



Legislation Details (With Text)

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Type: Public Hearing **Status:** Agenda Ready
File created: 6/23/2021 **In control:** Planning Commission
On agenda: 7/13/2021 **Final action:**
Title: CONDITIONAL USE PERMIT NO. 21-007/VARIANCE NO. 21-001 (G&M OIL CONVENIENCE STORE)

REQUEST:

To construct a 1,175 sq. ft. convenience store with a 13 ft. front yard setback in lieu of the required minimum 15 ft. setback and a zero ft. side yard setback along the north property line in lieu of the required minimum five ft. setback on a vacant 5,585 sq. ft. parcel.

LOCATION:

19442 Beach Blvd., 92648 (near the northeast corner of Beach Blvd. and Yorktown Ave.)

Attachments: 1. ATT#1 - CUP 21-007_VAR 21-001 FINDINGS AND CONDITIONS, 2. ATT#2 - PLANS, 3. ATT#3 - NARRATIVE, 4. ATT#4 - CODE REQUIREMENTS

Date	Ver.	Action By	Action	Result
7/13/2021	1	Planning Commission	approved with conditions	Pass

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission
FROM: Ursula Luna Reynosa, Director of Community Development
BY: Joanna Cortez, Associate Planner

SUBJECT:
CONDITIONAL USE PERMIT NO. 21-007/VARIANCE NO. 21-001 (G&M OIL CONVENIENCE STORE)

REQUEST:

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LOCATION:

19442 Beach Blvd., 92648 (near the northeast corner of Beach Blvd. and Yorktown Ave.)

APPLICANT:

Karl Huy, Travis Companies Inc., 4430 E. Miraloma Ave., Suite F, Anaheim, CA 92807

**PROPERTY
OWNER/**

BUSINESS

OWNER:

George A. Pearson, G&M GAPCO, LLC, 16868 A St., Huntington Beach, CA 92647

STATEMENT OF ISSUE:

1. Is the project proposal consistent with the City of Huntington Beach's adopted land use regulations (i.e. General Plan, Zoning Map and Zoning Code including any specific plans and overlay districts where applicable?
2. Does the project proposal satisfy all the findings required for approving a Conditional Use Permit and a Variance?
3. Has the appropriate level of environmental analysis been determined?

RECOMMENDATION:

That the Planning Commission take the following actions:

- A) Find the proposed exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (Attachment No. 1; and
- B) Approve Conditional Use Permit No. 21-007 and Variance No. 21-001 (Attachment No. 1)

ALTERNATIVE ACTION(S):

- A) Do not make the suggested findings, which will result in a mandatory denial of Conditional Use Permit No. 21-007 and Variance No. 21-001 pursuant to Section 241.10 C. of the Huntington Beach Zoning and Subdivision Ordinance; or
- B) Continue Conditional Use Permit No. 21-007 and Variance No. 21-001 and direct staff accordingly.

PROJECT PROPOSAL:

The project is a one-story convenience store proposed to serve as the new point of payment and provide sales of convenience goods for customers at the existing adjacent gas station. No alcohol sales are proposed with this request. The proposed one-story convenience store is 1,175 sq. ft. and approximately 18 ft. in height. The subject site is a vacant 5,585 sq. ft. lot surrounded by commercial uses to the south, east and west and a vacant lot to the north. Parking is located at the rear of the site along with a 138 sq. ft. trash enclosure. The project is located in the Beach and Edinger Corridors Specific Plan (BECSP) and includes required architectural elements of the specific plan such as cornices with articulating rooflines, metal awnings, and stone veneer base. The development also includes street improvements such as widening the sidewalk and new landscaping along the right of way.

The proposed project includes requests for deviations from two different minimum setback requirements at the front and side of the property. The front setback (along Beach Blvd.) is proposed at 13 ft. in lieu of the required 15 ft. When the City Council increased the minimum front setbacks in the BECSP in 2015, they also created a conditional use permit (CUP) process, instead of a variance, to allow requests for reductions. Consequently, the project applicant is requesting a two-foot reduction in the front yard setback via a CUP. The side yard setback (along the north property line) is proposed at zero ft. in lieu of the required five ft. The City Council did not address reductions from side yard setbacks in the 2015 amendments. As such, the requested side yard deviation is subject to a variance, which has different findings than a CUP. Required findings for both requests are further discussed in the Zoning Compliance section below.

Background:

The site was initially developed with a 1,160 sq. ft. single-family residence with a 790 sq. ft. garage. The structures were demolished in 1998 and the site has been vacant since then. The designation of the site has also changed over the years from CG (Commercial General) to BECSP in 2010.

ISSUES AND ANALYSIS:

Subject Property And Surrounding General Plan Designations, Zoning And Land Uses:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	M-sp (Mixed Use - Specific Plan)	SP 14 (Beach and Edinger Corridors Specific Plan)	Vacant Land
North of Subject Property:	M-sp (Mixed Use - Specific Plan)	SP 14 (Beach and Edinger Corridors Specific Plan)	Vacant Land
South, East, and West of Subject Property:	M-sp (Mixed Use - Specific Plan)	SP 14 (Beach and Edinger Corridors Specific Plan)	Commercial

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is currently M-sp (Mixed Use - Specific Plan Overlay). The proposed convenience store with reduced setbacks is consistent with this designation and the goals, policies, and objectives of the City's General Plan as follows:

Land Use Element

Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

Policy LU-1(D): Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

Goal LU-11: Commercial land uses provide goods and services to meet regional and local needs.

Policy LU-11 (B): Encourage renovation and revitalization of deteriorating and struggling nonresidential areas and corridors, particularly commercial locations.

The proposed development includes a well-articulated building and wider walkways to enhance the pedestrian and public experience and is compatible in proportion, scale, and character of the adjoining uses. The one-story commercial building is consistent with the height requirements and complements the adjacent commercial buildings. After a required two ft. street dedication, the reduced building setback to the property line will measure approximately 13 ft., and will not create adverse impacts to the surrounding neighborhood as it is compatible with other surrounding single-story buildings that have been granted similar reduced setbacks. The site is substantially smaller than most commercial properties, making it difficult to meet required building setbacks after street dedications and still maintain a viable convenience use with adequate on-site circulation. The proposed architectural elements such as the cornices with articulating rooflines, metal awnings, and stone veneer base is compatible with and enhances the character of the adjoining uses. Furthermore, the proposed retail building will serve the service station to the south and provide goods and service that meets the regional and local community needs and improves an existing commercial property with an optimal location and accessibility along a major highway. The expansion of services captures and enhances resident, visitor, and tourist activity within the surrounding areas.

Circulation Element

Goal CIRC 7: Designated scenic corridors protect and enhance visual quality and scenic views.

Goal CIRC 7 (D): Provide landscaped medians and sidewalk treatments in accordance with City standards within major and primary arterial streets designated as landscape corridors, and continue to require the construction of landscaped medians and sidewalk treatments in new developments.

While narrower than the standard commercial sites in the area, the proposed streetscape will initiate the vision for the Neighborhood Parkway Segment of the specific plan. The project will provide a parkway landscape buffer for pedestrians using the public sidewalk. Additionally, the proposed retail building will improve a vacant commercial property with an optimal location and accessibility along a major highway.

Zoning Compliance:

As introduced in the Background section, the project includes deviations from both the front and side setbacks or the distance required from the property line to the building. The reduced front setback may be requested through the CUP process and the findings required to approve are generally that the deviation will not be detrimental to other properties within the vicinity. The reduced side setback along the northerly property line may be requested through the variance process. Variances may only be approved based on land related hardships and the applicant must demonstrate that there is something unique or special about the property that prevents them from meeting the minimum setback standard.

CUP for Reduced Front Setback

The CUP request for a two foot reduction in front setback will not be detrimental to the surrounding area and will not adversely affect the goals and policies established in the General Plan. The proposal complies with other development standards such as maximum building height, top and base

architectural element requirements, landscaping, street improvements, and parking. The reduced building setback is appropriate as it will allow sidewalk dedication, a viable commercial use on a remnant parcel, and adequate on-site circulation while improving an existing commercial property with an optimal location and accessibility along a major highway. There are not many commercial developments that would be feasible in this location and on this small lot size.

The project is compatible with the development pattern along the street in proportion, scale, and height, and complements the adjacent commercial buildings. Additionally, the design of the building is attractive and incorporates architectural elements such as cornices with articulated rooflines, metal awnings, and a stone veneer base. Development of this remnant site will improve this segment of Beach Blvd. by reducing the number of driveways, increasing reciprocal access between the properties to the south and east, widening the sidewalks, and adding new landscaping along the right of way. Additionally, this development's improvements may encourage surrounding commercial property owners to redevelop or make improvements to their buildings and sites. Staff recommends approval of the CUP for reduced front setback with findings (Attachment No. 1).

Variance for Reduced Side Setback

The site was originally developed with a single-family residence. At 5,585 sq. ft., the lot is smaller than most residential uses in the city and substantially smaller than standard mixed use or commercial parcels within the specific plan. Many of the surrounding parcels range from 9,400 - 80,000 sq. ft. in size. The narrow width of the site is substantially less than other properties, making it difficult to have a viable commercial use that complies with setbacks and proper on-site circulation. Similar types of developments within the same zoning designation have been granted relief from the strict application of development standards, specifically setbacks, which is why the applicant is requesting relief from the code with a conditional use permit for the front setback and a variance for the northerly side setback.

There are four required findings for approval of a variance pursuant to Section 241.10 B. of the HBZSO. Each finding is listed in italics and discussed in detail below.

Grant of Special Privilege

The granting of the variance will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification.

The variance will not constitute a grant of special privilege because the site is substantially smaller than surrounding properties and other reduced setbacks have been approved in the vicinity. It was originally developed for a single-family dwelling, which lends itself to smaller lot sizes. However, the narrow width of the property significantly restricts use of the property for viable commercial uses as it does not allow for minimum setbacks, ADA accessibility requirements, and proper on-site circulation, therefore limiting full use of the commercial property. Also, similarly zoned lots within BECSP have previously been granted approval for reduced setbacks due to irregularities in lot size:

- 17752-17762 Beach Blvd. (Beach Medical Pavilion): Approval of a CUP for reduced front setback of 15 ft. in lieu of 30 ft. for two story building and approval of Variances for reduced landscape planter widths.
- 17131 Beach Blvd. (The Learning Experience): Approval of a reduced front setback along a secondary street of 4.33 ft. in lieu of a minimum 10 ft. setback.

- 16990 Beach Blvd. (G&M Oil Service Station): Approval of a commercial building at a reduced setback of eight ft. in lieu of the minimum 15 ft. setback.

Special Circumstances

Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, 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 property is smaller and narrower than typical commercial and mixed use lots along Beach Boulevard. The site is 50 ft. in width and 110 ft. in length and is surrounded by commercial lots that vary between 100-200 ft. in width and 200-450 ft. in length. Therefore, because of special circumstances applicable to the subject property, including size, the strict application of the specific plan is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification when proposing new commercial development. The size and width of the remnant lot deprive the property owner the ability to construct a viable convenience use with adequate on-site circulation and a building that meets the required setbacks.

Preservation of Property Rights

The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights.

The granting of this variance is necessary to preserve the development right afforded by the property's land use designation. The narrow width of the property does not allow for feasible commercial development and compliance with minimum development standards with proper on-site circulation, therefore limiting full use of the property. The requested variance allows the remnant site to be developed with a fully functioning convenience store with parking, landscaping, access, and circulation on an otherwise undevelopable lot.

Impact to Public Welfare

The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification and is consistent with the General Plan.

Granting the proposed variance for the development would allow the subject property the opportunity to be designed in the same manner as nearby properties with similar lot configuration and under the identical zone classification and the reduced side setback is not harmful to any other property. The proposed development project is compatible in the proportion, scale, and character of the adjoining uses. The one-story commercial building is consistent with height requirements and complements the adjacent commercial buildings. In addition, the site will be development with street improvements, a viable commercial use, and adequate on-site circulation while improving a vacant commercial property with an optimal location and accessibility along a major highway. Staff recommends approval of the variance for reduced side setback with findings (Attachment No. 1)

Urban Design Guidelines Conformance:

Not applicable

Environmental Status:

The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the project involves the

construction of a new commercial building not exceeding 10,000 sq. ft. in floor area in an urbanized area with all necessary public services and facilities.

Coastal Status:

Not applicable

Design Review Board:

Not applicable

Other Departments Concerns and Requirements:

The Departments of Public Works, Fire, Police and the Building Division have reviewed the project and identified a list of recommended conditions that are incorporated into the suggested conditions of approval as well as code requirements (Attachment No. 4)

Public Notification:

Legal notice was published in the Huntington Beach Wave on July 1, 2021, and notices were sent to property owners of record and occupants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Community Development Department's Notification Matrix), applicant, and interested parties.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:	MANDATORY PROCESSING DATE(S):
June 1, 2021	August 1, 2021

SUMMARY:

Staff recommends approval of Conditional Use Permit No. 21-007 and Variance No. 20-001 based on the following:

- The project is consistent with the goals and policies of the General Plan.
- The proposed development is consistent with the Beach and Edinger Corridors Specific Plan which encourages well-articulated buildings and wider walkways to enhance the pedestrian and public experience. The proposed development project is compatible in the proportion, scale, and character of the adjoining uses and incorporates architectural elements such as cornices with articulating rooflines, metal awnings, and stone veneer base while improving public right-of-way.
- The granting of the variance will not constitute a grant of special privilege because similarly zoned lots have previously been granted deviations for reduced setbacks due to irregularities in lot size.
- The irregular lot size and width impedes the property owner's ability to develop a commercial use and to enjoy the same privileges by similar properties in the vicinity and under identical zone classification.
- The granting of the variance is necessary to preserve the enjoyment of one or more substantial property rights because it will allow for the development of a building and use that meet's the vision of the BECSP. The proposed building will allow the subject property to be developed in the same manner as other properties with similar configurations.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval for CUP 21-007 and VAR 21-001

2. Site Plan, Floor Plan, and Elevations received and dated April 8, 2021
3. Project Narrative received and dated February 12, 2020
4. Code Requirements