

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

TO: Zoning Administrator
FROM: Jessica Bui, Assistant Planner
DATE: December 7, 2016

SUBJECT: CONDITIONAL USE PERMIT NO. 16-042 (HUMANE SOCIETY ANIMAL BOARDING FACILITY)

LOCATION: 9508 and 9510 Hamilton Avenue (east side of Bushard St. and south of Hamilton Ave.)



Applicant: Edward Wong, 15565 Brookhurst Street Suite B, Westminster, CA 92683

Property Owner: Hamilton HB, LLC, 15565 Brookhurst Street Suite B, Westminster, CA 92683

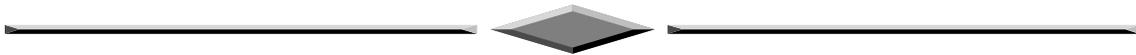
Request: To establish an approximately 2,200 sq. ft. animal boarding facility for the Orange County Humane Society which includes the receiving and temporary holding of stray animals for a period of no more than seven days. All animal activities and business operations onsite will occur entirely indoors.

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

Zone: CG (Commercial General)

General Plan: CN – F1 (Commercial Neighborhood – 0.35 FAR)

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 15301 of the CEQA Guidelines, because the project consists of the

operation and minor alteration of an existing commercial structure involving negligible or no expansion of use beyond that previously existing.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 16-042:

1. Conditional Use Permit No. 16-042 to establish an approximately 2,200 sq. ft. animal boarding facility which includes the receiving and temporary holding of stray animals within an existing commercial center 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 use will not generate traffic, demand for parking, or other impacts detrimental to the surrounding properties. The conditions of approval such as requiring the rear doors used for the receiving of stray animals to be closed at all times and all outdoor animal activity shall be prohibited will minimize potential noise impacts to the adjacent residential use.
2. The approximately 2,200 sq. ft. animal boarding facility, which includes the receiving and temporary holding of stray animals, will be consistent with surrounding uses because the animal boarding facility will be located within an existing commercial center with other compatible uses. The proposed use will be fully enclosed and no activities shall occur outdoors; in addition, dog kennels will be placed indoors, behind an existing 10 inch thick concrete wall, which will minimize noise impacts to surrounding uses.
3. The approximately 2,200 sq. ft. animal boarding facility which includes the receiving and temporary holding of stray animals within an existing commercial center 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 proposed use is permitted in the CG (Commercial General) zone, subject to conditional use permit approval, pursuant to Section 211.04 of the HBZSO. The project is located within an existing shopping center and does not include a physical expansion of the existing structure; therefore, the project 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 CN-F1 (Commercial Neighborhood – 0.35 FAR) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

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

Policy LU 7.1.1: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

B. Economic Development Element

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 approximately 2,200 sq. ft. animal boarding facility, which includes the receiving and temporary holding of stray animals, within an existing commercial center will provide an additional service to the surrounding neighborhood and diversify the land uses. The use will be located within an existing commercial center which includes other service related uses consistent with the Land Use and Density Schedules in the General Plan; with the conditions of approval, the use will be compatible with the adjacent uses. In addition, the project will provide for new job opportunities for existing and future residents and promote the economic viability of the shopping center

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 16-042:

1. The site plan, floor plans, and elevations received and dated October 20, 2016 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. The hours of operation shall be limited to between 10:00AM to 6:00PM, Monday – Friday and 9:00AM to 5:00PM, Saturday – Sunday.
 - b. All exterior doors along the southerly portion of the building shall provide shielded lighting and illumination shall not project over the property line.
 - c. All rear doors located along the southerly portion of the building shall only be used for dropping off of animals during the permitted hours of operation only and shall remain closed at all other times.
 - d. No outdoor exercising or animal activities shall be permitted in the rear or front of the building.
3. CUP No. 16-042 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.