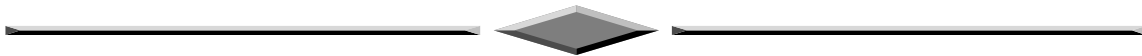


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Rami Talleh, Senior Planner
DATE: May 7, 2008

**SUBJECT: CONDITIONAL USE PERMIT NO. 2007-038 AND VARIANCE NO. 2008-004
(LIBERTY LIQUOR ADDITION)**

LOCATION: 17701 Beach Blvd., 92647 (southwest corner of Beach Blvd. and Liberty Street)



Applicant: Jim Burnett, 22431 Antonio Parkway, B160, Suite 124, Rancho Santa Margarita, CA, 92688

Property

Owner: Diane H. Kim, 17001 Beach Blvd., Huntington Beach, CA 92647

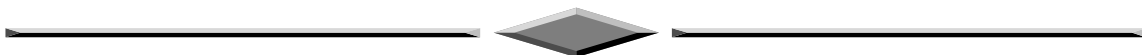
Request: **CUP:** To permit (a) the construction of a 3,721 sq. ft. addition to an existing multi-tenant commercial building and (b) a parking reduction of two parking spaces for 830 sq. ft. of storage area. **VAR:** To allow no landscaping along the westerly property line in lieu of the minimum required 3 ft. wide landscaped planter.

Environmental Status: This request is covered by Categorical Exemption, Section 15302, Class 2, California Environmental Quality Act.

Zone: CG (Commercial General)

General Plan: CG-F1 (Commercial General – 0.35 maximum Floor Area Ratio)

Existing Use: Commercial Building



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 15302 of the CEQA Guidelines, because the proposed development consists of new construction of a commercial building with less than 10,000 sq. ft. of floor area not involving significant amounts of hazardous materials on a site where public services and facilities are available and the surrounding area is not environmentally sensitive.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2007-038:

1. Conditional Use Permit No. 2007-038 to permit the construction of a 3,721 sq. ft. addition to an existing multi-tenant commercial building and allow a parking reduction of two parking spaces for 830 sq. ft. of storage area 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 subject property is designated for commercial general development under the General Plan. The proposed project is consistent with the permitted uses and development standards within this designation. The site will be sufficiently parked and will not have any significant impacts on adjacent properties.
2. The conditional use permit will be compatible with surrounding uses. The subject site will be developed concurrently with an abutting commercial property to the south. Both properties will share a common driveway with access to Beach Boulevard. The subject building will be oriented at the northeast corner of the subject site thereby complimenting the proposed commercial building to the south.
3. The proposed development 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 with the exception of the parking reduction for storage area. The development complies with the minimum required setbacks and complies with the maximum allowed floor area ratio and building height.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the following goals and policies of the General Plan:

LU10.1.4. Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

LU10.1.12. Require that Commercial uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development including consideration of:

- a. Siting and design of structures to facilitate and encourage pedestrian activity;
- b. Siting of buildings to the street frontage to convey a visual relationship to the street and sidewalks;
- c. Architectural treatment of buildings to minimize visual bulk and mass, using techniques such as the modulation of building volumes and articulation of all elevations.

The proposed development is in substantial compliance with the Urban Design Guidelines. The siting and design of the proposed structure allows for pedestrian connections between sidewalks and the subject site. The proposed architecture provides a prominent entry and incorporates quality materials in its design.

SUGGESTED FINDINGS FOR APPROVAL - VARIANCE NO. 2008-004:

1. The granting of Variance No. 04-04 to allow no landscaping along the westerly property line in lieu of the minimum required 3 ft. wide landscaped planter will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The subject property will share a landscape planter with the property to the west. This condition results in a two foot landscaped vehicle overhang on the subject site and a five-foot wide planter on the adjacent property to the west. When combined together the planter exceeds the minimum code requirement of three feet.
2. Because of special circumstances applicable to the subject property, including size, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The subject site is located on a corner lot currently occupied by an outdated commercial building with one-way drive aisles and parking stalls which back up directly onto Liberty Avenue. The size and shape of the lot results in a hardship with regard to providing two-way drive aisles and on-site circulation as required by code. In order to accommodate the required number of parking spaces on the subject site the applicant is requesting to provide no landscaping along the westerly property line. However a two foot of landscaped vehicle overhang will be provided in-conjunction with a five foot wide landscaped planter which will be constructed on the abutting property.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The subject lot is undersized for a substantial commercial development and only accommodate development with one-way drive aisle and parking stalls which back up directly onto a public street. In order to allow the development of a viable commercial center on the site the subject variance is necessary.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The subject site exceeds the requirement of 8 percent for site landscaping by providing 22 percent landscaping.
5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial General on the subject property because the substantial landscaping is provided on the subject site. In addition, the design of the structure is in compliance with the General Plan objective of siting buildings adjacent to street frontages.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2007-038 AND VARIANCE NO. 2008-004:

1. The site plan, floor plans, and elevations received and dated March 12, 2008, shall be the conceptually approved design with the following modifications:
 - a. Provide a walkway from Beach Blvd. to the building along the north side of the common driveway.
 - b. Use decorative pavement for all hardscape/concrete within the 25 ft. front yard setback.
 - c. Modify the west/rear elevation by providing deeper insets and install faux windows or windows in every other inset.
 - d. Provide a deeper inset along the south elevation and install a faux window or window within the first inset adjacent to the building entrance.
 - e. Decorative pavement for the driveway entrances shall match that used for 17725 Beach Blvd. (Longs Drugs).

- f. The landscaping treatment shall be consistent with that used for 17725 Beach Blvd. (Longs Drugs).
 - g. The primary building color shall match that used for 17725 Beach Blvd. (Longs Drugs).
2. Prior to issuance of grading permits, a Precise Grading Plan shall include the following improvements on the plan shall be completed: **(PW)**
 - a. The proposed driveway approach on Beach Boulevard shall be constructed as ADA compliant per Caltrans Standard Plan No. A87A.
 - b. Indicate the type and location of Water Quality Treatment Control Best Management Practices (BMPs) on the Grading Plan consistent with the Project WQMP. The WQMP shall follow the City of Huntington Beach; Project Water Quality Management Plan Preparation Guidance Manual dated June 2006. The WQMP shall be submitted with the first submittal of the Grading Plan.
 3. Prior to submittal for building permits, a planned sign program for all signage shall be submitted to the Planning Department. Said program shall be approved prior to the first sign request.
 4. The structure cannot be occupied, the final building permit cannot be approved, utilities cannot be released, and a Certificate of Occupancy cannot be issued until the following has been completed:
 - a. All existing overhead utilities that are within the project, or on the southerly property line adjacent to the subject project, shall be undergrounded. This condition applies to all aerial cables to and from Southern California Edison (SCE) pole no. 4076364E (which serve the structures at 17685, 17701, 17721, 17731 and 17741 Beach Boulevard). Coordinate with SCE to determine the exact length of undergrounding required. The developer for the subject project shall also coordinate sharing the cost of the aforementioned utility undergrounding with adjacent property owners of 17721, 17731 and 17741 Beach Boulevard. **(PW)**
 - b. If the subject project is the first to be constructed in relation to the southerly proposed project at 17225 Beach Boulevard, then the full width (minimum 27-foot width) of the proposed driveway approach to Beach Boulevard and the full width (26-foot) southerly shared drive aisle shall be constructed prior to issuance of final inspection or occupancy. Any necessary easements (for temporary construction, reciprocal access, etc.) for construction of the aforementioned shared drive aisle shall be coordinated with adjacent southerly property owner and copies shall be provided to Planning and Public Works Departments. **(PW)**
 - c. All existing non-conforming sign shall be removed or brought into compliance with the Huntington Beach Zoning and Subdivision Ordinance (HBSZO) signage requirements.
 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.