

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

TO: Zoning Administrator
FROM: Jill Arabe, Assistant Planner
DATE: April 20, 2011

SUBJECT: CONDITIONAL USE PERMIT NO. 11-007 (JACK'S SURFBOARDS)

LOCATION: 16350 Gothard Street, #102, 92647 (east side of Gothard St., between Heil Ave. and Edinger Ave.)

Applicant: Michael Volk, MVA Aarchitects, 2151 Michelson Drive, Suite 140, Irvine, CA 92612

Property Owner: AMB Property Corporation, 17777 Center Court Drive N. #100, Cerritos, CA 90703

Business Owner: Jack's Surfboards, 16350 Gothard Street, # 102, Huntington Beach, CA 92647

Request: To permit the establishment of an approximately 5,900 sq. ft. commercial retail use in conjunction with an existing 52,000 sq. ft. warehouse business.

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

Zone: IG – FP2 (Industrial General – Flood Plain 2)

General Plan: I – F2 - d (Industrial General – 0.50 Maximum Floor Area Ratio- Design Overlay)

Existing Use: Office/Warehouse

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 minor alterations to the interior of an existing building involving negligible expansion of the existing use.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-007:

1. Conditional Use Permit No. 11-007 to establish an approximately 5,900 sq. ft. of commercial retail use within an existing 52,000 sq. ft. warehouse business 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 ancillary use will not occupy more than 25% of the primary industrial warehouse use. The proposed use will serve employees of the existing business as an employee outlet store that sells merchandise manufactured on-site. Based upon the conditions imposed, no exterior signage will be permitted to advertise the retail use which will minimize advertising to the general public thereby limiting traffic to the site. Therefore, establishing the adjunct commercial retail use is not anticipated to generate additional noise, safety, and traffic impacts beyond which already exist in the surrounding area..
2. The conditional use permit will be compatible with surrounding uses because it is ancillary to an existing industrial use and occupies an area less than 25% of the existing warehouse business. The proposed hours of operation will be consistent with normal business hours. As conditioned, no advertisement of the commercial retail use will be permitted and, therefore, will reduce the overall visibility of the business by the general public and function in a different capacity than a typical commercial retail use. The proposed use will be compatible with surrounding sites within the vicinity containing mixed industrial and commercial uses.
3. The proposed conditional use permit will comply with the provisions of the base district of IG (Industrial General) and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. Adjunct commercial space not in excess of 25% of the floor area of a primary industrial use is allowed with the approval of a conditional use permit. The proposed use conforms to the provisions regulating adjunct commercial space based upon the narrative and conditions imposed.
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 Industrial 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 12 Achieve the development of industrial uses that provide job opportunities for existing and future residents, as well as the surrounding subregion, and generate revenue for the City.

Policy LU 12.1.1 Accommodate the continuation of existing and development of new manufacturing, research and development, professional offices, supporting retail commercial (including, but not limited to, sales areas for manufacturers and photocopy stores), restaurants, financial institutions, and similar uses in areas designated on the Land Use Plan Map in accordance with Policy LU 7.1.1.

B. Economic Development Element

Goal ED 1 Provide economic opportunities for present and future Huntington Beach residents and businesses through employment and local fiscal stability.

The proposed conditional use permit will allow commercial retail space within an existing industrial building, subject to provisions consistent with the zoning ordinance. The use is intended to serve employees of the industrial use by selling surplus merchandise manufactured on-site and provide additional job opportunities. The business will include an area for manufacturing in conjunction with the adjunct retail area.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 11-007:

1. The site plan, floor plans, and elevations received and dated March 30, 2011, shall be the conceptually approved design with the following modifications:
 - a. On Sheet A-1, the site plan shall be amended to reflect the anticipated interior improvements that are to accommodate the newly established retail area within Suite 101.
 - b. On Sheet A-1, the area calculations and parking matrix shall be amended to accurately reflect the floor area allocations of onsite uses.
2. Prior to submittal for building permits, zoning entitlement conditions of approval 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.
3. The use shall not commence until a covenant agreement shall be submitted to the Planning & Building Department restricting the mix of onsite uses on the subject property. Said agreement shall be reviewed and approved to form by the City and recorded with the Office of the County Recorder. A copy of the recorded document shall be filed with the Planning & Building Department for inclusion in the entitlement file. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to expressed written approval by the City.
4. The use shall comply with the following:
 - a. Only the uses described in the narrative received and dated March 31, 2011, shall be permitted.

- b. No exterior signs including window, wall, or temporary signs shall advertise the retail use.
 - c. Retail sales are limited to only the goods manufactured on-site.
 - d. The adjunct commercial retail use shall only be operated in conjunction with the existing warehouse business.
 - e. The retail area shall not be subdivided as a separate unit.
 - f. The use conditions listed herein shall be posted at all times.
5. CUP No. 11-007 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 & Building Department a minimum 30 days prior to the expiration date.
6. 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.