



City of Huntington Beach

File #: 18-208

MEETING DATE: 9/25/2018

PLANNING COMMISSION STAFF REPORT

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

SUBJECT:

CONDITIONAL USE PERMIT NO. 17-026 (G & M OIL - CONTINUED FROM AUGUST 14, 2018):

To approve a request to construct a new service station, establish beer and wine sales, and allow reduced building setbacks at 16990 Beach Blvd; and find the project exempt from CEQA.

APPLICANT:

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

**PROPERTY
OWNER:**

G & M Oil Company, Inc., 16868 A St., Huntington Beach, CA 92647

**BUSINESS
OWNER:**

G & M Oil Company, Inc., 16868 A St., Huntington Beach, CA 92647

LOCATION:

16990 Beach Blvd., 92647 (northeast corner of Beach Blvd. and Warner Ave.)

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?
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.

B) Approve Conditional Use Permit No. 17-026 with suggested findings and conditions of approval (Attachment No. 1)

ALTERNATIVE ACTION(S):

A) Continue Conditional Use Permit No. 17-026 and direct staff to return with findings for denial.

B) Continue Conditional Use Permit No. 17-026 and direct staff accordingly.

PROJECT PROPOSAL:

The project proposal is to demolish an existing service station and construct a new service station with beer and wine sales at the property commonly referred to as 16990 Beach Blvd. in the City of Huntington Beach (the "Site"). In order to undertake the project proposal, Karl Huy (the "Applicant") requests the following entitlement:

- Conditional Use Permit to:
 - Construct a new 4,412 sq. ft. service station canopy and a 2,168 sq. ft. retail building;
 - Allow a reduced building setback of eight ft. instead of the required minimum 15 ft. setback;
 - Allow a reduced architectural feature setback of seven ft. for a metal awning instead of the required minimum nine ft. setback; and
 - Allow off-sale beer and wine sales (ABC License Type 20)

Background:

The existing service station is located on a .53 acre lot and is surrounded by three streets (Beach Blvd., Warner Ave., and A St.) as well as commercial uses to the north, south, east, and west. The Site currently consists of service station pumps, an approximately 2,100 sq. ft. canopy, 300 sq. ft. kiosk, and 3,200 sq. ft. detached liquor store with an off-sale general license (ABC Type 21) selling full alcohol. The applicant proposes to demolish the existing buildings and construct a new service station with a new off-sale beer and wine license (ABC Type 20). Street improvements will be consistent with the specific plan and will include installation of new street and pedestrian lights, wider sidewalks and parkways, and enhanced landscaping. Existing wide driveway aprons from both Beach Blvd. and Warner Ave. will be reduced and consolidated to minimize ingress and egress points to the street system and as conditioned, driveway entrances along Beach Blvd., Warner Ave., and A St. will add pavement treatment such as interlocking unit pavers or scored and colored concrete. The applicant proposes a 24-hour operation for both the service station and retail store. As a result of the ultimate right-of-way dedications and expansion along Warner Ave., the applicant is requesting front yard setback deviations for the proposed retail store at eight ft. instead of 15 ft., and a decorative metal awning at seven ft. instead of nine ft.

This item was originally scheduled for a public hearing before the Planning Commission on August 14, 2018. The item was postponed at staff's request because it was determined that the reduced building setback could be achieved through a conditional use permit in accordance with the Beach and Edinger Corridors Specific Plan (BECSP). Additionally, it was determined that the landscape planter widths comply with the provisions of the specific plan and no variances are necessary. The postponement gave staff time to properly describe the request and introduce the item at a study

session.

Study Session:

The Planning Commission held a study session for the project on September 11, 2018 and discussed the following issues:

Alcohol License

The existing general alcohol license (ABC Type 21) is proposed to be surrendered to the California Department of Alcoholic Beverage Control (ABC) once the new beer and wine license (ABC Type 20) is acquired. The applicant has requested to replace the existing general alcohol license in order to be consistent with other G&M Oil gas stations, all which only have a beer and wine license. The applicant has provided a narrative explaining their request (Attachment No. 3). The Police Department has also provided comments and proposed conditions for the new beer and wine license under Other Departments Concerns and Requirements and in Attachment No. 6.

Architecture - Building Design

The BECSP describes architectural requirements and guidelines to guide new development within the specific plan. The purpose is to allow ample opportunities for creativity and choice, while still ensuring buildings maintain the quality and character of Huntington Beach. The proposed retail building includes several architectural elements such as cornices with articulating rooflines, stone veneer base, metal awnings, canopies, and decorative lighting. The service station canopy also incorporates a stone veneer base, matching the retail building. The proposed building is one story and measured from finished floor, the overall height is 23 ft. to the top of the parapet walls, while the service station canopy is 21 ft. in height. Massing elements along the Beach Boulevard frontage include a façade offset and façade composition change.

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)	SP14 (BECSP - Neighborhood Center Segment)	Commercial
North, South, and West of Subject Property:	M-sp (Mixed Use - Specific Plan)	SP14 (BECSP - Neighborhood Center Segment)	Commercial
East of Subject Property:	CG (Commercial General)	CG (Commercial General)	Commercial

General Plan Conformance:

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

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(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 new businesses to locate on existing vacant or underutilized commercial properties where these properties have good locations and accessibility.

The proposed development project is compatible in the proportion, scale, and character of the adjoining uses because the one-story commercial building is consistent with the height requirements and complements the adjacent commercial buildings. The proposed building setbacks to the existing property line exceed the minimum setback of 15 ft. by approximately six to seven ft. After a required 14 ft. Warner Ave. street dedication and widening for a future right turn lane, the reduced building setback to the new property line will measure approximately seven to eight ft. which will not create adverse impacts to surrounding neighborhood as it is compatible with other surrounding single-story buildings in the area that have been granted similar reduced setbacks. The site is surrounded by streets on three sides of the property, making it difficult to meet required building setbacks after street dedications and still maintain a viable service station with adequate on-site circulation. Additionally, the proposed retail building will replace two buildings (totaling approximately 3,500 sq. ft.) and replace them with a smaller commercial building. 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 service station and retail building offers a service that meets the regional and local community needs and revitalizes an existing commercial property with an optimal location and accessibility along a major highway. Additionally, the sale of alcoholic beverages (beer and wine) increases the economic viability of the service station by offering the sales of alcoholic beverages in addition to other convenience goods. The expansion of services captures and enhances resident, visitor, and tourist activity within the surrounding areas. This commercial development is proposed within close proximity of compatible existing commercial uses and residential uses in the vicinity. By permitting a mix of land uses closer together, greater interaction will occur between developments and further the vision and viability of the specific plan.

B. 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.

The proposed development triggers dedication of property for street widening as follows:

- 3 ft. along Beach Blvd.
- A 25 ft. radius at the corner of Beach Blvd. and Warner Ave./Beach and A St
- 14 ft. along Warner Ave. (irrevocable offer) to account for a future right turn lane from westbound Warner Ave. to northbound Beach Blvd. (Note: a 10 ft. street easement has previously been dedicated to the City)
- 5 ft. along the length of A St.

The Public Works Department has indicated that implementation of the right turn lane is not necessary at this time because the current traffic conditions at that location meet established intersection Level-of-Service criteria. The right turn lane is identified in the BECSP as a planned future intersection improvement needed to mitigate anticipated traffic impacts if Level-of-Service criteria become deficient. Therefore, an irrevocable offer to dedicate the property in the future will be required. The City will then accept the land dedication when construction of the right turn lane is imminent. The property owner may continue to utilize the property until it is needed for the right turn lane but is required to design the new service station to function from the ultimate right-of-way and ultimate property lines that will result after dedication. Therefore, the project will include interim landscaping and sidewalk improvements along Warner Ave. until such time as the City accepts the land dedication. The City will then construct the right turn lane and corresponding sidewalk and landscape improvements in the right-of-way.

Zoning Compliance:

This project is subject to the approval of a Conditional Use Permit (CUP) by the Planning Commission. The service station and retail use complies with minimum development standards such as parking, height, and massing per the BECSP, with exception of the setback requests.

The BECSP requires a 15 ft. front yard setback for single story commercial buildings but allows for reduced setbacks with approval of a Conditional Use Permit (CUP) by the Planning Commission. When measuring setbacks from the current property lines (prior to any street dedications), the setbacks for the commercial building and architectural metal awning both exceed the minimum 15 ft. setback from Warner Ave. Therefore, in the interim property condition (prior to the street dedication on Warner), the proposed setbacks will be as follows:

Setbacks from Current Property Line along Warner (Interim Condition)

- New building = 22 ft.
- New metal awning = 21 ft.

After the 14 ft. Warner Ave. street dedication and widening for the right turn lane, the proposed setbacks will be as follows:

Setbacks from Ultimate Right-of-Way along Warner

- New building = 8 ft.
- New metal awning = 7 ft.

The proposed streetscape will initiate the vision for the Town Center Boulevard Segment of the specific plan. The project will provide a parkway landscape buffer for pedestrians using the public sidewalk. Additionally, the proposed service station and retail building will revitalize an existing commercial property with an optimal location and accessibility along a major highway.

The project will not be detrimental to the neighborhood because it will replace an existing service station and liquor store and is compatible in the proportion, scale, and character of the adjoining uses. Even with the reduced setback along Warner Ave., the one-story commercial building is consistent with the height requirements and complements the adjacent commercial buildings. The reduced setback area includes a fully landscaped buffer to the street edge to soften the appearance of the structure. The new driveway entrances along Beach Blvd., Warner Ave., and A St. are conditioned to add pavement treatment such as interlocking unit pavers or scored and colored concrete. Additionally, the design of the canopy and retail building is attractive and will be compatible in height and massing with surrounding buildings. The new building incorporates varied rooflines and other architectural elements such as decorative metal awnings, cornice elements, a stone veneer base, and column elements to create visual interest along all wall planes. The new layout of the service station relocates the gas pumps further away from Beach Blvd. to allow for wider onsite landscape planters and improve circulation efficiency, improvements that may motivate other commercial properties to redevelop.

Urban Design Guidelines Conformance:

Not applicable

Environmental Status:

The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 - *New Construction or Conversion of Small Structures*, because the project involves the construction of one commercial building that is less than 10,000 sq. ft. where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

Coastal Status:

Not applicable

Design Review Board:

Not applicable

Subdivision Committee:

Not applicable

Other Departments Concerns and Requirements:

The Departments of Community Development, Public Works, and Fire have reviewed the project and identified a list of code requirements (Attachment No. 5) applicable to the project.

The Police Department has evaluated the project and recommended numerous conditions of approval regarding beer and wine sales from the convenience market. Typically, for requests for offsite consumption of alcohol, the Police Department recommends conditions of approval to reduce the likelihood of alcohol related crimes, including a condition to prohibit the single sale of beer that is less than 40 oz. and other small bottles of liquor. The Police Department provided the following information to demonstrate their concerns relative to alcohol and the detriment to the general welfare of the community:

“The City of Huntington Beach experiences a high number of alcohol related crimes in comparison to other nearby cities. These crimes include public intoxication, alcohol related fights and assaults on

police officers, possession and consumption of alcohol on the beach, minors in possession of alcohol, minors attempting to purchase alcohol illegally, DUIs, and traffic accidents related to alcohol. In 2017, we had over 804 DUI arrests, where over 50% of the people arrested for DUI did not live in Huntington Beach. In addition to DUI arrests, over many of our fatal collisions have alcohol as a factor in the collisions. In 2017 there were 6 deaths as a result of fatal traffic collisions. Alcohol and/or drugs often play a significant role fatal traffic collision deaths. The fact that so many people are dying as a result of alcohol while so many more people continue to be apprehended for driving under the influence indicates our department must focus resources directed at the enforcement of alcohol related offenses.”

At the applicant's request, the Police Department has determined the public would benefit more by removing the existing Type 21 General Alcohol License (existing liquor store) entirely from circulation and allowing the Type 20 Beer and Wine License (new service station) with less restrictive conditions, such as, allowing single sales of beer that is 24 oz. or greater. Therefore, the Police Department has conditioned that the existing Type 21 General Alcohol License (liquor store) shall not be sold or transferred and is to be surrendered to the Alcoholic Beverage Control (ABC) once the new beer and wine license is obtained.

Public Notification:

Legal notice was published in the Huntington Beach Wave on September 13, 2018, and notices were sent to property owners of record and tenants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Division's Notification Matrix), applicant, and interested parties. As of September 18, 2018, staff has only received one inquiry about the project.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:
July 18, 2018

MANDATORY PROCESSING DATE(S):
December 18, 2018 (based on the
applicant's written request to extend the
processing date by an additional 90 days).

SUMMARY:

Staff recommends 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.
- B) Approve Conditional Use Permit No. 17-026 with suggested findings and conditions of approval (Attachment No. 1).

This recommendation is based on the following:

- Use complies with applicable Beach and Edinger Corridors Specific Plan (BECSP) requirements and other regulations including architecture, parking, access and circulation, and massing;
- Compatible with the existing surrounding commercial uses in proportion, scale, and character

and includes attractive design with varied rooflines and architectural elements;

- Revitalize an existing commercial property with an optimal location and accessibility along a major highway;
- New layout of the service station relocates the gas pumps further away from Beach Blvd., allows for wider onsite landscape planters, and improves circulation efficiency;
- Includes an irrevocable offer of street dedication to accommodate a future right-turn-lane along Warner Ave.;
- Reduced building setbacks are buffered by a full landscape planter and is consistent with other reduced building setbacks in the area;
- Sale of beer and wine is a minor component of the overall business; and
- The existing off-sale general (Type 21) license will be surrendered

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval for Conditional Use Permit No. 17-026
2. Site plan, floor plan, elevations received and dated June 20, 2018
3. Project narratives received and dated July 19, 2018 and September 14, 2018
4. Colored Site Plan
5. Vicinity Map
6. Code Requirements Letter dated August 7, 2018