

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Tess Nguyen, Associate Planner
DATE: April 6, 2016

SUBJECT: CONDITIONAL USE PERMIT NO. 16-004 (OC SONG AND DANCE STUDIO PARKING)

LOCATION: 5301 Oceanus Drive, 92649 (north side of Oceanus Dr., west of Graham St.)



Applicant: Marcus Kemmerer, 228 Crest Avenue, Huntington Beach CA 92648

Property Owner: Fiorentina Properties LLC, P.O. Box 1040, Huntington Beach CA 92647

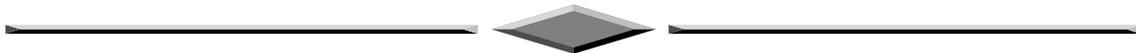
Request: To permit the establishment of joint use parking (with divergent hours) for a dance/vocal studio (personal enrichment) to occupy a portion (2,918 sq. ft.) of an existing industrial building..

Environmental Status: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

Zone: IL (Industrial Limited)

General Plan: I-F2-d (Industrial – 0.50 Max FAR – Design Overlay)

Existing Use: Industrial Building



RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project consists of a minor alteration of an existing industrial building involving no expansion in the overall floor area of the structure.

SUGGESTED FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 16-004:

1. Conditional Use Permit No. 16-004 for the establishment of joint use parking (with divergent hours) for a dance/vocal studio (personal enrichment) to occupy a portion (2,918 sq. ft.) of an existing industrial building will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The joint use parking arrangement is not anticipated to generate any significant traffic, parking, or other impacts detrimental to surrounding properties. Adequate parking within 250 feet of the subject building will be provided, in accordance with applicable Huntington Beach Zoning and Subdivision code requirements, based on divergent business hours of operation within the industrial building. Based on the conditions imposed, the project will be required to maintain adequate parking at all times.
2. The establishment of joint use parking will be compatible with surrounding uses because the personal enrichment use occurs when the other tenant is closed. The project is subject to conditions of approval to ensure that adequate parking is maintained at all times.
3. The proposed establishment of joint use parking will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it is located. A joint use parking arrangement requires a Conditional Use Permit subject to review and approval of the Zoning Administrator. All uses within the industrial building will comply with the parking requirements.
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 Industrial on the subject property. In addition, it is consistent with the following objective and policy of the General Plan:

A. Land Use Element

Objective LU 13.1: Provide for the continuation of existing and development of new uses, such as governmental administrative, public safety, human service, cultural, educational, infrastructure, religious, and other uses that support the needs of existing and future residents and businesses.

B. Circulation Element

Policy CE 6.3: Allow for shared parking and other creative parking arrangements that optimize available parking areas.

The proposed use provides for the establishment of cultural and educational services which support the needs of the surrounding community. The divergent hours ensure that adequate parking is provided to serve the proposed use within the existing industrial building.

SUGGESTED CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 15 16-004:

1. The site plan and floor plan received and dated January 7, 2016 shall be the conceptually approved design.

2. Prior to issuance of building permit and/or Certificate of Occupancy (whichever occurs first), the following shall be completed:
 - a. A joint use agreement, in proper legal form and content, shall be submitted for review and approval by the Planning Division and City Attorney. The agreement shall restrict the mix of uses (warehouse, office, personal enrichment instruction area) based on the parking calculation and hours of operation of each use to comply with the parking requirements.
 - b. The approved agreement shall be recorded with the Orange County Office of County Recorder. A copy of the recorded covenant shall be submitted and filed with the Planning Division.
3. The hours of operation for the warehouse use and the personal enrichment use shall be consistent with the project narrative received and dated on March 4, 2016.
4. There shall be no conflict in the operating hours based on parking requirements for the different uses in the building. The minimum required parking for different uses shall be maintained at all times.
5. The uses in the building shall comply with the approved joint use parking agreement.
6. CUP No. 16-004 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
7. The Development Services Departments and divisions (Building & Safety, Fire, Community Development, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
8. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/green-building-guidelines-rating>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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