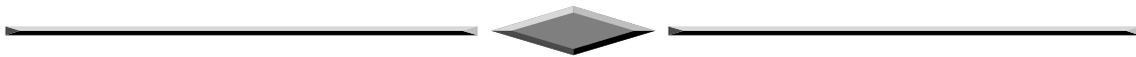


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Tess Nguyen, Associate Planner
DATE: July 11, 2012
SUBJECT: **CONDITIONAL USE PERMIT NO. 11-25 (EDINGER SPRINGDALE RETAIL BUILDING)**
LOCATION: 6012 Edinger Avenue, 92647 (southeast corner of Edinger and Springdale Street)



Applicant: Robert Beery, 8480 E. Orchard Road, Suite 2400, Greenwood Village, CO 80111

Property Owner: Tarek Berri, NB Oil, 3620 Pacific Coast Highway, No. 200, Torrance, CA 90505

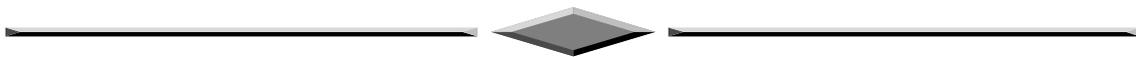
Request: To permit the (a) construction of an approximately 3,400 sq. ft. retail commercial building and (b) reduction of four (4) required onsite parking spaces from a total minimum 17 spaces required for the development of a vacant 0.37-acre commercial site. The proposed project will be constructed in a total of two phases that will include a 2,400 sq. ft. building (Phase 1) and a 1,000 sq. ft. addition (Phase 2).

Environmental Status: This request is covered by Categorical Exemption, Section 15303, Class 3, California Environmental Quality Act.

Zone: CG (Commercial General)

General Plan: CG – F1 (Commercial General – 0.35 Max. Floor Area Ratio)

Existing Use: Vacant



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 15303 of the CEQA Guidelines, because the proposed

development consists of construction of a new retail building with 3,400 sq. ft. of floor area not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-25:

To permit the construction of an approximately 3,400 sq. ft. retail commercial building on a vacant 0.37-acre commercial site. The proposed project will be constructed in a total of two phases that will include a 2,400 sq. ft. building (Phase 1) and a 1,000 sq. ft. addition (Phase 2).

1. Conditional Use Permit No. 11-25 for the construction of an approximately 3,400 sq. ft. retail commercial building on a vacant 0.37-acre commercial site to be developed in a total of two phases (a 2,400 sq. ft. building-Phase 1 and a 1,000 sq. ft. addition-Phase 2) 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 project is consistent with the permitted uses and development standards within this designation. The project will be located within an established area containing similar commercial uses and is not anticipated to generate additional noise, traffic, or other impacts detrimental to surrounding properties and inconsistent with the subject property's commercial zoning. The proposed use will have minimal impacts onto the adjacent properties since the retail center is oriented toward Edinger Avenue, with the main entrances oriented away and setback from residential uses located to the south of the subject site at a distance of approximately 55 ft. Additionally, residential uses are further buffered from the retail center by an 8-ft. high block wall, 10-ft. building setback separation, and a one-story building.
2. The conditional use permit will be compatible with surrounding uses because the proposed commercial use will serve the surrounding neighborhood and is designed to be consistent with the surrounding area by providing appropriate scale through a single-story design with appropriate proportion and character through variable façade offsets and harmonious colors and materials. The project, as proposed, conforms to the design criteria as stipulated within the City of Huntington Beach Urban Design Guidelines for general commercial buildings by providing a functional site layout to accommodate anticipated pedestrian and vehicular circulation patterns. In addition, the project design features quality architecture and exterior finish materials, varying roof lines and façade treatments.
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. The proposed development complies with the development standards and land use provisions in the Commercial General (CG) zoning district including minimum building setbacks, minimum onsite landscaping, maximum building height, 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 CN-F1 (Commercial Neighborhood – 0.35 Max. Floor Area Ratio) on the subject property. In addition, it is consistent with the following goals, policies, and objectives of the General Plan:

A. Land Use Element

Goal - LU 10: Achieve the development of a range of commercial uses.

Objective – LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach’s recreational resources.

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

Policy - LU 10.1.12: Require that Commercial General uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development, including: (a) incorporation of site landscaping, particularly along street frontages and in parking lots; (e) architectural treatment of buildings to minimize visual bulk and mass, using techniques such as the modulation of building volumes and articulation of all elevations.

B. Economic Development Element

Objective - ED 2.4: Revitalize, renovate and expand existing Huntington Beach commercial facilities while attracting new 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 project consists of a neighborhood serving commercial use in an area designated for commercial uses. The proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. The project design features quality architecture and exterior finish materials, a variety of roof lines and façade treatments, and a functional site layout. The proposed building complies with the City of Huntington Beach Urban Design Guidelines for general commercial buildings, including modulation of building volumes and articulation of elevations.

To permit the reduction of four (4) required onsite parking spaces from a total minimum 17 spaces required for the development of a vacant 0.37-acre commercial site.

1. Conditional Use Permit No. 11-25 for a 4-space reduction in required parking to allow the construction of an approximately 3,400 sq. ft. retail center is based on a parking demand analysis, prepared by Associated Transportation Engineers and Justin Link, a state-registered engineer (May 2012). An analysis was provided between the City’s off-street parking requirements for the project and the forecasted parking demand as determined by Institute of Transportation Engineers (ITE), and the observed parking demand of two other existing 7-Eleven locations in Huntington Beach. The study was reviewed and deemed satisfactory by Public Works Traffic Division and Planning Division staff. The study concludes that the code required minimum 17 spaces for the retail use results in 5 more spaces than expected to be utilized during the highest peak parking demand. As a result,

the parking demand study supports a 4-space reduction and concludes that adequate on-site parking can be accommodated for the proposed retail uses.

2. The proposed construction of an approximately 3,400 sq. ft. retail uses will generate a total demand of 12 parking based upon a parking demand analysis. The study relied on a survey and analysis of two existing 7-Eleven locations in Huntington Beach. The study determined that the City's minimum onsite parking requirement for the retail uses is 5 spaces more than the expected peak parking demand and therefore, will not generate additional parking demand.
3. A Transportation Demand Management plan was prepared by Rob Beery (June 15, 2012) for the proposed retail center. The Plan incorporates transportation demand management measures such as bicycle parking and commuter information. The Plan integrates transportation demand management strategies as required by HBZSO Section 230.36 which has been approved by the Director of Planning and Building.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2011-025:

1. The site plan, floor plans, and elevations received and dated May 16, 2012, shall be the conceptually approved design with the modification that site plan shall include all utility apparatus, such as but not limited to, backflow devices and Edison transformers. Utility meters shall be screened from view from public right-of-ways. Electric transformers shall not be located in a required front or street side yard. Backflow prevention devices shall not be located in the front yard setback and shall be screened from view. **(HBZSO Section 230.76)**
2. At least 14 days prior to any grading activity, the property owner/developer shall provide notice in writing to property owners of record and tenants of properties adjacent to and across the street from the project site. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning and Building Department.
3. Prior to submittal for building permits, the following shall be completed:
 - a. One set of plans revised in accordance with Condition No. 1 shall be submitted to the Planning Division for review and approval and inclusion in the entitlement file.
 - b. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
 - c. An "Acceptance of Conditions" form shall be properly executed by the developer and an authorized representative of the owner of the property, recorded with the County Recorder's Office, and returned to the Planning Division for inclusion in the entitlement file. Conditions of approval shall remain in effect in the recorded form in perpetuity,

except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.

4. Prior to issuance of building permits, the subject property shall provide an irrevocable offer to dedicate, between the subject site and adjacent easterly property. The location and width of the accessway shall be reviewed and approved by the Planning and Building Department and Public Works Department. The subject property owner shall be responsible for making necessary improvements to implement the reciprocal driveway. The legal instrument shall be submitted to the Planning and Building Department a minimum of 30 days prior to building permit issuance. The document shall be approved by the Planning and Building Department and the City Attorney as to form and content and, when approved, shall be recorded in the Office of the County Recorder prior to final building permit approval. A copy of the recorded document shall be filed with the Planning and Building Department for inclusion in the entitlement file prior to final building permit approval. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach. **(HBZSO Section 231.181.E.4)**
5. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - c. Truck idling shall be prohibited for periods longer than 5 minutes.
 - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.
 - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.
6. The structure cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released and issuance of a Certificate of Occupancy until the following has been completed:
 - a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - b. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to the Planning Division.
 - c. Compliance with all conditions of approval specified herein shall be verified by the Planning Division.

- d. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
 - e. A Certificate of Occupancy must be approved and issued by the Planning and Building Department.
 - f. Copy of the recorded irrevocable offer to dedicate document, as specified by Condition No. 4, shall be provided.
 - g. All existing overhead 12kV electrical distribution and various communication lines along the Edinger Avenue and Springdale Street frontages shall be undergrounded. In lieu of compliance with this project Condition, a fair-share fee, in the amount of \$72,000 shall be paid to the City of Huntington Beach Public Works Department. **(PW)**
7. The use shall comply with the following:
- a. The parking lot of the premises, as well as the area around the location, shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the parking lot. **(PD)**
 - b. The business shall not allow their patrons or the general public to loiter or congregate in the parking lots adjacent to their licensed business. **(PD)**
 - c. “No Loitering” and “No Open Container” signs shall be affixed and clearly visible on the north and west sides of the business. **(PD)**
 - d. To reduce the likelihood of thefts, the location shall be equipped with a video surveillance system capable of recording and reproducing images of individuals in the parking lot and entering and exiting the premise. **(PD)**
8. Conditional Use Permit No. 11-25 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 Planning and Building Department a minimum 30 days prior to the expiration date.
9. The Director of Planning and Building may approve minor amendments or modifications to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required.
10. 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.