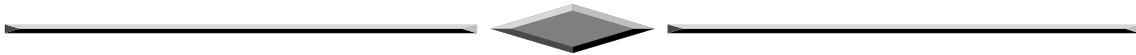


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Joanna Cortez, Assistant Planner
DATE: August 24, 2016

SUBJECT: CONDITIONAL USE PERMIT 16-032 (HARDIN HYUNDAI GRADE DIFFERENTIAL AND RETAINING WALLS)

LOCATION: 17242 Beach Blvd., 92647 (east side of Beach Blvd., north of Slater Ave.)



Applicant: J.C. Maverick, 1827 Capital St., Anaheim, CA, 92880

Property Owner: Hardin Automotive Group, 1271 S. Auto Center Dr., Anaheim, CA 92806

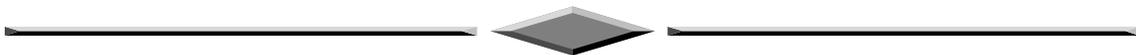
Request: To construct a 6,005 sq. ft. auto dealership (sales office, auto detailing carport, and storage facility) on a vacant lot with a grade differential greater than three feet between the high and low points. In addition, to permit retaining walls exceeding max. 2 ft. high topped by block walls exceeding max. 6 ft. high as follows: 1) to allow 2.8 ft. high retaining wall topped by 8 ft. high block wall on north property line (approx. 115 linear ft.) and 2) to allow 5.4 ft. high retaining wall topped by 8 ft. high block wall on east property line (approx. 322 linear ft.)

Environmental Status: This request is covered by Final Environmental Impact Report No. 08-008.

Zone: SP14 (Beach Edinger Corridors Specific Plan)

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 Zoning Administrator finds that the proposed project is covered by Final Environmental Impact Report No. 08-008, which was certified by the City of Huntington Beach on December 9, 2009. The proposed 6,005 sq. ft. auto dealership (sales office, auto detailing carport, and storage facility) on a vacant lot with a grade differential greater than three feet between the high and low points and proposed retaining walls exceeding max. 2 ft. high topped by block walls exceeding max. 6 ft. high is subject to compliance with the adopted mitigation measures contained in the Final Environmental Impact Report No. 08-008. Staff has reviewed the proposed project 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. 16-032:

1. Conditional Use Permit No. 16-032 to permit the development of a 6,005 sq. ft. auto dealership (sales office, auto detailing carport, and storage facility) on a vacant lot with a grade differential greater than three feet between the high and low points and to permit retaining walls exceeding max. 2 ft. high 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 be developed without significantly altering the existing grade of the subject property. The finished surface is within two feet of the existing grade and the finished floor of the proposed buildings is within less than a foot of the finished surface. From the top of the curb, the maximum height of the sales building is 24 feet and the ancillary building's height is 17 feet. With the conditions of approval imposed, the retaining walls along the north and east property will be topped by maximum 5 ft. high walls. The reduced wall height allows air, light, and ventilation between the two properties and results in an aesthetic, compatible design. The project will improve an existing underutilized and vacant parcel of land. The proposed commercial use is similar to those existing uses in the vicinity and a 15 ft. landscape buffer and the vehicle storage along the rear of the property will provide an adequate buffer to the adjacent residential uses to the east.
2. The request to permit the development of a 6,005 sq. ft. auto dealership (sales office, auto detailing carport, and storage facility) on a vacant lot with a grade differential greater than three feet between the high and low points and to permit retaining walls exceeding max. 2 ft. high will be compatible with surrounding uses because similar commercial uses in the area were developed at comparable grades. With the conditions imposed to lower the overall wall height, the proposed development will be compatible with other residential structures in the area taking into account the proposed building massing, height, and grade of existing properties in the immediate vicinity.
3. The request to permit the development of a 6,005 sq. ft. auto dealership (sales office, auto detailing carport, and storage facility) on a vacant lot with a grade differential greater than three feet between the high and low points and to permit retaining walls exceeding max. 2 ft. will comply with the provisions of the Beach Edinger Corridors Specific Plan (SP14) and other applicable regulations. The project complies with other development standards in terms of building orientation, height, setbacks, and massing. The commercial uses are permitted within the Neighborhood Boulevard Segment of the SP14 zoning district.
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 Mixed Use – Specific Plan Overlay –

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

A. Land Use Element

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 10.1.6: Require that commercial projects abutting residential properties adequately protect the residential use from the excessive or incompatible impacts of noise, light, vehicular traffic, visual character, and operational hazards.

B. Economic Development Element

Objective – ED 2.4: Revitalize, renovate and expand the existing Huntington Beach commercial facilities while attracting new commercial uses.

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 auto dealership is within the approved Beach Edinger Corridors Specific Plan. The project site will continue to serve local residential developments and future mixed uses within SP 14 as well as the City as a whole. The project is located within an established area containing similar commercial uses. The proposed auto dealership will activate a vacant site and enable a use that will serve the needs of local residents and visitors to the City.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 16-032:

1. The site plan, floor plans, and elevations, received and dated August 9, 2016 and the conceptual grading plans dated July 1, 2016 shall be the conceptually approved design with following modification:
 - a. The non-retaining portions of the block wall along the north and east property line shall be reduced to a maximum 5 feet in height.
 - b. The chain link fence along the south property line shall be constructed with an alternative decorative material other than chain link. The final material and design shall be subject to approval by the Director of Community Development.
2. Prior to submittal for plan check, the following shall be completed:
 - a. One set of revised site plan, floor 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 and code requirements 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.

3. 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 10 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.
4. At least 14 days prior to any grading activity, the property owner/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of 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 Community Development Department.
5. Prior to issuance of a precise grading permit, the following shall be completed:
 - a. An interim parking and building materials storage plan shall be submitted to the Planning Division to assure adequate parking and restroom facilities are available for employees, customers and contractors during the project's construction phase and that adjacent properties will not be impacted by their location. The plan shall also be reviewed and approved by the Fire Department, Public Works Department, and Community Development Department.
 - b. Block wall/fencing plans (including a site plan, section drawings, and elevations depicting the height and material of all retaining walls, walls, and fences) consistent with the grading plan shall be submitted to and approved by the Community Development Department. Double walls shall be avoided to the greatest extent feasible. Applicant shall coordinate with adjacent property owners and make reasonable attempts to construct one common property line wall. If coordination between property owners cannot be accomplished, the applicant shall construct their new site wall located entirely within the subject property and with a two (2) inch maximum separation from the property line. The applicant shall seal the gap between the two walls with a filler, cap, or other acceptable alternative. Prior to the construction of any new walls, a plan must be submitted identifying the removal of any existing walls located on the subject property. Any removal of walls on private residential property and construction of new common walls shall include approval by property owners of adjacent properties. The plans shall identify materials, seep holes and drainage.

- c. A lighting plan depicting the boulevard-scale and pedestrian-scale street lighting along street frontages shall be submitted to the Community Development Department for review and approval by the Planning Division and Public Works Department.
 - d. A landscape and irrigation plan depicting the boulevard landscaping within the setback area landscaping per the BECSP shall be submitted to the Community Development Department for review and approval.
 - e. A detailed narrative or plan shall be submitted to the Planning Division explaining the sustainable or “green” building practices that will be incorporated into the project.
 - f. All design and their construction and specifications of the “Beach Edinger Corridor Specific Plan. The frontage along the Beach Boulevard shall comply with the “Palm Tree Boulevard – Typical Configuration”. **(PW)**
6. Prior to issuance of a building permit, the following shall be completed:
- a. The Developer shall provide a landscape Maintenance License Agreement to address the continuing maintenance and liability for all landscaping, irrigation, furniture and hardscape on Beach Blvd. right-of-way. The agreement shall describe all aspects of maintenance such as sidewalk repair and cleaning, trash cans, signs, tree or palm replacement and any other aspect of maintenance that is warranted by the development plan improvements proposed. The agreement shall state that the property ownership shall be responsible for all costs associated with maintenance, repair, replacement, liability and fees. **(PW)**
 - b. Written CALTRANS approval of any underground storm drain connection or parkway drain into Beach Blvd. shall be included with the Grading Plan first plan check submittal. **(PW)**
 - c. If a designated car wash area is proposed, it shall not drain to any storm drain system. Wash water from this area may be directed to the sanitary sewer (upon approval by the Orange County Sanitation District), through an engineered infiltration system, or to an equally effective alternative. Pre-treatment may also be required. **(PW)**
 - d. Caltrans encroachment permits for work within the Caltrans right-of-way (for construction of sidewalks, driveways, utility connections, drainage etc.) shall be obtained by the applicant prior to City Issuance of a grading permit. Since Caltrans does not allow any increase on drainage above existing onto Beach Blvd., the applicant shall include a Hydrology Study for Caltrans’ review and approval with the encroachment permit application. A copy of each submittal, encroachment permit, traffic control plans and/or other permission granted by Caltrans shall be transmitted to the Public Works Department. **(PW)**
7. The final building permit cannot be approved until the following has been completed:
- a. 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.

- b. Based upon the proposed construction, a SP 14 maintenance fee shall be paid in the order of \$0.30 per sq. feet. **(Resolution No. 2010-80)**
8. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
9. The project shall comply with all mitigation measures adopted for the project in conjunction with Environmental Impact Report No. 08-008.
10. CUP No. 16-032 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.
11. The Development Services Departments and divisions (Community Development, Fire, 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.
12. 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.