

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

**TO:** Zoning Administrator  
**FROM:** Ron Santos, Associate Planner  
**DATE:** May 14, 2008

**SUBJECT:** **CONDITIONAL USE PERMIT NO. 2004-038 (BEACH CITIES COMMUNITY CHURCH)**

**LOCATION:** 9946-9872 Hamilton Avenue and 21521 Brookhurst Street, 92646 (southwest corner of Hamilton Avenue and Brookhurst Street)



**Applicant/  
Property**

**Owner:** Charlie Koeller, 9872 Hamilton Avenue, Huntington Beach, CA 92646

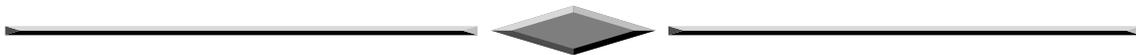
**Request:** To permit the expansion of a religious assembly use into vacant suites in an adjacent commercial property and permit joint use parking.

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

**Zone:** CG (Commercial General)

**General Plan:** CG (Commercial General – 0.35 maximum Floor Area Ratio)

**Existing Use:** Religious Assembly, Retail



**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 the operation of existing private structures involving negligible or no expansion of use beyond that existing.

## **SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2004-038:**

1. Conditional Use Permit No. 2004-038, to permit the expansion of a religious assembly use into vacant suites (up to 12,947 sq. ft.) at an adjacent commercial property and allow joint use (shared) parking, 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. Based upon the conditions imposed, adequate parking, as required by the Huntington Beach Zoning & Subdivision Ordinance, will be maintained at all times. Moreover, the project does not involve any new construction or physical expansion of existing facilities. The proposed religious assembly uses will displace existing commercial uses as the commercial space is vacated, will operate on a limited basis relative to the existing commercial uses, will not generate noise, traffic odors or other detrimental impacts at levels inconsistent with the existing uses and commercial zoning applicable to the property and therefore will not be detrimental to surrounding neighborhood.
2. The conditional use permit will be compatible with surrounding uses because it authorizes use of existing facilities, as an expansion of an existing use, which will generally operate at a lower intensity than the current uses (commercial) to be displaced.
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. Religious assembly is a conditionally permitted use in the CG (Commercial General) zone. In addition, the project is subject to specific conditions required for the proposed use which will ensure compliance with the applicable provisions of the HBZSO.
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 CG-F1 (Commercial General – 035 maximum floor area ratio) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Objective LU 9.4: Provide for the inclusion of recreational, institutional, religious, educational and services uses that support resident needs within residential neighborhoods.

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

Policy LU 13.1.1: Allow for the continuation of existing public and private institutional, cultural, educational and health uses at their present locations and development of new uses in areas designated on the Land Use Plan Map in accordance with Policy LU 7.1.1.

Policy LU13.1.2: Allow for the continuation of existing and development of new religious facilities in any land use zone where they are compatible with adjacent uses and subject to City review and approval.

Conditional Use Permit No. 2004-038 provides for the continuation and expansion of existing religious services which support the needs of the surrounding community. The proposed joint use parking ensures that adequate parking is provided to serve the proposed use.

**SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2004-038:**

9. The site plan received and dated April 2, 2008 shall be the conceptually approved design.
10. Prior to issuance of a Certificate of Occupancy for any church-related use at 9946 Hamilton Ave. and/or 21551 Brookhurst St. the following shall be completed:
  - a. An agreement, in proper legal form, for unrestricted joint-use parking between APN's 149-212-17 and 149-212-18 shall be submitted for review and approval by the Planning Department and City Attorney. The agreement shall prohibit concurrent assembly use at 9946 Hamilton Ave./ 21551 Brookhurst St. (the existing commercial space) and 9872 Hamilton Ave. (the existing church assembly building); provided however that the agreement may provide for youth-only assembly/services to occur at 9946 Hamilton Ave./ 21551 Brookhurst St. simultaneously with general assembly/services at 9872 Hamilton Ave.
  - b. The approved agreement shall be recorded in the office of the County Recorder and shall be filed with the City.
  - c. A floor plan(s), site plan and parking tabulation shall be submitted demonstrating that adequate parking, as required by HBZSO Section 231.04 – Off-Street Parking Spaces Required: Schedule A, will be maintained, either on site or pursuant to the provisions of the approved joint-use parking agreement.
11. The use shall comply with all provisions of the approved joint-use parking agreement.

**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.