

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

TO: Zoning Administrator
FROM: Jill Arabe, Assistant Planner
DATE: December 2, 2009
SUBJECT: **CONDITIONAL USE PERMIT NO. 2009-028 (OCRC RACEWAY)**
LOCATION: 15282 Jason Circle, 92649 (south of Argosy Avenue, east of Bolsa Chica Street – terminus of Jason Circle)

Applicant: Michael C. Adams, Adams & Associates, 21190 Beach Boulevard, Huntington Beach, CA 92648

Property Owner: Jack Chalabian, 1522 W. 134th Street, Gardena, CA 90249

Business Owner: Robert Black, 15282 Jason Circle, Huntington Beach, CA 92649

Request: To establish an 18,180 sq. ft. commercial recreation and entertainment use consisting of an indoor raceway for small scale remote control vehicles. The project will contain two (2) race tracks, parts assembly, office, and retail sales areas.

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

Zone: IL (Industrial Limited)

General Plan: I – F2 – d (Industrial – 0.50 maximum floor area ratio – design overlay)

Existing Use: warehouse

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

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2009-028:

1. Conditional Use Permit No. 2009-028 for the establishment of an 18,180 sq. ft. commercial recreation and entertainment use consisting of an indoor raceway for small scale remote control vehicles 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 raceway is not anticipated to generate any significant noise, traffic, or other impacts detrimental to surrounding properties and inconsistent with the subject property's industrial zoning. The main entrance of the use will face Jason Circle, away from adjacent residential uses. As conditioned, the use will be conducted within the interior of the building with a limitation on both the hours of operation and business activities to prevent the use from exceeding established noise thresholds as defined by the City noise ordinance (Chapter 8.40 Noise Control). Potential noise generated by the use will be mitigated through the construction of a sound attenuating wall or other sound dampening method to protect adjacent noise sensitive land uses (e.g., residential). A previously approved joint use parking agreement on an adjacent site containing a church use shall be amended, pursuant to Condition No. 3a, in order to provide the necessary parking to adequately accommodate the use.
2. The conditional use permit will be compatible with surrounding uses because the commercial recreation and entertainment use will be conducted wholly within the interior of an existing unit. The facility operates daily with the highest demand for parking occurring at times when most surrounding businesses are closed. Potential noise impacts on residential uses to the south will be mitigated with the construction of a sound attenuating wall along the building's south interior wall or other similar method as deemed appropriate by an acoustical engineer. Other existing indoor recreational uses have been primarily established within industrial areas and maintain similar characteristics to permitted industrial uses.
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 (HBZSO). The HBZSO authorizes commercial recreation and entertainment uses including indoor raceways in the IL (Industrial Limited) zone, subject to approval of a conditional use permit. In addition, the conditional use permit will comply with the applicable development standards in the district in which it will be located, including minimum onsite parking, minimum setbacks, and maximum floor area ratio.
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 Industrial on the subject property. In addition, it is consistent with the following goals and objective of the General Plan:

A. Land Use Element

Goal – LU 12: Achieve the development of industrial uses that provide job opportunities for existing and future residents, as well as the surrounding subregion, and generate revenue for the City.

B. Recreation and Community Services Element

Goal – RCS 1: Enrich the quality of life for all citizens of Huntington Beach by providing constructive and creative leisure opportunities.

Objective – RCS 1.1: Encourage recreational opportunities unique to Huntington Beach which will enhance visitation and economic development.

The proposed use provides creative recreational activities for children and families. The indoor recreational use will add to the diversity of entertainment uses offered in the City. The industrial building provides sufficient space to be occupied by the proposed commercial and recreation use. Other existing indoor recreational uses are primarily located in industrial areas and maintain similar characteristics of permitted industrial uses.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2009-028:

1. The site plan, floor plans, and elevations received and dated September 18, 2009, shall be the conceptually approved design with the modification that the unit's south building wall elevation shall be depicted on the floor plan with sound attenuating materials or other method as deemed appropriate by an acoustical analysis report such that noise emanating from the interior of the unit does not exceed established thresholds along the adjacent property lines. **(HBMC 8.40)**
2. Within 30 days from approval, the following shall be completed and approved in compliance with the modification listed under Condition No. 1:
 - a. An acoustical analysis report prepared by a state licensed engineer shall be completed and submitted in conjunction with the construction drawings demonstrating that the improvements will effectively mitigate noise emanating from the unit.
 - b. Construction plans for sound attenuation of the unit's south building wall or other method as deemed appropriate by the acoustical analysis report shall be submitted to the Building and Safety Department.
3. Prior to issuance of Certificate of Occupancy, the following shall be completed:
 - a. The existing joint use parking agreement (for the church use) shall be amended to allow adequate parking for the proposed use, approved by the Planning Department and City Attorney as to form and content, and recorded with the Office of the County Recorder. A copy of the recorded agreement shall be submitted and filed with the Planning Department.
 - b. Construction plans for sound attenuation of the unit's south building wall or other similar method shall be completed and finalized by the Building and Safety Department.
 - c. Surveillance cameras shall be installed throughout the interior and exterior of the building (PD).

4. The use shall comply with the following:
- a. No outdoor activities, including the outdoor racing of vehicles, shall be permitted.
 - b. The unit's rear doors shall be closed at all times and used for emergency purposes only.
 - c. Speakers or PA systems shall be located indoors and not be directed toward adjacent residences.
 - d. The hours of operation shall be limited to the following:

	<u>OPEN</u>	<u>RACING</u>	<u>CLOSE</u>
Monday			
Tuesday	Noon	Practice only	9:00 PM
Thursday			
Wednesday			
Friday	Noon	7:00 PM - 11:00 PM	11:00 PM
Saturday	Noon	Practice only	8:00 PM
Sunday	Noon	3:00 PM - 7:00 PM	8:00 PM

5. 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/index.cfm?fuseaction=guidelines>).

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.