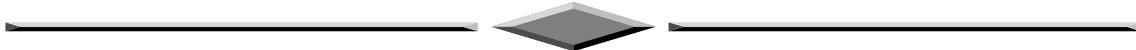


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Jessica Bui, Assistant Planner
DATE: May 31, 2017

SUBJECT: CONDITIONAL USE PERMIT NO. 17-0017 (TOM VO'S TAEKWONDO)

LOCATION: 5872 Edinger Avenue, 92649 (southwest corner of Springdale St. and Edinger Ave.)



Applicant: Stephanie Ellingwood, 17071 Magnolia Avenue, Fountain Valley, CA 92708

Property

Owner: Karen Gaertner, PK II Marina Village, LP, 2429 Park Avenue, Tustin, CA 927828

Request: To permit a personal enrichment facility (taekwondo studio) within an existing 5,131 sq. ft. tenant space.

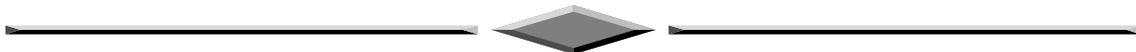
Environmental

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

General Plan: CG – F1 (Commercial General – 0.35 FAR)

Zone: CG (Commercial General)

Existing Use: Commercial



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 negligible or no expansion of an existing structure.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 17-017:

1. Conditional Use Permit No. 17-017 to permit a personal enrichment facility (taekwondo studio) within an existing 5,131 sq. ft. tenant space will not be detrimental to the general welfare or persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The nearest residential use is approximately 120 feet to the west of the subject site and is buffered by a parking lot and a masonry wall. As conditioned, the proposed use will be required to conduct instruction and activities entirely within the interior of the building and outdoor activities are prohibited unless otherwise approved by the Community Development Department to ensure the proposed use will not be detrimental to the surrounding uses or the value of the property and improvements in the area.
2. Conditional Use Permit No. 17-017 to permit a personal enrichment facility (taekwondo studio) within an existing 5,131 sq. ft. tenant space will be compatible with surrounding uses as the proposed use is conditioned to limit operations to Monday through Saturday from 8:00 AM to 8:00 PM which is characteristic of the surrounding uses on-site. Furthermore, as conditioned, the use will be conducted entirely within the interior of the building to ensure the use will be compatible with the uses on-site.
3. Conditional Use Permit No. 17-017 permit a personal enrichment facility (taekwondo studio) within an existing 5,131 sq. ft. tenant space will comply with the provisions of the base district, other applicable provisions in Titles 21-25 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 HBZSO allows for personal enrichment uses over 5,000 sq. ft. in the Commercial General zoning designation with the approval of a conditional use permit. The use will comply with the applicable development standards such as parking.
4. Conditional Use Permit No. 17-017 to permit a personal enrichment facility (taekwondo studio) within an existing 5,131 sq. ft. tenant space will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG-F1 (General Commercial – 0.35 Floor Area Ratio) on the subject property. In addition, it is consistent with the following objectives and policies of the General Plan:

Land Use Element

Goal LU 7: Achieve a diversity of land uses that sustain the City's economic viability, while maintaining the City's environmental resources and scale and character.

Goal LU 10: Achieve the development of a range of 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 personal enrichment facility will promote the diversity of land uses by providing for a range of services to accommodate the needs of local residents and serve visitors from the surrounding region. The proposed use, as conditioned, is not anticipated to result in negative impacts on surrounding businesses and adjacent properties.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 17-017:

1. The site plan, floor plans, elevations received and dated April 19, 2017 shall be the conceptually approved layout.
2. The use shall comply with the following:
 - a. The hours of operation shall be limited to Monday through Saturday: 8:00 AM to 8:00 PM.
 - b. The number of students shall not exceed twenty-six (26) at any given time.
 - c. The instruction area shall be limited to a maximum of 75% of the gross floor area or approximately 3,317 sq. ft.
 - d. Rear doors shall remain closed during business hours.
 - e. All instruction and activities shall be conducted entirely within the interior of the building. Outdoor activities shall be prohibited unless otherwise permitted by the Community Development Department.
3. CUP No. 17-017 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.
4. The Development Services Departments and divisions (Building & Safety, Fire, Planning 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.
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/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.