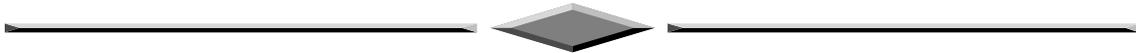


**HUNTINGTON BEACH  
OFFICE OF THE ZONING ADMINISTRATOR  
EXECUTIVE SUMMARY**

**TO:** Zoning Administrator  
**FROM:** Tess Nguyen, Associate Planner  
**DATE:** May 6, 2015

**SUBJECT: CONDITIONAL USE PERMIT NO. 15-002 (ONE STORY COMMERCIAL BUILDING)**

**LOCATION:** 8081 Yorktown Avenue, 92646 (north side of Yorktown Ave. east of Beach Blvd.)



**Applicant:** Paul Geijer, 512 Calle Malaguena, San Clemente CA 92672

**Property Owner:** TP & JR Family Limited Partnership, 18822 Beach Boulevard #207, Huntington Beach CA 92648

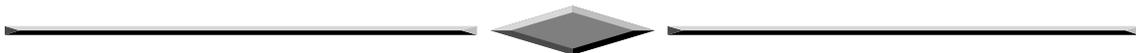
**Request:** To permit the construction of a new 3,250 sq. ft. one-story commercial building on a vacant lot.

**Environmental Status:** This request is covered by Categorical Exemption, Section 15303, Class 3, California Environmental Quality Act.

**Zone:** Commercial General (CG)

**General Plan:** Commercial General – 0.35 maximum floor area ratio (CG – F1)

**Existing Use:** Vacant Lot



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

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the proposed development consists of the construction of a new commercial building with 3,250 sq. ft. of floor area not involving the use of significant amounts of hazardous substances, where all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive.

## **SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 15-002:**

1. Conditional Use Permit No. 15-002 for the construction of an approximately 3,250 sq. ft. commercial building on a 19,000 sq. ft. commercial site 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 will not significantly impact adjoining properties because it is located within a commercial zoning district. The layout of the site will provide safe conditions for pedestrian and vehicular circulation. The proposed use will be adequately parked for proposed commercial office only and will have minimal impacts to the adjacent residential properties with a 10-foot wide landscape planter along the east property line. Additionally, the structure will be setback at least 44 ft. away from the adjacent residential properties to the east. Furthermore, the project will not generate significant noise, odors, or other detrimental impacts to the surrounding area.
2. The proposed commercial building will be compatible with surrounding uses because the building is designed to be consistent with the surrounding neighborhood by providing appropriate scale and character through building siting and proportion. The project, as proposed, conforms to City of Huntington Beach Urban Design Guidelines for general commercial buildings with a functional site layout, a building orientation towards the street, rear parking lot, and perimeter and parking lot landscaping.
3. The proposed conditional use permit 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 development complies with the development standards and land use provisions in the Commercial General (CG) zoning district including minimum building setbacks, minimum onsite landscaping, minimum off-street parking, maximum building height, and maximum floor area ratio.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation CG-F1 (Commercial General – 0.35 Max. Floor Area Ratio) on the subject property. In addition, it is consistent with the following goals, objective, and policies of the General Plan:

A. Land Use Element

Goal - LU 10: Achieve the development of a range of commercial uses.

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

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

Policy - LU 10.1.12: Require that Commercial General uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development, including: (a) incorporation of site landscaping, particularly along street frontages and in parking lots; (e) architectural treatment of buildings to minimize visual bulk and mass, using techniques such as the modulation of building volumes and articulation of all elevations.

B. Economic Development Element

Policy - ED 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The proposed project consists of a neighborhood serving commercial use in an area designated for commercial uses. The proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. The proposed building complies with the City of Huntington Beach Urban Design Guidelines for general commercial buildings, featuring quality architecture and exterior finish materials, a variety of roof lines and façade treatments, and a functional site layout.

**SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 15-002:**

1. The site plan, floor plans, and elevations received and dated March 13, 2015 shall be the conceptually approved design with the following modifications:
  - a. All exterior mechanical equipment shall be screened from view on all sides. The backflow prevention device adjacent to the walkway shall be setback 5 feet from the front property line and shall be screened from view. **(HBZSO Section 230.76)**
  - b. A minimum of three bicycle parking spaces shall be provided for the project. **(HBZSO Section 231.20)**
  - c. Off-street parking improvements shall comply with Chapter 231 of the Zoning and Subdivision Ordinance and Title 24, California Administrative Code, including dimensions and striping requirements. **(HBZSO Chapter 231)**
  - d. Landscape improvements shall comply with Chapter 232 of the Zoning and Subdivision Ordinance. The plantable width for perimeter landscaping along the west property line shall be five feet. The length of the parking spaces shall be 17 feet with 2 feet of landscaping overhang area (six inch curb and 1.5 ft. of landscaping). **(HBZSO Chapter 232)**
  - e. The 3-foot wide planter along the rear property line shall be continued in the area of the north reciprocal access until such time that reciprocal access to the adjacent property is granted and implemented. **(PL)**
  - f. The blue-green standing seam metal roof shall be darker in color and the building stucco colors shall be more muted and neutral. **(PL)**
2. Prior to issuance of grading permits, at least 14 days prior to any grading activity, the property owner/developer shall provide notice in writing to property owners and tenants on record of properties immediately adjacent to and across the street from the project site. 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 and Building Department.
3. Prior to submittal for building permits, the following shall be completed:

- a. One set of revised site plan and elevations in accordance with Condition No. 1 shall be submitted to the Planning Division for review and approval and inclusion in the entitlement file.
  - b. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
  - c. An "Acceptance of Conditions" form shall be properly executed by the developer and an authorized representative of the owner of the property, recorded with the County Recorder's Office, and returned to the Planning Division for inclusion in the entitlement file. Conditions of approval shall remain in effect in the recorded form in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.
4. Prior to issuance of building permits, all existing overhead 12kV electrical distribution and various communication lines along the Yorktown frontage shall be undergrounded. In lieu of compliance with this project Condition, an undergrounding in-lieu fee, in the amount of \$18,000 shall be paid to the City of Huntington Beach Public Works Department. **(PW)**
  5. During demolition, grading, site development, and/or construction, the following shall be adhered to:
    - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
    - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
    - c. Truck idling shall be prohibited for periods longer than 5 minutes.
    - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
    - e. Discontinue operation during second stage smog alerts.
    - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.
  6. The structure cannot be occupied, the final building permit(s) cannot be approved, and issuance of a Certificate of Occupancy until the following has been completed:
    - a. All improvements must be completed in accordance with approved plans, except as modified by conditions of approval.
    - b. Compliance with all conditions of approval specified herein shall be verified by the Planning Division.
    - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.

- d. A Certificate of Occupancy must be approved and issued by the Planning and Building Department.
7. The use shall comply with the following:
  - a. The use of the commercial building shall be limited to professional office use unless parking is provided for any other permitted uses.
8. CUP No. 15-002 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
9. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building 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.
10. The Director of Planning and Building may approve minor amendments or modifications to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required.
11. 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.