



Legislation Details (With Text)

File #: 22-497 **Version:** 1
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File created: 6/1/2022 **In control:** Planning Commission
On agenda: 6/28/2022 **Final action:**
Title: CONDITIONAL USE PERMIT NO. 22-006/VARIANCE NO. 22-002 (Diesel Auto Repair Facility)

REQUEST:

CUP: To establish a 2,000-square foot industrial building for automobile repair services on a vacant substandard lot that is 7,692 sq. ft. in size rather than the minimum required lot area of 15,000 sq. ft.
VAR: 1) to permit a 10-ft. front yard setback in lieu of an average 20-ft. front yard setback, 2) to permit a 2-ft.-wide interior landscape planter along the southern perimeter of the site in lieu of 3 ft., 3) to permit two parking spaces that are 9-ft. wide and 9.5-ft. wide in lieu of 12 ft., and 4) to eliminate the requirement to provide a 12-in.-wide by 3 ½-in.-thick step off area near planter areas adjacent to parking spaces.

LOCATION:

7422 Warner Avenue, 92647 (southeast corner of Warner Avenue and Palmdale Lane)

Attachments: 1. Att #1-Suggested Findings and Conditions of Approval for CUP 22-006 and VAR 22-002, 2. Att #2-Site Plan, Floor Plan, and Elevations received and dated April 26, 2022, 3. Att #3- Project Narrative received and dated April 22, 2022, 4. Att #4-Vicinity Map, 5. Att #5-Code Requirements, 6. Att #6-7422 Warner PC Presentation

Date	Ver.	Action By	Action	Result
6/28/2022	1	Planning Commission	continued	Pass

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission
FROM: Ursula Luna-Reynosa, Community Development Director
BY: Alyssa Helper, Associate Planner

SUBJECT:
CONDITIONAL USE PERMIT NO. 22-006/VARIANCE NO. 22-002 (Diesel Auto Repair Facility)

REQUEST:

CUP: To establish a 2,000-square foot industrial building for automobile repair services on a vacant substandard lot that is 7,692 sq. ft. in size rather than the minimum required lot area of 15,000 sq. ft. **VAR:** 1) to permit a 10-ft. front yard setback in lieu of an average 20-ft. front yard setback, 2) to permit a 2-ft.-wide interior landscape planter along the southern perimeter of the site in lieu of 3 ft., 3) to permit two parking spaces that are 9-ft. wide and 9.5-ft. wide in lieu of 12 ft., and 4) to eliminate the requirement to provide a 12-in.-wide by 3 ½-in.-thick step off area near planter areas adjacent to parking spaces.

LOCATION:

7422 Warner Avenue, 92647 (southeast corner of Warner Avenue and Palmdale Lane)

APPLICANT:

Elizabeth Wiktor, 7241 Grandoaks Drive, Stanton, CA 90680

**PROPERTY
OWNER:**

Daniel Kahale, 5511 Stanford Avenue, Dallas, TX 75209

**BUSINESS
OWNER:**

Not applicable.

STATEMENT OF ISSUE:

1. Is the project proposal consistent with the City of Huntington Beach land use regulations (i.e., General Plan land use designation, 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 Variance?
3. Has the appropriate level of environmental analysis been determined?

RECOMMENDATION:

That the Planning Commission take the following actions:

- A) Find the proposed project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 - New Construction or Conversion of Small Structures.
- B) Approve Conditional Use Permit No. 22-006 and Variance No. 22-002 with suggested findings and conditions of approval (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. 22-006 and Variance No. 22-002 pursuant to Section 241.10.C of the Huntington Beach Zoning and Subdivision Ordinance; or
- B) Continue Conditional Use Permit No. 22-006 and Variance No. 22-002 and direct staff accordingly.

PROJECT PROPOSAL:

The project proposes to develop a one-story diesel automotive repair facility on a currently vacant 7,692-sq.-ft. property located at the southeast corner of Warner Avenue and Palmdale Lane. The subject property is designated as Research and Technology (RT) on both the General Plan Land Use Map and Zoning Map, which allow for automotive repair uses. The project is surrounded by other RT-

zoned properties on all sides, with industrial and commercial uses predominately characterizing the area surrounding the site.

The proposed one-story diesel automotive repair facility will be 2,000 sq. ft. in size and approximately 22 ft. in height. Parking for the proposed automotive repair facility will be located at the rear of the site along with a trash enclosure area. The proposed development also includes the repair and replacement of the existing curb, gutter, and sidewalk along Warner Avenue and Palmdale Lane.

In order to undertake the project proposal, the applicant is requesting the following entitlements:

- A. Conditional Use Permit No. 22-006: To establish a 2,000-square foot industrial building for automobile repair services on a vacant substandard lot that is 7,692 sq. ft. in size rather than the minimum required lot area of 15,000 sq. ft.
- B. Variance No. 22-002: 1) to permit a 10-ft. front yard setback in lieu of an average 20-ft. front yard setback, 2) to permit a 2-ft.-wide interior landscape planter along the southern perimeter of the site in lieu of 3 ft., 3) to permit two parking spaces that are 9-ft. wide and 9.5-ft. wide in lieu of the required 12 ft., and 4) to eliminate the requirement to provide a 12-in.-wide by 3 ½-in.-thick step off area near planter areas adjacent to parking spaces.

Required findings for both requests are further discussed in the Zoning Compliance section below.

Background:

The applicant approached the City in 2022 with a proposal to develop the existing property with a one-story diesel automotive repair facility on the vacant project site. The building is proposed to be 22 ft. in height and would include the main project entrance on Palmdale Lane. Parking is proposed to be located at the rear of the site along with a trash enclosure area.

The design of the project, as proposed, will comply with the City's development standards related to height, street side setbacks, floor area ratio (FAR), landscaping, and parking. For example, the building will be 18 ft. shorter than the maximum 40-ft height requirement and will be setback more than 10 ft. from Palmdale Lane in compliance with the City's side yard setback requirements. The code permits a maximum FAR of 1.0 and the project's FAR is 0.26, significantly less than the maximum allowed, and will include double the amount of required landscaping on the site (16.8 percent rather than 8 percent). The project will also provide all required parking on the site within the surface parking lot (eight spaces) and enclosed bay lift area (two spaces).

Although the project will largely comply with the City's development standards, because the property is approximately one-half the minimum lot size for an RT-zoned lot (7,692 sq. ft. in size rather than 15,000 sq. ft.), the applicant is requesting variances to develop the proposed project with a reduced front yard setback, a reduced interior landscape planter width, a reduced parking space width for two of the required parking spaces, and no step off area between landscaped planters and parking spaces. These variance requests are necessary to develop a viable industrial use on the project site.

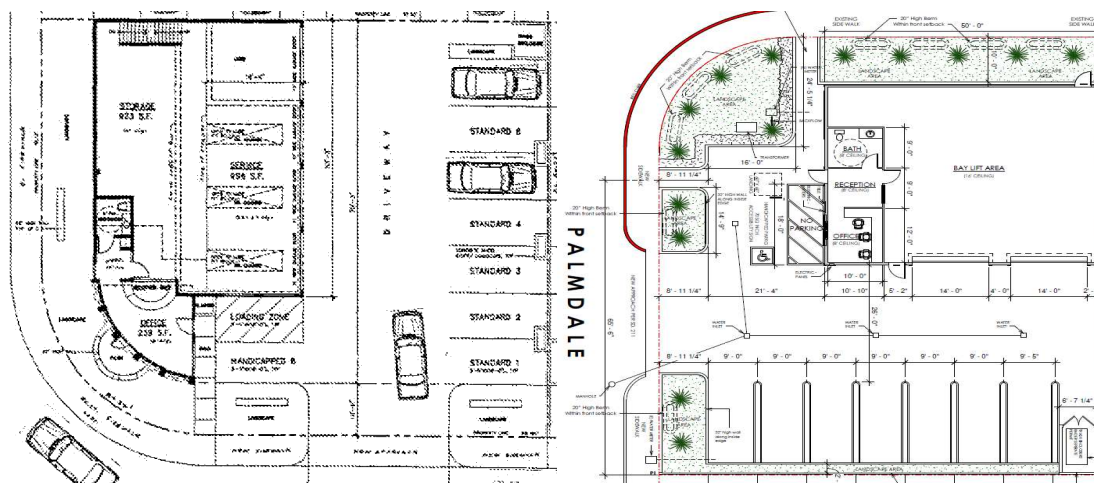
Previously, the Planning Commission approved a similarly proposed project on July 25, 2002 at the subject location; Conditional Use Permit No. 02-15 and Variance No. 02-07 to permit the construction of a new automotive repair facility with a reduced parking requirement associated with the mix of onsite uses (storage, office, and automotive repair) and variances to permit a reduced front yard setback and reduced landscape planter width and vehicle overhang area. Although the previously approved project received approvals in 2002, the applicant was unable to begin construction within

the required timeframe and requested several entitlement extensions. The last entitlement extension expired in 2007, after the entitlements for the previously approved project expired.

The new applicant's proposed project is nearly identical to the previously approved project, with both projects proposing to develop an industrial automotive repair facility with a 10-ft. front yard setback along Warner Avenue and a reduced landscape planter width along the southern perimeter of the site. Both projects also include parking along the rear of the property, access provided via a driveway on Palmdale Lane, eight unenclosed parking spaces, and landscaping along the perimeter of the project site. While the currently proposed project includes variance requests to permit two parking spaces that are 9-ft. wide and 9.5-ft. wide in lieu of 12 ft. and to eliminate the requirement to provide a step off area near planter areas adjacent to parking spaces, the parking and landscaping layout associated with the previously proposed project is also nearly identical to the currently proposed project. As such, the two additional variance requests associated with the project are not associated design features that are unique to this project, rather are requests to ensure compliance with current development standards. A comparison of the currently proposed project and the previously proposed project is provided in the table below.

Project Feature	Previously Approved Project	Currently Proposed Project
Conditional Use Permit	To construct a 3,862 sq. ft. industrial building for automobile services on a substandard lot. Permit a reduction in parking based on the proposed mix of uses (storage, office, and auto repair).	To construct a 2,000 sq. ft. industrial building for automobile services on a substandard lot.
Variance	Permit a 10 ft. front yard setback in lieu of an average of 20-ft. Permit a 2-ft. 6-in. interior landscape planter width in lieu of 3 ft. and permit a 2-ft. vehicle overhang.	Permit a 10-ft. front yard setback in lieu of an average 20-ft. Permit a 2-ft.-wide interior landscape planter along the southern perimeter of the site in lieu of 3 ft., Permit two parking spaces that are 9-ft. wide and 9.5-ft. wide in lieu of 12 ft. Eliminate the requirement to provide a 12-in.-wide by 3 ½-in.-thick step off area near planter areas adjacent to parking spaces.
Building Height	2 Stories, 25 ft.	1 Story, 22 ft. Complies with Code? Yes.
Parking Spaces	8 unenclosed, 3 enclosed within the bay lift area	8 unenclosed, 2 enclosed within the bay lift area

The following graphics depict the site plan for the previously approved project and the site plan for the currently proposed project. As illustrated, the site plans are nearly identical, with the primary difference being that the proposed project includes a reduced building size and fewer required parking spaces within the bay lift area.



In addition to the fact that the proposed project is nearly identical to the previously approved project, the proposed project is one of the first industrial properties in the area to be developed under the new RT zoning classification that was adopted for this area in 2019. Therefore, it is anticipated that there may be future scenarios in which new uses request similar variances to those included as part of this project as areas around the property transition to newer uses, particularly in cases in which the underlying lot size is legal nonconforming as a result of “legacy” development standards from its previous zoning designation.

ISSUES AND ANALYSIS:

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

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	Research and Technology (RT)	RT	Vacant, undeveloped.
North of Subject Property:	RT	RT	Commercial and Industrial
East of Subject Property:	RT	RT	Parking Lot & Industrial
South of Subject Property:	RT	RT	Industrial
West of Subject Property:	RT	RT	Industrial

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is RT (Research and Technology). The proposed automotive repair facility is consistent with the land use designation and the following goals and policies of the General Plan:

A. 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(A): Ensure that development is consistent with the land use designations presented in the Land Use Map, including density, intensity, and use standards applicable to each land use designation.

Policy LU-1(C): Support infill development, consolidation of parcels, and adaptive reuse of existing buildings.

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

Policy LU-2(B): Ensure that new and renovated structures and building architecture and site design are context-sensitive, creative, complementary of the city's beach culture, and compatible with surrounding development and public spaces.

Goal LU-5. *Industrial businesses provide employment opportunities for residents, supporting the local economy.*

Policy LU-5(A): Support and attract new businesses in the city's industrial areas.

Policy LU-5(D): Explore opportunities to optimize use of underutilized or underperforming industrial land that is sensitive to surrounding uses, and to introduce new industrial uses that create jobs.

Goal LU-12. *Commercial and industrial corridors throughout the planning area are renovated and revitalized.*

Policy LU-13(C): Support development of new commercial and industrial projects and retrofits of existing buildings.

The proposed project will develop a currently vacant site with a new automotive repair business that is consistent with permitted uses in the RT designation and is consistent with other industrial uses in the surrounding area. The proposed project will enhance the economic vitality of the site and surrounding area by providing new job opportunities and generating sales tax revenue on the site and by promoting infill development on a vacant site that is surrounded by development on all sides. The proposed project will also improve the aesthetic appearance of the site by converting a vacant property to an automotive repair facility that will exhibit a modern industrial architectural style that is in keeping with the industrial character of the surrounding area. The design of the project, including the façade breaks provided by proposed windows and the use of varied colors and materials, will enhance the appearance of the building and improve the character of the site along Warner Avenue and Palmdale Lane. The proposed repair bays will be oriented to face the interior of the subject property, away from Warner Avenue. The one-story height of the building will also be consistent with other one-story properties situated along Warner Avenue and Palmdale Lane. Although the project includes variance requests to reduce the front yard setback to 10 ft., to permit a 2-ft interior landscape planter along the southern perimeter of the site, to permit two parking spaces that are 9-ft wide and 9.5-ft wide, and to permit a 0-ft step off area, these requests are necessary to improve the site with a viable industrial business that is consistent with the General Plan designation on the site due to the substandard size of the lot.

Zoning Compliance:

The proposed project does not comply with development standards for the RT zoning district related to the front yard setback, interior landscape planter width, the width of two parking spaces, and the width of the step off area as outlined in the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). However, variance requests included as part of the proposed project are nearly identical to the previously approved project on the site and are necessary to develop the property with a viable industrial use. In addition, because the proposed project is one of the first industrial properties in the area to be developed under the RT zoning classification, it is anticipated that redevelopment of other RT-zoned properties with similar lot sizes in the project vicinity would require similar variance requests to those included as part of the proposed project.

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.

Variance Required Findings

There are four required findings for approval of a variance pursuant to Section 241.10 (B) of the HBZSO. Failure to make all of the required findings shall require denial of the application. 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 granting of Variance No. 22-002 will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification because the variance requests address unique development constraints related to the subject property given the irregular lot size. The subject property is substandard in size measuring approximately 7,692 sq. ft. in lieu of the minimum required lot area of 15,000 sq. ft. The size of the lot does not provide adequate space to develop the property with a viable industrial use that complies with development standards pertaining to the front yard setback, parking space dimensions, step off area dimensions, and landscaping planter dimensions. Similarly sized lots with the identical zoning designations in the project vicinity were developed under different zoning standards, prior to the City's adoption of the RT zoning classification for this area. As such, it is anticipated that there may be future scenarios in which new uses request similar variances to those included as part of this project as areas around the property transition to newer uses. Therefore, the granting of this variance request will not constitute a grant of special privilege.

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 property is approximately one-half the size of a traditionally zoned RT property, which restricts the use of the property as a viable industrial use that complies with development standards related to setbacks, parking space dimensions, step off area dimensions, and landscaping dimensions. The property's location along a major arterial presents additional constraints to development related to perimeter landscaping and design requirements. For example, the request for a 10-ft. front yard

setback in lieu of an average 20-ft front yard setback would enable the project to orient the repair bays away from Warner Avenue, thereby minimizing visual impacts along a major arterial. To construct the building at another location on the site would result in the visual exposure of the repair bays to motorists and pedestrians along Warner Avenue, which would be inconsistent with the City's Design Guidelines. Furthermore, the requests for a reduced interior landscape planter width, a reduced parking space width for two of the parking spaces, and the elimination of the 12-inch step off area are necessary to provide the number of required parking spaces on the site. Without approval of the variance requests, the project would be unable to provide the number of required parking spaces and could result in off-site impacts with customers parking in the surrounding neighborhood rather than on the site due to a lack of parking. Therefore, because of special circumstances applicable to the subject property, including the lot size, the strict application of applicable development standards for the RT zoning classification is found to deprive the property owner of the ability to construct a viable industrial use with adequate onsite circulation and landscaping.

Preservation of Property Rights

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

The granting of Variance No. 22-002 is necessary to preserve the enjoyment of one or more substantial property rights because it would enable the property owner to develop the site with an automotive repair shop that would promote the economic vitality of the site and surrounding area while also maintaining adequate parking on the site. The granting of this variance is necessary to preserve the development right afforded to the property owner in accordance with the property's RT land use and zoning classification.

Materially Detrimental to the Public Welfare or Injurious to Property

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.

The granting of Variance No. 22-002 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 because the development will comply with other code provisions, including maximum height, parking, and massing. The requested variance will not result in detrimental impacts to surrounding properties because it has been designed to comply with the goals of the General Plan to encourage development with a consistent land use pattern, promote infill development, and encourage new industrial businesses in the City.

Conditional Use Permit

The applicant is requesting Conditional Use Permit No. 22-006 to establish a 2,000-square foot industrial building for automobile repair services on a substandard parcel with a net lot area of 7,692 sq. ft. in lieu of the minimum required lot area of 15,000 sq. ft. The proposal complies with other development standards such as building height, massing, street improvements, and parking. The reduced building setback is appropriate as it will allow a viable industrial use on a vacant parcel with adequate on-site circulation in an optimal location along a major arterial.

The project is compatible with the development pattern along the street in proportion, scale, and height, and complements adjacent one-story industrial and commercial buildings in the project vicinity. Additionally, the design of the building is attractive and incorporates façade breaks provided by proposed windows and the use of varied colors and materials to enhance the appearance of

building and improve the character of the site along Warner Avenue and Palmdale Lane. The project has also been designed to minimize visual impacts to pedestrians and motorists traveling along Warner Avenue by orienting the bay lifts towards the rear of the property, away from public streets and right-of-way areas. Overall, development of the vacant site with the proposed project will improve this segment of Warner Avenue by developing a vacant, underutilized property with a new industrial use that includes landscaping improvements along the perimeter of the site.

Urban Design Guidelines Conformance:

The project would comply with Chapter 7, of the Urban Design Guidelines (Industrial) because the project would:

- Develop a currently vacant property with a one-story industrial building that is consistent with the scale, proportion and character of development in the surrounding area.
- Establish an attractive building that will exhibit a high quality architectural style that includes façade breaks provided by proposed windows and the use of varied colors and materials.
- Facilitate and encourage pedestrian activity by replacing the sidewalks along Warner Avenue and Palmdale Lane.
- Minimize impacts related to noise, light, and visual character by orienting the proposed building and associated bay lifts away from Warner Avenue and by providing over 45 ft. in distance between the proposed building and industrial uses to the south.

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 which exempts new structures in already urbanized zones that are less than 10,000 sq. ft. in floor area because the project would develop a 2,000 sq. ft. commercial building in an urbanized area that is not environmentally sensitive.

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.

Public Notification:

Legal notice was published in the Huntington Beach Wave on June 16, 2022, 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 (Attachment No. 5).

Application Processing Dates:

DATE OF COMPLETE APPLICATION:
May 25, 2022

MANDATORY PROCESSING DATE(S):
July, 22, 2022

SUMMARY:

Staff recommends approval of Conditional Use Permit No. 22-006 and Variance No. 22-002 based on the following:

- The project is consistent with the goals and policies of the General Plan.
- The proposed development is consistent with the RT zoning classification and is compatible in the proportion, scale, and character of the adjoining uses, including surrounding industrial and commercial uses.
- The granting of the variance will not constitute a grant of special privilege because the variance requests address unique development constraints related to the subject property given the irregular lot size.
- Because of special circumstances applicable to the property, including the irregular lot size, the granting of the variance will enable the property owner to develop the property with a viable industrial use and 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 an industrial use that is an allowable use under the RT zoning classification.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval for CUP 22-006 and VAR 22-002
2. Site Plan, Floor Plan, and Elevations received and dated April 26, 2022
3. Project Narrative received and dated April 22, 2022
4. Vicinity Map
5. Code Requirements