



# City of Huntington Beach

File #: 20-1414

MEETING DATE: 2/25/2020

## 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. 19-023/COASTAL DEVELOPMENT PERMIT NO. 19-012**  
**(MAGNOLIA TANK FARM VEHICLE STORAGE)**

**REQUEST:**  
To allow the storage of approximately 2,000 new vehicles on a vacant site (approximately 29 acres) within the Coastal Zone.

**LOCATION:**  
21845 Magnolia Street, 92648 (west side of Magnolia St., at Banning Ave.)

**APPLICANT:**  
Ethan Edwards, Esquared Planning, Po Box 223, Sunset Beach, CA 90742

**PROPERTY OWNER:**  
SLF HB Magnolia, LLC, 2 Park Plaza #700, Irvine, CA 92614

### **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 15304, Class 4.

- B) Approve Conditional Use Permit No. 19-023 and Coastal Development Permit No. 19-012 with suggested findings and conditions of approval (Attachment No. 1).

**ALTERNATIVE ACTION(S):**

- A) Don't make the suggested findings for Conditional Use Permit No. 19-023 which will result in a mandatory denial per Section 241.10(c) of the Zoning Code.
- B) Continue Conditional Use Permit No. 19-023 and Coastal Development Permit No. 19-012 and direct staff accordingly.

**PROJECT PROPOSAL:****Background:**

From 1972-2009, the subject site was used as a fuel oil storage facility with three aboveground storage tanks and other oil-related infrastructure such as: roads, pipelines, and ancillary buildings. The oil storage tanks provided fuel for the adjacent power generating facility (AES Southland) until the 1990's when the facility was converted to a natural gas facility. After the tanks were demolished, the site was used as a staging area for the demolition and reconstruction of the AES plant. AES related activities have been completed and the site is now vacant.

**Proposed Project:**

The applicant proposes to store 2,000 vehicles on the vacant site. These vehicles are new and from a local car dealership. Per the applicant's narrative, the proposed hours of operation are Monday-Saturday 7:00 A.M. - 7:00 P.M. The site will be unmanned with exception of the workers delivering vehicles. Security cameras with motion sensors and night vision will be placed throughout the site and the surveillance footage will be sent to a security team offsite. The applicant is not proposing any onsite lighting, non-auto transport deliveries, customer pick-up, auto repair, or auto sales. The vehicles would be transported to and from the site by way of Pacific Coast Highway and Beach Blvd. All vehicle loading, unloading, and staging will occur onsite and not along the public right of way (Attachment No. 3). According to the applicant's narrative, the intent is to use the site for vehicle storage for a two year period. However, it is likely that the site will be used for vehicle storage until a permanent project is approved and ready to be developed, which could be longer than two years. The CUP and CDP requests, if approved, would cover the use for the entire duration.

**ISSUES AND ANALYSIS:****Subject Property And Surrounding General Plan Designations, Zoning And Land Uses:**

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	Public (P)	Public-Semipublic with Oil Overlay and Coastal Zone Overlay (PS-O-CZ)	Vacant
North of Subject Property:	Residential Medium Density-Specific Plan Overlay (RM-sp)	Specific Plan 10-CZ (SP 10-CZ)	Ascon Landfill

East of Subject Property (across Magnolia Street):	Residential Low Density (RL), Open Space-Park (OS-P)	Residential Low Density-CZ (RL-CZ), Coastal Conservation-CZ (CC-CZ)	Single Family Residential, Park
South and West of Subject Property:	P, Open Space-Conservation (OS-C)	CC-CZ-Floodplain Overlay (CC-CZ-FP2), CC-O-CZ-FP2, PS-O-CZ, Industrial General-O-CZ (IG-O-CZ)	AES Generating Station, Wetlands

**General Plan Conformance:**

The proposed use is consistent with the land use designation of P (Public) and the following General Plan goals and policies:

a. Land Use Element

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

b. Coastal Element

Objective C1.1: Ensure that adverse impacts associated with coastal zone development are mitigated or minimized to greatest extent feasible.

The vacant lot will be utilized for new vehicle storage purposes only. The facility is designed, and conditioned, in a manner that will be minimally noticeable from the public right-of-way and the residential uses approximately 220 ft. away across Magnolia Street. As conditioned, no onsite lighting, non-auto transport deliveries, customer pick-up, auto repair, or auto sales, washing or other uses incompatible with the surrounding residential neighborhood are proposed with this request. All vehicles are conditioned to be transported to the site by way of Pacific Coast Highway and Beach Blvd. Additionally, all loading, delivering, and staging will occur onsite and not on the adjacent roadways. Although the applicant requests longer hours of operation, staff recommends a condition of approval to restrict the operating hours to 9:00 AM-6:00 PM, Monday through Saturday, to avoid any conflict with peak traffic hours.

**Zoning Compliance:**

Section 201.10.FF.7 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) currently defines Vehicle Storage as: *The business of storing or safekeeping of operative and inoperative vehicles for periods of time greater than a 24 hour period, including, but not limited to, the storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles, but not including vehicle dismantling.* The applicant is requesting just storage of new vehicles for a car dealership, which falls under this current definition.

Vehicle Storage is not explicitly listed as a permitted use in Chapter 214 (PS - Public/Semi-Public zoning district) of the HBZSO. However, Vehicle Storage is a subcategory under the Vehicle/Equipment Sales and Service use classification, which is listed in Chapter 214 as a conditionally permitted use, subject to approval of a conditional use permit (CUP) from the Zoning

Administrator. Although all of the applicable subcategories under Vehicle/Equipment Sales and Service are not individually listed in Chapter 214 as they are in other chapters of the code (e.g. - the commercial and industrial zoning districts), the listing of the broader Vehicle/Equipment Sales and Service use classification as a conditionally permitted use can be construed to encompass all of the subcategories under this classification, including Vehicle Storage. As such, the requested Vehicle Storage use would be subject to a conditional use permit. While Chapter 214 requires Zoning Administrator approval of a CUP for this use classification, due to the unusual differences in the listing of the permitted uses in Chapter 214 compared to other chapters of the zoning code, as well as the history of the site and recent zoning code updates regarding definitions of vehicle storage (which are not yet effective), the Director has referred the application from the Zoning Administrator to the Planning Commission pursuant to Section 202.10 of the HBZSO. Additionally, the subject site's location in the City's Coastal Zone Overlay, requires a Coastal Development Permit for any development, pursuant to Chapter 245 of the HBZSO.

The proposed project complies with the requirements of the Coastal Zone Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code, including gravel paving surface and boundary fencing. The site's existing berm, Magnolia Street, and an existing eight ft. high chain link fence provide an adequate visual and noise buffer for the nearest adjacent residential uses. The perimeter chain link fence will have fabric/mesh over it to help screen the stored vehicles from the public right of way. The perimeter landscape along Magnolia Street will further screen the vehicles. Both the fence and landscape are conditioned to be properly maintained at all times.

**Environmental Status:**

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 15304 of the CEQA Guidelines, because the proposed use involves a minor temporary use of land having negligible or no permanent effects on the environment.

**Coastal Status:**

The project involves the development of a vehicle storage yard that is located within the appealable area of the Coastal Zone. The proposed use is subject to the requirements of HBZSO Chapter 245, and a Coastal Development Permit is required. The project complies with the Local Coastal Program and the California Coastal Act as the vacant lot will be utilized for vehicle storage in a manner that will not impede coastal access, recreation, or views to coastal resources. Additionally, the use is located in an urbanized area with all necessary services and infrastructure available, including electricity and roadways.

**Other Departments Concerns and Requirements:**

The Departments of Community Development, Fire, and Public Works have reviewed the project and identified a list of code requirements and conditions of approval (Attachment No. 4) applicable to the project.

**Public Notification:**

Legal notice was published in the Huntington Beach Wave on February 13, 2020, 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 February 18, 2020, staff has not received any correspondence relating to this item.

**Application Processing Dates:**

DATE OF COMPLETE APPLICATION:  
January 17, 2020

MANDATORY PROCESSING DATE(S):  
March 17, 2020

**SUMMARY:**

Staff recommends that the Planning Commission approve CUP 19-023 and CDP 19-012 based on the following:

- Consistent with the requirements of the Coastal Zone Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code;
- Complies with the General Plan, including the Local Coastal Program;
- No onsite lighting, non-auto transport deliveries, customer pick-up, auto repair, or auto sales, washing are proposed; and
- All loading, delivering, and staging will occur onsite.
- Limiting hours of operation to 9:00 AM to 6:00 PM, Monday through Saturday

**ATTACHMENTS:**

1. Suggested findings and conditions of approval
2. Plans received and dated January 7, 2020
3. Narrative received and dated January 7, 2020
4. Code Requirements