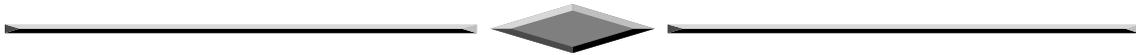


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Jessica Bui, Assistant Planner
DATE: August 17, 2016

SUBJECT: CONDITONAL USE PERMIT NO. 16-025 (ORCHARD SUPPLY OUTDOOR DISPLAY)

LOCATION: 10081 Adams Avenue, 92646 (northeast corner of Brookhurst St. and Adams Ave.)



Applicant: Ruben Gonzalez, 38 Executive Park Suite 310, Irvine, CA 92614

Property Owner: Bruce Cowgill, 2760 E. Spring Street Suite 200, Long Beach, CA 90806

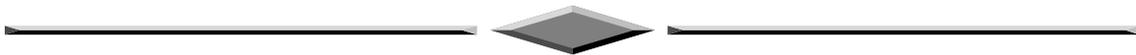
Request: To permit an approximately 299 sq. ft. outdoor display area of merchandise in conjunction with a garden center for a new Orchard Supply Hardware store

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

Zone: CG (Commercial General)

General Plan: CG-F1 (Commercial General - .35 FAR)

Existing Use: Commercial



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 commercial building involving no expansion in the overall floor area of the structure.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 16-025:

1. Conditional Use Permit No. 16-025 for an approximately 299 sq. ft. outdoor display area of merchandise in conjunction with a garden center for the Orchard Supply Hardware store will not be detrimental to the general welfare or persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The outdoor display area in front of the garden center will not encroach into the required sidewalk, pedestrian access areas or vehicular drive aisles. As conditioned, the outdoor display area adjacent to the entrance of the garden center shall be delineated by decorative pavers to ensure adequate and safe pedestrian access is maintained at all times.
2. Conditional Use Permit No. 16-025 for an approximately 299 sq. ft. outdoor display area of merchandise in conjunction with a garden center for the Orchard Supply Hardware store will be compatible with surrounding uses because the outdoor display area will occur entirely on the Orchard Hardware Supply site and will not obstruct pedestrian or vehicular access. Furthermore, the condition of approval requiring the delineation of the outdoor display area with decorative pavers will ensure that the proposed use will remain entirely within the approved area and will not affect the adjacent uses on-site.
3. The conditional use permit for an approximately 299 sq. ft. outdoor display area of merchandise in conjunction with a garden center will comply with the provisions of the base district and other applicable provisions in Titles 21-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO), and any specific condition required for the proposed use in the district in which it would be located. The HBZSO allows for the outdoor display of merchandise, subject to approval of a conditional use permit. In addition, the proposed use will comply with the applicable development standards including setbacks and parking.
4. The granting of conditional use permit for an approximately 299 sq. ft. outdoor display area of merchandise in conjunction with a garden center will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG-F1 (General Commercial – 0.35 Floor Area Ratio) on the subject property. In addition, it is consistent with the following objectives and policies of the General Plan:

Land Use Element

Goal LU 7: Achieve a diversity of land uses that sustain the City's economic viability, while maintaining the City's environmental resources and scale and character.

Policy ED 2.4.1: Encourage and assist existing and potential commercial owners to modernize and expand their commercial properties.

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 outdoor display area for the sale of merchandise in conjunction with a garden center for the Orchard Supply Hardware store will promote the economic success of the retail store by allowing for the expansion of merchandising area which will provide greater retail services to residents and visitors.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 16-025:

1. The site plan, floor plans, and elevations received and dated June 23, 2016 shall be the conceptually approved layout with the following modifications:

- a. The site plan shall identify brick pavers or inlay at the outside edge of the outdoor display area. The brick pavers or inlay is intended to delineate the outdoor display area and contain merchandise within the approved area to ensure pedestrian and vehicular access is not obstructed. The brick pavers or inlay must match the color of the existing stone veneer on the building of the Orchard Supply Hardware store.
 - b. Identify the display areas on each elevation drawing.
 - c. If any shelving is proposed within the outdoor display area, identify this on all applicable sheets with dimensions.
2. Prior to submitting for building permits, the applicant shall submit a revised set of plans pursuant to Condition No. 1 in order to update and include the approved plans for the entitlement records for CUP No. 16-025 to the Planning Division.
3. A shopping cart containment form must be completed and a detailed plan shall be submitted for review and approval by the Planning Division prior to submitting for building permits. The cart containment plan shall include information about where cart storage will occur and how Orchard Supply Hardware management will maintain all drive aisles, pedestrian walkways, and fire lanes clear and unobstructed by carts.
4. CUP No. 16-025 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.
5. 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 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.
6. 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.