



Huntington Beach Planning Commission

2000 MAIN STREET

CALIFORNIA 92648

NOTICE OF ACTION

February 25, 2009

Michael C. Adams
21190 Beach Boulevard
Huntington Beach, CA 92648

SUBJECT: **NEGATIVE DECLARATION NO. 08-007/CONDITIONAL USE PERMIT NO. 08-020 (ARCO GAS STATION/CARWASH/CONVENIENCE STORE)**

APPLICANT: Michael C. Adams, Adams Associates

BUSINESS OWNER: Ishkhan Sahagian, 21452 Brookhurst Street, Huntington Beach, CA 92646

PROPERTY OWNER: BP West Coast Products, LLC, 4 Centerpoint Drive, La Palma, CA 90623

REQUEST: **ND:** To analyze the potential environmental impacts associated with the implementation of the proposed project. **CUP:** To permit the development of an approximately 2,400 sq. ft., 24-hour convenience store, gas station, an approximately 960 sq. ft. automated carwash, and associated site improvements. The request also includes the onsite sale of alcoholic sealed/package beverages for offsite consumption.

LOCATION: 121452 Brookhurst Street, 92646 (northeast corner of Brookhurst Street and Hamilton Avenue)

DATE OF ACTION: February 24, 2009

On Tuesday, February 24, 2009, the Huntington Beach Planning Commission took action on your application, and your application was **conditionally approved**. Attached to this letter are the findings and conditions of approval.

Please be advised that the Planning Commission reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your total application. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Planning Commission becomes final at the expiration of the appeal period. A person desiring to appeal the decision shall file a written notice of appeal to the City Clerk within ten (10) calendar days of the date of the Planning Commission's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal. Said appeal must be accompanied by a filing fee of One Thousand, Five Hundred Forty-One Dollars (\$1,541.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and Two Thousand Three Hundred Seventy-Nine Dollars (\$2,379.00) if the appeal is filed by any other party. In your case, the last day for filing an appeal and paying the filing fee is March 6, 2009 at 5:00 PM.

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, unless actual construction has started.

"Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020."

If you have any questions, please contact Andrew Gonzales, the project planner, at agonzales@surfcity-hb.org or (714) 374-1547 or the Planning Department Zoning Counter at (714) 536-5271.

Sincerely,

Scott Hess, Secretary
Planning Commission

By:



Herb Fauland, Planning Manager

SH:HF:AG:lw

Attachment: Findings and Conditions of Approval – ND No. 08-007 and CUP No. 08-020

c: Honorable Mayor and City Council
Chair and Planning Commission
Fred Wilson, City Administrator
Scott Hess, Director of Planning
Bill Reardon, Division Chief/Fire Marshal
Leonie Mulvihill, Senior Deputy City Attorney
Steve Bogart, Senior Civil Engineer
Gerald Caraig, Permit-Plan Check Manager
Property Owner
Business Owner
Project File

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

NEGATIVE DECLARATION NO. 08-007/ CONDITIONAL USE PERMIT NO. 08-020

FINDINGS FOR APPROVAL - NEGATIVE DECLARATION NO. 08-007 :

1. The Negative Declaration No. 08-007 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of thirty (30) days. Comments received during the comment period were considered by the Planning Commission prior to action on the Negative Declaration and Conditional Use Permit No. 08-020.
2. Mitigation measures, incorporated into the attached conditions of approval, avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur.
3. There is no substantial evidence in light of the whole record before the Planning Commission that the project, as mitigated through the conditions of approval for Conditional Use Permit No. 08-020 will have a significant effect on the environment.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 08-020:

1. Conditional Use Permit No. 08-020 to construct a gas station consisting of six self-service pump stations, an approximately 2,400 sq. ft. 24-hour convenience store building, and an approximately 960 sq. ft. automated carwash, and associated site improvements in conjunction with the onsite sale of alcoholic sealed/package beverages for offsite consumption 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. A negative declaration was prepared which analyzed the project potential to generate detrimental impacts on surrounding properties. The study concluded that no significant impact will occur with respect to the proposed uses. The Negative Declaration is supported by environmental assessment, air quality and acoustical studies. The project will provide adequate parking, in accordance with applicable code requirements on site.
2. The conditional use permit will be compatible with surrounding uses because the project is consistent with the applicable General Plan Land Use and Zoning designations. The proposed project will modernize an existing gas and service station by providing additional services to the community which will include two additional self-service fuel pump stations, a convenience store, and automated carwash. The proposed buildings, as conditioned, will comply with the maximum height limit and minimum yard setbacks of the base zoning district. Nearby residences will be buffered from the project by a drive aisle, carport, 6 ft. block wall, and 25 ft. setback. Onsite circulation will be improved to ensure for safe and secure traffic flow for the proposed project and adjoining City lift station.
3. Conditional Use Permit No. 08-020, with incorporation of the conditions of approval, 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 including Commercial General

permitted uses, minimum parking requirements, minimum yard setbacks, minimum 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 Commercial General (CG) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

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 resident.

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

Objective - LU 10.1.6: Require the commercial projects abutting residential properties adequately protect the residential use from the excessive or incompatible impacts of noise, light, vehicular traffic, visual character, and operational hazards.

Objective - 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 the consideration of architectural treatment of buildings to minimize visual bulk and mass, using techniques such as modulation of building volumes and articulation of all elevations

The project is a redevelopment of an existing gas and service station with a new gas station, convenience store, and automated carwash. The additional uses will redevelop a site containing an outdated service station with a modern facility that caters to the needs of local residents. The project will not significantly impact the adjoining residential property to the east of the site. The entrance of the convenience store will be oriented toward Hamilton Avenue, away from nearby residential units. The residential uses to the west will be buffered from the gas station/carwash/convenience store by an approximately 100 ft. separation consisting of a drive aisle, carport, 6 ft. high block wall, and an approximately 25 ft. setback. The mechanical equipment associated with the carwash will be located inside the building; in addition, an exiting 6 ft. high common block wall and carport structure sited on the adjoining residential property will assist in attenuating noise generated from the carwash. Lighting will be designed to be directed onto the project site without any spillage onto adjacent properties.

B. Urban Design Element

Objective – UD 1.1: Identify and reinforce a distinctive architectural and environmental image for each district in Huntington Beach.

Policy – 1.2.1: Enhance the connections, where feasible between the public sidewalk and private commercial interior open spaces as described by the Land Use Element by using decorative paving materials.

The redevelopment of an existing gas and service station will modernize an outdated site with a gas station, convenience store, and automated carwash. The proposed design of the convenience store will incorporate distinctive architecture which includes variations to the roof height, insets and offsets in the building façade to create enhanced visual relief and break up of building mass, variations in exterior building treatment, and an enhanced building entrance. The gas canopy structure will be architecturally enhanced with a pitched roof design and designed to be integrated with the convenience and automated carwash building. The project will incorporate a connection from the public sidewalk on Brookhurst Street by providing clear identifiable access to the convenience store and automated carwash building. As conditioned, the pedestrian connection will be provided with a decorative paving to distinguish from pedestrian and vehicular access ways.

C. Economic Development Element

Policies - 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 request will accommodate the redevelopment of an existing site with additional uses that will serve the needs of local residents and visitors to the City by providing additional commercial serving opportunities.

D. Noise Element

Policy N – 1.2.3: Require development, in all areas where the ambient noise level exceeds an Ldn of 60 dB(A), to conduct an acoustical analysis and incorporate special design measures in their construction, thereby, reducing interior noise levels to the 45 dB(a) Ldn level.

Policy N – 1.4.3: Require that the parking areas of all commercial and industrial land uses, which abut residential areas, to be buffered and shielded by walls, fences, or adequate landscaping.

A noise study provided for the project identifies that noise levels will not cumulatively contribute to an increase in levels above established thresholds. Noise will be attenuated through onsite improvements and existing structures adjacent to the site which include a perimeter block wall and carport structures. Additionally, noise emitting mechanical equipment will be enclosed within the building.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 08-020:

1. The site plan, floor plans, and elevations received and dated July 30, 2008, shall be the conceptually approved design with the following modifications:
 - a. Gas Canopy Option “A” shall be the approved design.
 - b. The drive approach along the north property line on Brookhurst Street shall be relocated 3 ft. to the south. In addition, a 3 ft. wide and 10 ft. long landscape planter shall be provided along the northerly property line.

- c. Reduce the length of the parking stalls to 17 ft. and widen the walkway an additional 2 ft. for the parking stalls directly located to the south of the convenience store building.
 - d. The air and water pump depicted on the along the easterly property line adjacent to the easterly most drive aisle shall be relocated to an area adjacent to the proposed parking spaces. The final design shall be reviewed and approved by the Planning Department.
 - e. Decorative paving shall be provided for the 4 ft. wide pedestrian walkway serving as access from Brookhurst Street to the convenience store.
 - f. The proposed bollards located at the ends of gas pump islands shall be replaced with decorative bollards compatible with the proposed building design.
 - g. The proposed single driveway on Hamilton Avenue (which will serve both the subject site and the City's lift station site) shall be relocated to the west approximately 10 ft. from the beginning of the curb return and shall be constructed as an ADA compliant driveway approach per Public Works Standard Plan No. 211 (**PW**).
 - h. Approximately 8 ft. of the southerly end of existing chain link fence and adjacent retaining wall, which serves as the property boundary between the subject site and the easterly parcel (APN 149-262-08), shall be removed to be even with the southerly border of said parcel so as to provide the required reciprocal driveway. Additional retaining wall may be required to be constructed, depending on the orientation and layout of the new reciprocal access driveway (**PW**).
2. A Precise Grading Plan shall include the following improvements on the plan:
- a. The existing driveway approach to the subject site and the existing driveway approach to the City's lift station site, both on Hamilton Avenue, shall be removed and replaced with one ADA compliant driveway approach per Public Works Standard Plan No. 211(**PW**).
 - b. The existing northerly driveway approach on Brookhurst Street shall removed and replaced with an ADA compliant driveway approach per Public Works Standard Plan No. 211(**PW**).
 - c. The existing southerly driveway approach on Brookhurst Street shall be removed and replaced with curb, gutter, and sidewalk per City Standard Plan Nos. 202 and 207 (**PW**).
 - d. A street light shall be installed on Brookhurst Street, south of the northerly driveway (**PW**).
 - e. Damaged curb, gutter and sidewalk along the Brookhurst Street frontage shall be removed and replaced per Public Works Standard Plan Nos. 202 and 207 (**PW**).
 - f. The existing natural gas line on the easterly wall (approximately 18-inches above ground) along the entire width of the property shall be undergrounded (**PW**).
 - g. The existing natural gas meter in the existing southeasterly landscape planter shall be removed and relocated so as not to interfere with the proposed shared driveway to Hamilton Avenue(**PW**).
3. A Project Water Quality Management Plan (WQMP) shall include the following:
- a. Wash down water and runoff from the surface area under the canopy covered fueling area shall be collected and drained into the on-site carwash clarifier (**PW**).
 - b. Runoff from the surface area within the trash enclosure area shall be collected and drained into the on-site sanitary sewer system (**PW**).

- c. Surface drainage shall be treated on site by being directed through landscape before leaving property **(PW)**.
- d. At the exit of the carwash, a trench with grate shall be installed along the width of the drive-through to capture excess water and drain the water to the carwash clarifier **(PW)**.
- 4. Carwash shall not drain to any storm drain system. Wash water from this area may be directed to the sanitary sewer (upon approval by the Orange County Sanitation District), through an engineered infiltration system, clarifier or to an equally effective alternative. Pre-treatment may also be required.
- 6. All existing signs which do not conform with Chapter 2330 – Signs of the HBZSO shall be removed or modified to conform.
- 7. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. 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 Department.
- 8. A truck-tracking exhibit shall be provided which demonstrates that a WB-50 vehicle can enter the site, access the delivery areas, and leave the site without touching the required parking spaces and landscaped areas.
- 9. Applicant shall water jet then provide a color video recording of the existing sewer lateral pipe to verify the working condition of the sewer lateral. If the sewer does not pass Public Works inspection, a new sewer lateral shall be installed connecting to the main in the street. If the new sewer lateral is not constructed at the same location as the existing lateral, then the existing lateral shall be severed and capped at the main or chimney **(PW)**.
- 10. Prior to final inspection or occupancy:
 - a. Install a phone in the freezer and cooler areas **(PD)**.
 - b. Install a peep hole in the rear door **(PD)**.
 - c. Install a one-way mirror on the office window **(PD)**.
- 11. The use shall comply with the following:
 - a. The west and east doors should remain exit only **(PD)**.
 - b. Include a camera in the carwash area so that employee(s) can monitor activity building **(PD)**.
 - c. The beer coolers shall be located to the coolers closest to the cashier **(PD)**.
 - d. The hours of operation for the automated carwash shall be limited to the hours of 7AM to 7PM.
 - e. To the maximum extent feasible, the automated carwash shall utilize water recycling and conservation measures to minimize water usage.

12. The development services departments (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 Planning 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 Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.
13. 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.