

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

**TO:** Zoning Administrator  
**FROM:** Christopher Wong, Associate Planner  
**DATE:** December 20, 2017

**SUBJECT:       CONDITIONAL USE PERMIT NO. 17-021 / TENTATIVE PARCEL  
MAP NO. 2017-167 (NEW RETAIL BUILDING)**

**LOCATION:**       6010 – 6100 Warner Avenue, Huntington Beach, CA 92648  
(southeast corner of Warner Avenue and Springdale Street)

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**Applicant:**       Casey McKeon, Heslin Holdings, 23421 South Pointe Drive, #270,  
Laguna Hills, CA 92653

**Property  
Owner:**       Sparks Enterprise, LP, 1500 Adams Avenue, #314, Costa Mesa, CA  
92676

**Request:**       To (1) demolish an existing 6,500 sq. ft. commercial building and  
construct a new one-story, 5,385 sq. ft. commercial building (with a  
drive through) intended for eating and drinking establishments; (2)  
reduce the number of parking spaces required by the zoning code  
through a request for joint use parking; and (3) subdivide a parcel into  
two parcels.

**Environmental  
Status:**       This request is covered by Categorical Exemption, Section 15302(b),  
Class 2 and Section 15315, Class 15, California Environmental  
Quality Act.

**General Plan:**   CG (General Commercial)

**Zone:**           CG-FP2 (General Commercial – Floodplain Overlay District)

**Existing Use:**   Commercial

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**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:

1. Section 15302(b) of the CEQA Guidelines because the project consists of replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity; and
2. Section 15315 of the CEQA Guidelines because the project consists of the division of property in an urbanized area zoned for commercial use into fewer than four parcels that are in conformance with the General Plan and zoning; where no variances are required, all services and access to the proposed parcels are available, the parcels were not involved in a division of a larger parcel within the previous two years, and the parcels do not have an average slope greater than 20 percent.

**SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 17-021:**

1. Conditional Use Permit No. 17-021 for (1) the establishment, maintenance, and operation of a new one-story, 5,385 sq. ft. commercial building (with a drive through) intended for eating and drinking establishments; and (2) a reduction in the number of parking spaces required by the zoning code through a request for joint use parking 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 layout of the site will provide safe conditions for pedestrian and vehicular circulation. The proposed structure will also be set back approximately 61 ft. from adjacent residential structures to the east. Furthermore, a landscape planter with trees and shrubs will provide a buffer between the proposed building with drive through and adjacent residences. As conditioned, the project is not anticipated to have noise impacts upon nearby residents. A total of 190 parking spaces are proposed for all existing and proposed commercial uses in the retail shopping center, and 304 spaces are required in accordance with Huntington Beach Zoning and Subdivision Ordinance (HBZSO) Section 231.04 (*Off-Street Parking and Loading Spaces Required*). Even with a reduced number of parking spaces, a parking demand analysis prepared by Lindscott Law & Greenspan dated September 18, 2017 demonstrates there will be adequate parking for the retail center. The analysis includes empirical parking demand data gathered for the existing mix of land uses in the retail center combined with off-street parking standards applied to all proposed land uses. Therefore, granting a conditional use permit will not be detrimental to persons or property.
2. Conditional Use Permit No. 17-021 for (1) the establishment, maintenance, and operation of a new one-story, 5,385 sq. ft. commercial building (with a drive through) intended for eating and drinking establishments; and (2) a reduction in the number of parking spaces required by the zoning code through a request for joint use parking will be compatible with surrounding uses. The site layout and building are designed in a manner that is similar in scale, character, and design to adjacent structures. The project, as proposed, conforms to City of Huntington Beach Urban Design

Guidelines for general commercial buildings with a functional site layout, building orientation towards the street, and perimeter and parking lot landscaping. A parking demand analysis identifies that parking will be sufficient based upon the existing and proposed mix of land uses, which have divergent parking needs on different days and at different times of the day. Therefore, granting a conditional use permit will be compatible with surrounding land uses.

3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20 to 25 of the Huntington Beach Zoning and Subdivision Ordinance. The project is located within the CG General Commercial zoning district, which requires approval of a conditional use permit from the Zoning Administrator for buildings on sites located within 300 feet of a residential zone or use. The proposed development complies with the development standards and land use provisions in the CG zoning district including minimum building setbacks, maximum building height, maximum floor area ratio, and maximum size of outdoor dining areas without alcohol sales. The development includes a reduced number of parking spaces, which is justified by the divergent needs of the various land uses in terms of daytime versus nighttime hours and weekday versus weekend hours. In accordance with HBZSO Section 213.06 (*Joint Use Parking*), the Zoning Administrator may grant a reduction in the total number of required spaces if it is demonstrated that the various uses have divergent parking needs. The parking demand analysis prepared by Lindscott Law & Greenspan demonstrates the number of parking spaces required by the zoning code exceeds the demand for parking for the existing and proposed land uses in the center. Finally, the site will also comply with minimum onsite landscaping and parking, as conditioned.
4. The granting of the requested conditional use permit will not adversely affect the General Plan because it is consistent with the Land Use Element designation CG (General Commercial) on the subject property. In addition, it is consistent with the following goals, objective, and policies of the General Plan:

Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

Policy LU-1 (A): Ensure that development is consistent with the land use designations presented in the Land Use Map, including density, intensity, and use standards applicable to each land use designation.

Policy LU-1 (D): Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

Goal LU-11: Commercial land uses provide goods and services to meet regional and local needs.

Policy LU-11 (A): Encourage a variety of commercial uses that cater to local and regional demand to create an environment that meets resident needs and increases the capture of sales tax revenues.

Policy LU-11 (B): Encourage new businesses to locate on existing vacant or underutilized commercial properties where these properties have good locations and accessibility.

Policy LU-11 (C): Maximize the economic development services provided by the City to existing and prospective businesses and industries.

Goal LU-12: Commercial and industrial corridors throughout the planning area are renovated and revitalized.

Policy LU-12 (B): Encourage renovation and revitalization of deteriorating and struggling nonresidential areas and corridors, particularly commercial locations.

The proposed project consists of the demolition of an existing 6,500 sq. ft. underutilized office building, and development of a new 5,385 sq. ft. commercial building in its place. The new building is located in an area designated for commercial uses, and is intended for occupancy by commercial uses that will serve residents locally and in the surrounding region. The building complies with the City of Huntington Beach Urban Design Guidelines for commercial buildings, featuring quality architecture and exterior finish materials, a variety of roof lines and façade treatments, and a functional site layout. As demonstrated through a parking demand analysis, the proposed number of parking spaces for the retail center will be adequate to serve the proposed intensity of uses. Therefore, the proposed project will be consistent with the overall goals and needs of the community, provide goods and services to meet regional and local needs, and renovate and revitalize an existing retail shopping center.

**SUGGESTED FINDINGS FOR APPROVAL - TENTATIVE PARCEL MAP NO. 2017-167:**

1. Tentative Parcel Map No. 2017-167 for the subdivision of one 165,594-sq.-ft. parcel into a 46,931-sq.-ft. parcel and an 118,663-sq.-ft. parcel is consistent with the General Plan Land Use Element designation of General Commercial on the subject property, and all applicable code provisions of the Subdivision Map Act and the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). This includes consistency with minimum lot size, minimum lot width, minimum building setbacks, and maximum floor area ratio. As conditioned, landscaping and parking will also comply with applicable provision of the HBZSO.
2. The site is physically suitable for the type and density of development. The site topography is flat and unvaried. The site is also located in an urbanized area, with public services and utilities readily available to service the existing and new commercial buildings. Furthermore, the size and dimensions of proposed parcels are large enough to accommodate the development of a new commercial building in compliance with City standards.
3. The design of the proposed 46,931-sq.-ft. parcel and 118,663-sq.-ft. parcel, or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their

habitat. The site is located in an urban setting that is currently developed with commercial buildings and, therefore, does not contain fish or wildlife or their habitat.

4. The design of the proposed 46,931-sq.-ft. parcel and 118,663-sq.-ft. parcel, or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. Existing access and utility easements of record are proposed to be abandoned, and alternative easements for access, utility, and use will be provided as a condition of the project approval. Therefore, the design of the subdivision and the proposed improvements will not conflict with easements of record.

**SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 17-021 / TENTATIVE PARCEL MAP NO. 2017-167:**

1. The site plan, floor plans, elevations, and Tentative Parcel Map No. 2017-167 received and dated October 11, 2017 shall be the conceptually approved design with the following modification: rooftop mechanical equipment shall be set back 15 feet from the exterior edges of the building.
2. Only when determining compliance with freestanding sign standards, landscaping standards, and off-street parking standards; Existing Parcel 1, Proposed Parcel 1, and Proposed Parcel 2 (as identified on the site plan) shall be considered one lot.
3. Proposed Parcel 1 (as identified on the site plan) shall maintain a minimum of 3,116 sq. ft. of landscaping on site.
4. Prior to submittal for building permits, the following shall be completed:
  - a. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Building & Safety, 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.
  - b. An "Acceptance of Conditions" form shall be properly executed by the developer and property owner, 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.
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 cannot be approved, utilities cannot be released, and a Certificate of Occupancy cannot be issued until the following has been completed:
- a. A Reciprocal Easement and Maintenance Agreement shall be executed between the owners of all three subject properties and the City of Huntington Beach; and recorded with the Clerk Recorder against the title of all three parcels. The Agreement must include the following provisions:
    - i. Reciprocal easements for vehicular and pedestrian access, ingress, egress, and parking in perpetuity.
    - ii. Reciprocal easements for the use of freestanding signs in perpetuity.
    - iii. A requirement that improvements to the parking and landscaped areas made on one parcel shall be made concurrently on all other parcels.
    - iv. A restriction that Existing Parcel 1, Proposed Parcel 1, and Proposed Parcel 2 (as identified on the site plan) shall be considered one lot only when determining compliance with freestanding sign standards, landscaping standards, and off-street parking standards.
    - v. City approval for any change to the Agreement.
  - b. All improvements must be completed in accordance with approved plans, except as modified by conditions of approval.
  - c. Compliance with all conditions of approval specified herein shall be verified by the Planning Division.
  - d. 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.
  - e. A Certificate of Occupancy must be approved and issued by the Department of Community Development.
7. A new planned sign program shall be created for the retail shopping center, which must be reviewed and approved by the Department of Community Development. The program shall establish sign criteria for the shopping center, and shall specifically define the parameters for those tenants that will be allowed sign area on freestanding signs.
8. CUP No. 17-021 and/or TPM No. 2017-167 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 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.

10. 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.