

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

TO: Zoning Administrator
FROM: Jill Arabe, Assistant Planner
DATE: June 17, 2009
SUBJECT: **CONDITIONAL USE PERMIT NO. 09-005 (WOODSON NURSERY)**
LOCATION: 7490 Center Avenue, 92647 (south side of Center Avenue, east of Gothard Street)

**Applicant/
Business**

Owner: Tim Woodson, Short Term Plant Rental, 448 Terraine Avenue, Long Beach, CA 90814

Property

Owner: Southern California Edison, 14799 Chestnut Street, Westminster, CA 92685

Request: To permit the operation of a wholesale plant nursery for five (5) years (2009-2014).

Environmental Status: This request is covered by Categorical Exemption, Section 15301, Class 01, California Environmental Quality Act.

Zone: CG (Commercial General)

General Plan: CG – F1 – d (Commercial General – 0.35 maximum – design overlay)

Existing Use: Nursery

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 involves negligible or no expansion of use beyond that previously existing.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2009-005:

1. Conditional Use Permit No. 2009-005 to permit the operation of a wholesale plant nursery for five years (2009-2014) 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 wholesale nursery will not generate traffic, demand for parking, or other negative impacts to surrounding properties. The project site, owned by Southern California Edison (SCE), contains two electrical towers on the western portion of the lot; therefore the nursery operation occurs primarily on the eastern portion of the site, adjacent to railroad tracks. The use was previously established and maintained for the past 20 years. It will adhere to and maintain consistent with previous conditions of approval.
2. The conditional use permit will be compatible with surrounding uses because the wholesale nursery is a low impact use in the commercial zone. The operation involves the growth and delivery of plants and flowers to businesses and restaurants, and does not involve retail sales. Also, the nursery operation occurs primarily near the railroad tracks, located east of the site, away from existing commercial uses. The conditional use permit will allow the continuation of the nursery for five years.
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) and any specific condition required for the proposed use in the district in which it would be located. The proposed use is permitted in the CG (Commercial General) zone, subject to conditional use permit approval, pursuant to Section 211.04 of the HBZSO – *CO, CG, and CV Districts: Land Use Controls*. The project is located within an existing SCE site and will not affect the previously approved parking, landscaping, setbacks, or building height.
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 Commercial General on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - LU 7.1.1: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.
 - LU 7.1.3: Allow for ~~the~~ continued occupancy, operation, and maintenance of legal uses and structures that exist at the time of the adoption of the General Plan and become non-conforming due to use, density, and/or development requirements.

The wholesale plant nursery has been established for several years to provide plants and flowers to businesses. The operation does not require additional development requirements because it remains consistent and within substantial conformance of previous conditions of approval. As proposed, the trees along the north and east of the site will provide limited screening of the nursery and low profile site.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2009-005:

1. The site plan, floor plans, and elevations received and dated May 4, 2009, shall be the conceptually approved design with the following modifications:
 - a. Trees in containers shall be placed along the north and east property lines without encroaching into the 10 foot by 10 foot site angle cutoff requirement.
 - b. Greenhouse, shade house and office/trailer shall be setback from any property lines a minimum of 10 feet.
2. The use shall comply with the following:
 - a. All outside lighting shall be directed to prevent "spillage" onto adjacent properties.
 - b. Chemical spraying is prohibited.
 - c. All chemicals used or stored at the subject site shall be approved by the Orange County Agricultural Department, as required by law.
 - d. The site and access road shall be maintained with gravel ground cover or other suitable material to control dirt and dust.
 - e. No signs shall be permitted that indicate the use is commercial or for retail sales.
 - f. The use shall be limited to plant/tree rentals and occasional wholesale sales only. Retail/commercial sales to the public are prohibited.
 - g. Only the uses described by the submitted narrative dated May 4, 2009, shall be permitted.
3. This conditional use permit shall be void at the end of five years from the date of final approval unless a request is submitted to continue the use. At that time, the nursery may be required to comply with current development standards of the HBZSO.
4. Modifications per Condition No. 1 shall be completed within 30 days from the effective date of approval of this entitlement.
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.