are clean and properly constructed.
 - c. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
 - d. Demonstrate that an adequate number of copies of the approved Project WQMP are available for the future occupiers.
6. All new utilities shall be undergrounded. (MC 17.64)
7. All applicable Public Works fees shall be paid at the current rate unless otherwise stated, per the Public Works Fee Schedule adopted by the City Council and available on the city web site at http://www.surfcity-hb.org/files/users/public_works/fee_schedule.pdf . (ZSO 240.06/ZSO 250.16)
8. The Water Ordinance #14.52, the "Water Efficient Landscape Requirements" apply for projects with 2500 square feet of landscaping and larger. (MC 14.52)



HUNTINGTON BEACH FIRE DEPT.

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: APRIL 2, 2008

DATE OF PLANS: MARCH 3, 2008

PROJECT NAME: PACIFIC VIEW MIXED USE BUILDING

PLANNING APPLICATION NO. PLANNING APPLICATION NO. 2008-0050

ENTITLEMENTS: COASTAL DEVELOPMENT PERMIT NO. 2008-005, CONDITIONAL USE PERMIT NO. 2008-011, DESIGN REVIEW NO. 2008-011 AND SPECIAL PERMIT NO. 2008-002

PROJECT LOCATION: 620 PACIFIC COAST HIGHWAY (NORTHEAST CORNER OF PACIFIC COAST HIGHWAY AND 7TH STREET)

PLANNER: RAMI TALLEH, ASSOCIATE PLANNER

TELEPHONE/E-MAIL: (714) 374-1682/ rtalleh@surfcity-hb.org

PLAN REVIEWER-FIRE: LEE CALDWELL, FIRE DEVELOPMENT SPECIALIST

TELEPHONE/E-MAIL: (714) 536-5531/ lcaldwell@surfcity-hb.org

PROJECT DESCRIPTION: TO PERMIT THE DEVELOPMENT OF A 12,751 MIXED USE DEVELOPMENT CONSISTING OF RETAIL ON THE FIRST FLOOR AND RESIDENTIAL ON THE SECOND AND THIRD FLOOR.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated March 13 and 31, 2008. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. If you have any questions regarding these requirements, please contact the Plan Reviewer- Fire: LEE CALDWELL, FIRE DEVELOPMENT SPECIALIST.

PRIOR TO DEMOLITION, GRADING, SITE DEVELOPMENT, ISSUANCE OF GRADING PERMITS, BUILDING PERMITS, AND/OR CONSTRUCTION, THE FOLLOWING SHALL BE REQUIRED:

Current or Former Gas Station Site (Underground Storage Tanks)

Based on site characteristics, suspected soil contamination, or proximity to former gas station underground storage tanks, the following is required:

- a. **"Soil Testing".**
 - A soil testing plan conforming to *City Specification #431-92 Soil Clean-Up Standards* shall be submitted and approved by the Fire Department.

- All soils shall conform to *City Specification #431-92 Soil Clean-Up Standards*, and testing results must be submitted, and approved by the Fire Department prior to issuance of a grading or building permit.
 - **Note:** Each site will be evaluated on an individual basis.
 - Reference that all soils shall be in compliance with *City Specification #431-92 Soil Clean-Up Standards* in the plan notes. **(FD)**
- b. **“Remediation Action Plan”** If contamination is identified, provide a Fire Department approved Remediation Action Plan (RAP) based on requirements found in Huntington Beach *City Specification #431-92, Soil Cleanup Standard*. Upon remediation action plan approval, a rough grading permit may be issued. **(FD)**
- c. **Proof of OCHCA Site Closure or Corrective Action Plan.** Removal of flammable or combustible liquid underground storage tanks (UST) requires the applicant to submit one of the following to the Huntington Beach Fire Department:
- An approved Orange County Health Care Agency UST **Site Closure Letter**, or
 - Provide an Orange County Health Care Agency UST **Corrective Action Plan** and written permission for co-existence.
- If OCHCA requires on-going remediation and co-existence with the proposed development is permissible, a copy of the approved Orange County Health Care Agency plan and written permission for co-existence must be submitted in order to obtain Huntington Beach Fire Department approval. Each site will be evaluated on an individual basis.
- Prior to building construction, all soils shall conform to *City Specification #431-92 Soil Clean-Up Standards*, and testing results must be submitted, and approved by the Fire Department prior to issuance of a grading permit. **(FD)**
- d. **Vapor Extraction Treatment Equipment and Areas** as outlined in the Orange County Health Care Agency UST **Corrective Action Plan** shall conform to *City Specification # 431, Oil Field Gas Fired Appliances – Stationary and Portable, City Specification # 434, Gas Station Remediation Requirements*, and the *Huntington Beach Oil Code and Building Codes*. **(FD)**
- e. **Fire Code Permit for Tank Removal/Installation.** Installation and/or removal of underground flammable or combustible liquid storage tanks (UST) require the applicant to first obtain an approved Orange County Environmental Health Care UST permit/site plan. This approved plan must be presented in order to obtain the required Huntington Beach Fire Department *Fire Code Permit Application* to conduct installation and/or removal operations. **(FD)**

Methane Mitigation District Requirements

The proposed construction is within the City of Huntington Beach Methane Mitigation District.

NOTE: Abandoned oil wells are located on the proposed construction property.

- a. **DOGGR “CONSTRUCTION SITE REVIEW” is required.** A California Division of Oil, Gas & Geothermal Resources (DOGGR – 714-816-6847), *Site Plan Review* is required for this project. (See included application).

Identify the well name and well API number. Show the location of the abandoned oil well in question. Accurately locate with “x” and “y” parameters delineated. A completed DOGGR *Site Plan Review* must be on-file with the Fire Department prior to plan approval.

Wells identified in the Site Review not meeting current DOGGR requirements may require re-abandonment. If required, the following permits shall be obtained and submitted:

- From the Division of Oil, Gas & Geothermal Resources (DOGGR – (714) 816-6847), provide a *Permit to Conduct Well Operations* for all on-site active/abandoned oil wells.
 - Obtain a Huntington Beach Fire Department *Permit to Abandon Oil Well* and follow the requirements of *City Specification #422, Oil Well Abandonment Permit Process*. Reference compliance with *City Specification #422, Oil Well Abandonment Permit Process* in the plan notes. **(FD)**
- b. **“OIL WELL HISTORY DISPOSITION REPORT” is required.** A California licensed third-party petroleum engineer or geologist compiles a disposition report for submittal to the Fire Department – Development Section. (see *City Specification # 429, section 3.2*) **(FD)**
- c. **“CITY CONSULTANT - OIL WELL HISTORY REVIEW” is required.** The city consultant reviews the submitted *OIL WELL HISTORY DISPOSITION REPORT* for completeness, well integrity, and recommended safety measures. (see *City Specification # 429, section 3.3*) **(FD)**
- d. **“SOIL TESTING” is required.** Based on site characteristics, suspected soil contamination, proximity to a producing/abandoned oil well, or Phase I,II, or III Site Audit, soil testing is required. Soil testing plan must be approved by the Fire Department. (see *City Specification # 429, section 3.4* and *City Specification #431-92 Soil Clean-Up Standards*) .

Note: Grading Plans must be approved by the Fire Department prior to issuance of a Public Works grading permit. Standard Fire Department notes are required to be on the plans on oil industry impacted sites. Additional requirements will be necessary for the development of former oilfield property. **(FD)**

- e. **"REMEDIAL ACTION PLAN"** If contamination is identified, provide a Fire Department approved Remediation Action Plan (RAP) based on requirements found in Huntington Beach *City Specification #431-92, Soil Cleanup Standard*. Upon remediation action plan approval, a rough grading permit may be issued. (FD)
- f. **"METHANE SAFETY MEASURES"** are required. *City Specification # 429, Methane District Building Permit Requirements*.

Methane safety measures shall be detailed on a separate sheet titled "METHANE PLAN" and three copies submitted to the Fire Department for approval. Requirements include:

- **Abandoned Well Gas Test.**
- **Well Vent System.**
- **Methane Barrier and Sub-Slab Collection System.**
- **Methane Detection/Alarm System.**

For Fire Department approval, reference compliance with *City Specification #429* in the plan notes. (FD)

Construction and Fire Requirements

- a. **Automatic Fire Sprinklers** are required. NFPA13 Automatic fire sprinkler systems are required per Huntington Beach Fire Code for new buildings with "fire areas" 5000 square feet or more or for buildings 10,000 square feet or more. An addition of square footage to an existing building also triggers this requirement.

Separate plans (three sets) shall be submitted to the Fire Department for permits and approval. The system shall provide water flow, tamper and trouble alarms, manual pull stations, interior and exterior horns and strobes, and 24-hour central station monitoring.

Automatic fire sprinkler systems must be maintained operational at all times, with maintenance inspections performed quarterly and the system serviced every five years by a state licensed C-16 Fire Protection Contractor.

For Fire Department approval, reference that a fire sprinkler system will be installed in compliance with the Huntington Beach Fire Code, NFPA 13, and *City Specification # 420 - Automatic Fire Sprinkler Systems* in the plan notes.

NOTE: When buildings under construction are more than one (1) story in height and required to have automatic fire sprinklers, the fire sprinkler system shall be installed and operational to protect all floors lower than the floor currently under construction. Fire sprinkler systems for the current floor under construction shall be installed, in-service, inspected and approved prior to beginning construction on the next floor above. (FD)

- b. **Fire Department Connections (FDC)** to the automatic fire sprinkler systems shall be located to the Seventh Street side of the building, at least 25 feet from and no farther than 150 feet of a properly rated fire hydrant. **(FD)**
- c. **Fire Service Piping (FSP)** Application for permit shall be made for on-site Fire Service Piping (FSP), including but not limited to, private fire service mains and underground sprinkler laterals. Maximum allowed velocity of fire flow in supply piping is 12 fps. Additionally, application for permit shall be made for fire protections systems (sprinklers, alarms, chemical, fire pumps, etc.) as applicable.

Permits may be obtained at the City of Huntington Beach Department Fire Department by completing a Fire Permit Form (available at Fire Administration) and submitting such plans and specifications as required by the bureau of fire prevention. A permit constitutes permission to begin work in accordance with approved plans and specifications. The permit fee includes plan checking and inspections by an authorized fire prevention inspector. Development reviews/approvals by the bureau of fire prevention during planning do not constitute approval to perform FSP or fire protection system work, unless otherwise noted. **(FD)**

- d. **Commercial Fire Sprinkler Systems Supply** shall be from a dedicated fire water service installed per Fire Department, Public Works, and Water Division Standards. The dedicated fire water service connection shall be a minimum of four inches (4") in size. Depending on fire sprinkler system demands, larger water service may be required. Separate plans shall be submitted to the Public Works Department for approval and permits, and must be completed prior to issuance of a grading permit. The dedicated fire water service off-site improvements shall be shown on a precise grading plan, prepared by a Licensed Civil Engineer. Contact Huntington Beach Public Works Department (714-536-5431) for offsite water improvement requirements. **(FD)**
- e. **Trash Dumpsters** or containers with an individual capacity of 1.5 cubic yards (40.5 cubic feet) or more shall not be stored in buildings or placed within 5 feet of combustible walls, openings or combustible roof eave lines unless protected by an approved fire sprinkler system. HBFC 1103.2.2 For Fire Department approval, reference and demonstrate compliance with HBFC 1103.2.2 **(FD)**
- f. **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. Indicate Fire Extinguisher locations on the plans. For Fire Department plan approval, reference compliance with *City Specification #424, Minimum Requirements for Portable Fire Extinguishers* in the plan notes. **(FD)**
- g. **Recreational or Decorative Fire Pits** shall be fueled by domestic gas only and shall comply with the Huntington Beach Plumbing and Mechanical Codes and Huntington Beach Fire Department Guidelines for Recreational Fire Pits. (See attachment). **(FD)**

- h. **Open-Flame Cooking Device** or barbeque shall be fueled by domestic gas only and conform to Huntington Beach Fire, Plumbing and Mechanical Codes and Huntington Beach Fire Department Guidelines. (See attachment). HBFC 308.3.1 (FD)
- i. **Main Secured Building Entries** shall utilize a KNOX[®] Fire Department Access Key Box, installed and in compliance with City Specification #403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings. Please contact the Huntington Beach Fire Department Administrative Office at (714) 536-5411 for information. Reference compliance with City Specification #403 - KNOX[®] Fire Department Access in the plan notes. (FD)
- j. **Secondary Emergency Access Gates** serving courtyards, paseos, and all project pool or spa areas must be secured with KNOX[®] Fire Department Access Key Box in addition to association or facility locks (if any). For Fire Department approval, reference compliance with City Specification # 403 Fire Access for Pedestrian or Vehicular Security Gates & Buildings in the plan notes. (FD)
- k. **Fire Sprinkler System Controls Access** shall be provided, utilizing a KNOX[®] Fire Department Access Key Box, installed and in compliance with City Specification #403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings. The approximate location of the system controls shall be noted on the plans. Reference compliance in the plan notes. (FD)
- l. **Secured Vehicle Entries** shall utilize KNOX[®] activated access switches (Knox switches for automated gates, Knox padlocks for manual gates), and comply with City Specification #403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings. Reference compliance in the plan notes. (FD)
- m. **Gates and Barriers** shall be openable without the use of a key or any special knowledge or effort in direction of egress. Gates and barriers in a means of egress 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, and shall swing in the direction of travel when required by the Building Code for exit doors. (FD)
- n. **Elevators** shall be sized to accommodate an ambulance gurney. Minimum interior dimensions are 7 feet (84") wide by 4 feet 3 inches (51") deep. Minimum door opening dimensions are 3 feet 6 inches (42") wide right or left side opening. Center opening doors require a 4 feet 6 inches (54") width. For Fire Department approval, reference and demonstrate compliance on the building plans. HBBC 3002.4 (FD)
- o. **Building Address Numbers** shall be installed to comply with City Specification #428, Premise Identification. Building address number sets are required on front of the structure and shall be a minimum of six inches (6") high with one and one half inch (1 ½") brush stroke. Note: Units shall be identified with numbers per City Specification # 409 Street Naming and Address Assignment Process. Unit address numbers shall be a minimum of four inches (4") affixed to the units front door in a contrasting color. For Fire Department approval, reference compliance with City Specification #428 Premise Identification in the plan notes and portray the address location on the building. (FD)