

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

TO: Zoning Administrator
FROM: Tess Nguyen, Associate Planner
DATE: August 1, 2012
SUBJECT: **CONDITIONAL USE PERMIT NO. 11-27/ VARIANCE NO. 12-02 (OCTA SURFACE PARKING LOT)**
LOCATION: 7401 Center Avenue, 92647 (north side of Center Avenue, east of Gothard Street)

Applicant: Jim Kramer, Orange County Transit Authority, 550 S. Main Street, Orange, CA 92863

Property Owner: Southern California Edison, 2131 Walnut Grove Avenue, Rosemead, CA 91770

Request: **CUP:** To permit the construction of a 208-space exposed surface parking lot on an approximately 1.83-acre vacant parcel owned by Southern California Edison (SCE) for the purpose of providing additional parking for carpool and vanpool users of the Orange County Transportation Authority (OCTA) Transportation Center. **VAR:** To permit the following deviations from the landscaping, driveway, and street design requirements of the Beach and Edinger Corridors Specific Plan (SP14), which includes the following: (a) a total of 20 onsite trees in lieu of a minimum 81 required; (b) no trees within the sidewalk in lieu of a minimum total of 5 required; (c) a 26 ft. wide driveway in lieu of 24 ft. required; (d) an 8 ft. wide sidewalk in lieu of 12 ft. required; and (e) pedestrian-scale street lights located at a distance of 100 ft. on center in lieu of 90 ft. required.

Environmental Status: This request is covered by Final Environmental Impact Report No. 08-08, subject to the adopted mitigation measures contained in the Final EIR No. 08-08

Zone: SP14 (Beach and Edinger Corridors Specific Plan – Town Center Neighborhood)

General Plan: M-sp-d (Mixed Use – Specific Plan - Design Overlay)

Existing Use: Vacant

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

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The proposed project is covered by Final Environmental Impact Report No. 08-08, which was certified by the City of Huntington Beach on December 9, 2009. The proposed parking lot project is subject to compliance with the adopted mitigation measures contained in the Final Environmental Impact Report No. 08-08. Staff has reviewed the proposed project and environmental assessment for compliance and has determined the project is consistent with the adopted mitigation measures contained in the Final EIR.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-27:

1. Conditional Use Permit No. 11-27 to permit the construction of a 208-space exposed surface parking lot on an approximately 1.83-acre vacant parcel owned by SCE for the purpose of providing additional parking for carpool and vanpool users of the OCTA Transportation Center 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 parking lot will be located on an undeveloped site. The parking lot will be accessible from two driveways, each off of Center Avenue and Gothard Street. The subject lot will provide adequate onsite vehicular and pedestrian circulation between the proposed parking lot and the Transportation Center. Nearby residential properties to the northwest of the site will be adequately buffered from the parking lot by a distance of approximately 600 ft. and McFadden Avenue. Ingress and egress to the site will not impact traffic flow on McFadden Avenue and nearby residential properties to the north of the site because primary access will be from Center Avenue and Gothard Street. Furthermore, the project will not generate any significant noise, odors, lighting, or other impacts detrimental to the surrounding area.
2. The conditional use permit will be compatible with surrounding uses because the proposed parking lot will provide additional parking opportunities for carpool and vanpool users of the OCTA Transportation Center. The proposed parking lot will serve to continue and supplement an existing parking lot use at the existing Transportation Center. The subject lot is not anticipated to impact surrounding uses because the lot will lessen existing demand for parking within commercial and institutional areas in the vicinity of the project site. The proposed parking lot will provide a complement to the diverse uses in the area which, include retail, residential, and institutional uses. Furthermore, the proposed parking lot will be designed with appropriate setbacks and landscaping improvements to fit in the context of the area.
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 and the Town Center Neighborhood Segment of the Beach and Edinger Corridors Specific Plan (BECSP). The exposed surface parking lot is permitted subject to the approval of a Conditional Use Permit. The proposed parking lot complies with the applicable development standards such as setbacks, parking stall dimensions, and aisle widths. In addition, the project is conditioned to provide the parking lot with moderate landscape screening from adjacent developments.
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 M-sp-d (Mixed Use – Specific Plan

Overlay – Design Overlay) on the subject property. In addition, it is consistent with the following goals, objectives, and policies of the General Plan:

Circulation Element

Goal – CE 5: Provide sufficient, well designed and convenient on and off street parking facilities throughout the City.

Objective – CE 5.1: Balance the supply of parking with the demand of parking.

Policy – CE 5.1.1: Maintain an adequate supply of parking that supports the present level of demand and allow for the expected increase in private transportation use.

Policy – CE 5.1.2: Provide safe and convenient parking that has minimal impacts on the natural environment, the community image, or quality of life.

The proposed parking lot is intended to meet the parking demand for the carpool and vanpool users of the OCTA Transportation Center. Because the parking lot will be adjacent to the existing Transportation Center, it would provide convenient parking for the users of the Center.

SUGGESTED FINDINGS FOR APPROVAL - VARIANCE NO. 12-02:

A total of 5 onsite trees in lieu of a minimum 42 required (one tree every five parking spaces for continuous rows of parking) and a 26 ft wide driveway in lieu of 24 ft. required.

1. The granting of Variance No. 12-02 for (a) a total of 5 onsite trees in lieu of a minimum 42 required (one tree every five parking spaces for continuous rows of parking) and (b) a 26 ft. wide driveway in lieu of 24 ft. required will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification since the variances address unique development constraints related to the subject property including the width of the site, presence of four SCE overhead high voltage power lines, and restrictions on the installation of trees underneath the high voltage power lines. The variances will not constitute a grant of special privilege because the property's existing physical conditions limits the location of trees underneath the power lines. To facilitate the pedestrian oriented urban environment, the BECSP requires a maximum of 24 ft. wide two-way driveway. However, the Transportation Division of the Public Works Department is requiring a 26 ft. wide driveway to facilitate the overall safety and efficiency of vehicular movements in and out of the 208-space parking lot.
2. Because of special circumstances applicable to the subject property, including the width of the site, presence of four SCE overhead high voltage power lines, and limitations related to the types of improvements underneath high voltage power lines, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The project site is owned by the SCE and has four overhead high voltage power lines. To ensure safe operation and proper function of the power lines, there are limitations on development underneath the power lines. SCE prohibits any installation of trees within 10 ft. of the outer limits of the overhead power lines. Because of this constraint, granting the requested variance would allow the subject property to enjoy the privileges enjoyed by other properties in the vicinity and under identical zone classification.

3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The requested variances are necessary to offset a unique constraint to development represented by the overhead high voltage power lines. Without the overhead power lines, the property could accommodate the additional trees needed for code compliance. In addition, the variances are needed to enjoy the substantial property right of developing a use (parking lot) that can accommodate SCE development restrictions. The requested variances also will promote safer and more efficient vehicular circulation in and out of the site.
4. The granting of the variances will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The proposed parking lot will provide parking for the carpool and vanpool users of the OCTA Transportation Center. The lot is not anticipated to impact surrounding uses because the lot will lessen the demand for parking in commercial and institutional uses in the vicinity of the project site. In addition, the project is conditioned to provide moderate landscape screening of the parking lot from adjacent developments.
5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M-sp-d (Mixed Use – Specific Plan Overlay – Design Overlay) on the subject property. In addition, it is consistent with the following goals, objectives, and policies of the General Plan:

Circulation Element

Goal – CE 5: Provide sufficient, well designed and convenient on and off street parking facilities throughout the City.

Objective – CE 5.1: Balance the supply of parking with the demand of parking.

Policy – CE 5.1.1: Maintain an adequate supply of parking that supports the present level of demand and allow for the expected increase in private transportation use.

Policy – CE 5.1.2: Provide safe and convenient parking that has minimal impacts on the natural environment, the community image, or quality of life.

The proposed parking lot is intended to meet the parking demand for the carpool and vanpool users of the OCTA Transportation Center. Because the parking lot will be adjacent to the existing Transportation Center, it would provide convenient parking for the users of the Center. In addition, the proposed parking lot will meet the general objectives of the Beach and Edinger Corridors Specific Plan by contributing toward long-term regional mobility and enhancing regional air quality.

SUGGESTED FINDINGS FOR DENIAL – VARIANCE NO. 12-02:

A total of 15 onsite trees in lieu of a minimum 39 required, no trees within the sidewalk in lieu of a minimum total of 5 required, an 8-ft. wide sidewalk in lieu of 12-ft. required, and pedestrian-scale street lights at a distance of 100 ft. on center in lieu of 90 ft. required.

1. There is no special circumstance defined by the applicant and applicable to the property that supports allowing a total of 15 onsite trees in lieu of a minimum 39 required, no trees within the sidewalk in the lieu of a minimum total of 5 required, an 8-ft. wide sidewalk in lieu of 12-ft. required, and pedestrian-scale street lights at a distance of 100 ft. on center in lieu of 90 ft. required. There is adequate space along the westerly property line to

accommodate the planting of trees to comply with the moderate landscaping screening requirement. The Neighborhood Street improvements, requiring a 12-ft. wide sidewalk, 5 trees within the sidewalk, and street lights at a distance of 90 ft. on center, could be provided with a 4-ft. right-of-way dedication along the Center Avenue frontage.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 11-27/VARIANCE NO. 12-02:

1. The site plan received and dated May 23, 2012 shall be the conceptually approved design with the following modifications:
 - a. Depict one tree per 30 linear feet (spaced regularly) along the westerly property line.
 - b. Depict the following improvements in the pedestrian zone parkway area in front of the project site:
 - i. A minimum of six (6) feet wide sidewalk with a minimum six (6) feet wide continuous planting strip.
 - ii. Pedestrian-scale decorative street lighting standards at a maximum spacing of ninety (90) feet on-center. Light sources should be located twelve to fourteen (12-14) feet above finished grade.
 - iii. Moderately large shade tree with a maximum spacing of thirty (30) feet on-center. Palm trees can be used as accents. Special sub-surface construction is required to allow for proper tree growth and health. Tree species to be specified by Planning and Building Director/Designee.
2. Comply with all applicable mitigation measures adopted for the project in conjunction with Environmental Impact Report No. 08-008.
3. 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 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 Division.
4. Prior to submittal for building permits, the following shall be completed:
 - a. One set of project plans and one 8 ½ inch by 11 inch set, revised pursuant to Condition of Approvals and Code Requirements, shall be submitted for review, and approval and inclusion in the entitlement file, to the Planning Division.
 - 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.
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 final building permit(s) cannot be approved and commencement of use cannot be started until the following has been completed:
 - a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Planning Division.
 - c. A Certificate of Occupancy must be approved and issued by the Planning and Building Department.
7. Conditional Use Permit No. 11-27 and/or Variance No. 12-02 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 and Building Department a minimum 30 days prior to the expiration date.
8. The Development Services Departments (Planning & Building, Fire, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning & 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.

9. 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.