



City of Huntington Beach Planning Department
STUDY SESSION REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Tess Nguyen, Associate Planner *TN*
DATE: April 22, 2008
SUBJECT: **SIX-MONTH REVIEW OF CONDITIONAL USE PERMIT NO. 05-015 (24-HOUR FITNESS)**

LOCATION: 7887 Center Avenue, 92647 (north side of Center Avenue, west of Beach Boulevard)

PROJECT REQUEST AND SPECIAL CONSIDERATIONS

This item represents a six-month review of Conditional Use Permit No. 05-15, approved by the Planning Commission on February 14, 2006. Conditional Use Permit No. 05-15 permitted the construction of an approximately 37,946 sq. ft. two-story 24-Hour Fitness health club at 7887 Center Avenue (north side of Center Avenue, west of Beach Boulevard). When Conditional Use Permit No. 05-15 was approved, the Planning Commission required a review of the use within six months of the issuance of a Certificate of Occupancy. The Certificate of Occupancy for 24-Hour Fitness was issued on September 28, 2007.

CURRENT LAND USE, HISTORY OF SITE, ZONING AND GENERAL PLAN DESIGNATIONS

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property	M-sp (Mixed Use -specific plan)	SP - 1 (North Huntington Center Specific Plan)	Health Club
North/East of Subject Property	N/A - 405 Freeway	N/A - 405 Freeway	405 Freeway
South of Subject Property	CR-F2-sp-mu-F9 (Commercial Regional)	SP - 13 (Crossings -Bella Terra Specific Plan)	Bella Terra Mall
West of Subject Property	M-sp (Mixed Use -specific plan)	SP - 1 (North Huntington Center Specific Plan)	Old World Village/ Multi-Family Residential

APPLICATION PROCESS AND TIMELINES

DATE OF COMPLETE APPLICATION: Not Applicable
MANDATORY PROCESSING DATE(S): Within six months of the issuance of a Certificate of Occupancy. The Certificate of Occupancy was issued September 28, 2007.

CEQA ANALYSIS/REVIEW

The proposed project is Categorically Exempt, pursuant to Section 15309, Class 9 of the California Environmental Quality Act, because the project is a review to check for compliance of conditions of approval.

COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES

Comments from other City departments or public agencies are not required.

PUBLIC MEETINGS, COMMENTS AND CONCERNS

No meetings have been held.

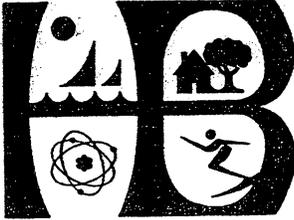
PLANNING ISSUES

The purpose of the six-month review is to verify 24-Hour Fitness health club's compliance with all conditions of approval and applicable Chapters of the Huntington Beach Zoning and Subdivision Ordinance. The review considered code enforcement complaints, Police Department calls for service, as well as on-site inspections for compliance with the approved conditions of approval, and was completed by Planning and Code Enforcement staff. To date, no code enforcement complaints or Police Department calls for service were received. Based on the above information, staff has determined that the project is in compliance with all conditions of approval and no modifications to the conditions are recommended.

Staff recommends the Planning Commission receive and file the six-month review of Conditional Use Permit No. 05-015 as adequate and determine that no further action or follow-up is necessary.

ATTACHMENT:

1. Planning Commission Notice of Action dated February 15, 2006 (ND No.05-01/CUP No. 05-015)



Huntington Beach Planning Commission

P.O. BOX 190

CALIFORNIA 92648

NOTICE OF ACTION

February 15, 2006

Bill Fancher
1342 Bell Avenue
Tustin, CA 92780

SUBJECT: **NEGATIVE DECLARATION NO. 05-01/CONDITIONAL USE PERMIT
NO. 05-15 (24-Hour Fitness)**

APPLICANT: Bill Fancher

REQUEST: To permit the construction of an approximately 37,946 square foot two-story 24-Hour Fitness health club. The existing 8,660 square foot restaurant/night club (Liquid Lounge) will be demolished.

PROPERTY OWNER: Mullrock 1 – Beach Pointe LLC, 7755 Center Ave., Ste.100, Huntington Beach, CA 92647

LOCATION: 7887 Center Dr. (North side of Center Avenue, west of Beach Boulevard)

DATE OF ACTION: February 14, 2006

On Tuesday, February 14, 2006, the Huntington Beach Planning Commission took action on your application, and your application was **conditionally approved**. Attached to this letter are the findings and conditions of approval.

Please be advised that the Planning Commission reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your total application. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Planning Commission becomes final at the expiration of the appeal period. A person desiring to appeal the decision shall file a written notice of appeal to the City Clerk within ten (10) calendar days of the date of the Planning Commission's action. The notice of appeal

shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal. Said appeal must be accompanied by a filing fee of One Thousand, Five Hundred Forty-One Dollars (\$1,541.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and Two Thousand Three Hundred Seventy-Nine Dollars (\$2,379.00) if the appeal is filed by any other party. In your case, the last day for filing an appeal and paying the filing fee is February 24, 2006.

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, unless actual construction has started.

"Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020."

If you have any questions, please contact Paul Da Veiga, Associate Planner at (714) 374-5394, or the Planning Department Zoning Counter at (714) 536-5271.

Sincerely,

Howard Zelefsky, Secretary
Planning Commission

By:


Herb Fauland, Principal Planner

HZ:HF:PD:cs

Attachment

c: Property Owner

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 05-15/ NEGATIVE DECLARATION NO. 05-01

FINDINGS FOR APPROVAL - NEGATIVE DECLARATION NO. 05-01:

1. Negative Declaration No. 05-01 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of twenty (20) days. Comments received during the comment period were considered by the Planning Commission prior to action on Negative Declaration No. 05-01 and Conditional Use Permit No. 05-15.
2. Standard code requirements avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur.
3. There is no substantial evidence in light of the whole record before the Planning Commission that the project will have a significant effect on the environment.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-15:

1. Conditional Use Permit No. 05-15 for the establishment, maintenance and operation of a two-story, 37,946 square foot 24-Hour Fitness health club within One Pacific Plaza, 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 proposed use will not impact existing on-site shared parking based on the divergent parking needs for existing land uses as identified in an updated shared parking analysis provided by a consultant for the applicant.
2. The conditional use permit will be compatible with surrounding uses. The subject land use is appropriate at the proposed location because the site is easily accessible by major roadways and anticipated traffic will not impact local streets, and adequate shared parking will be provided based on an updated shared parking analysis. The proposed use will be compatible with the adjacent office uses and surrounding uses as it promotes mixed-use within the center and provides a recreation amenity for employees, visitors, and residents of the surrounding area.
3. The proposed facility will comply with the provisions of the base district and other applicable provisions in the North Huntington Center Specific Plan (SP-1) and Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The HBZSO allows for a reduction in parking requirements when it can be demonstrated through a shared parking analysis that adequate parking within a commercial center can be provided based on the divergent parking needs of individual uses. The shared parking analysis, submitted by Linscott, Law, and Greenspan, concluded that adequate parking will be provided on-site

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 (Mixed Use – specific plan) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Land Use Element

LU 4.2.1: Require that all structures be constructed in accordance with the requirements of the City's building and other pertinent codes and regulations; including new, adaptively reused, and renovated buildings.

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

LU 10.1.17 Require the inclusion of uses and elements that contribute amenities for visitors, such as public activity areas and onsite recreational facilities (health clubs, spas, etc.).

LU 13: Achieve the development of a mix of governmental, service, institutional, educational, and uses that support the needs of Huntington Beach residents.

LU 13.1: Provide for the continuation of existing and development of new uses, such as governmental, administrative, public safety, human service, cultural, educational, and other uses that support the needs of existing and future residents and businesses.

LU 13.1.2: Allow for the continuation of existing and development of new facilities in any land use zone where they are compatible with adjacent uses and subject to City review and approval.

The establishment of the 24-Hour Fitness health club promotes re-use of a prior restaurant/night club site in a manner that will be consistent with the aforementioned goals and objectives of the City's General Plan. The project is consistent with General Plan Land Use goals, objectives and policies, which encourage additional recreational amenities such as health clubs and advocate development of new facilities where they are compatible with adjacent uses.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 05-15:

1. The site plan and floor plans received and dated January 12, 2006, shall be the conceptually approved layout with the following modifications:
 - a. A pedestrian access way shall be provided through the southeast portion of the parking structure. Pedestrian access shall not conflict with vehicular ingress/egress from the parking structure. **(PC)**
 - b. The horizontal reveals shall be smooth textured stucco to match the color of the exterior of the building as identified on the colored elevations as "P-1". **(DRB)**

- c. All glazing shall be recessed from the exterior façade of the building to the maximum extent possible. **(DRB)**
 - d. The blank façade portion of the building along the southerly elevation shall be treated with a smooth exterior plaster finish up to approximately half of the height of the building. The smooth plaster element shall project a minimum of 12 inches from the face of the building and match the color of other smooth plaster elements on the north elevation. **(DRB)**
 - e. The size of the parapet return, as depicted on the northerly elevation, shall be minimized in length by 15 feet as modified on the colored elevations dated January 12, 2006. **(DRB)**
2. Prior to issuance of building permits, the following shall be completed:
- a. A Parking Management Plan, approved by the property owner, shall be submitted for review and approval by the Planning Department. Said plan shall depict designated (tenants/employees/guest /customers/carpooling) parking space locations and be consistent with the approval of CUP No. 05-15. The PMP shall incorporate the following:
 - 1) A minimum of 201 visitor parking spaces shall be provided on the first and second level, southeasterly portion of the parking structure. These spaces shall have a time restriction of one to two hours in duration.
 - 2) All physical barriers, including concrete barriers and parking control gates shall be removed from the parking structure.
 - 3) Directional signage to direct patrons to available self-park and valet parking areas shall be provided throughout the site.
 - 4) There shall be no restrictions on parking spaces within the field of on-site shared parking after 4 p.m., seven days a week.
 - 5) All parking spaces shall be clearly marked to identify use limitations.
 - 6) All surface level parking spaces within the field of shared parking shall be designated and clearly identified as general visitor parking.
 - 7) The One Pacific Plaza PMP shall be consistent with the Old World Village PMP dated August 26, 2003.
3. A review of the use shall be conducted by the Planning Commission with a report within six (6) months of the issuance of Certificate of Occupancy to verify compliance with all conditions of approval and applicable Chapters of the Huntington Beach Zoning and Subdivision Ordinance. At that time the Planning Commission may consider modifications to the conditions of approval.

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.