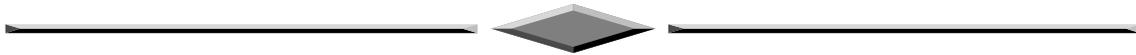


**HUNTINGTON BEACH  
OFFICE OF THE ZONING ADMINISTRATOR  
EXECUTIVE SUMMARY**

**TO:** Zoning Administrator  
**FROM:** Hayden Beckman, Assistant Planner  
**DATE:** January 15, 2014

**SUBJECT:** **TENTATIVE PARCEL MAP NO. 08-118/ CONDITIONAL USE PERMIT NO. 13-019/ VARIANCE NO. 13-016 (YORK HB ASSOCIATES SUBDIVISION)**

**LOCATION:** 7501 Yorktown Avenue, 92648 (north side of Yorktown Avenue, east of Lake Street)



**Applicant:** Ray Dorame, 20201 SW Birch Street, Suite 100, Newport Beach, CA 92660

**Property Owner:** York HB Associates, 20201 SW Birch Street, Suite 100, Newport Beach, CA 92660

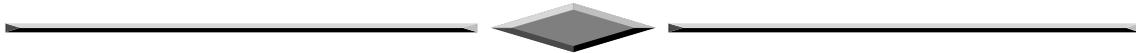
**Request:** **TPM:** To subdivide a previously subdivided 1.25 acre parcel into three parcels for residential development including an easement for right-of-way access. **CUP:** To permit development on a vacant site with a grade differential greater than three (3) feet between the high point and the low point of the site; and to permit the construction of retaining walls greater than two feet high. **VAR:** To permit accessory structures to project beyond the front building line of the principal structures of each parcel.

**Environmental Status:** This request is covered by Categorical Exemption, Section 15303, Class 3, California Environmental Quality Act.

**Zone:** RM - O (Residential Medium Density – Oil Overlay)

**General Plan:** RM – 15 (Residential Medium Density – Max. 15 du/ac)

**Existing Use:** Vacant



**RECOMMENDATION:** Staff recommends approval of the proposed project based upon the following findings:

**SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Zoning Administrator finds that 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 15303 of the CEQA Guidelines, because the project consists of the division of property in an urbanized area zoned for residential use into three parcels.

**SUGGESTED FINDINGS FOR APPROVAL - TENTATIVE TRACT MAP NO. 08-118:**

1. Tentative Tract Map No. 08-118 for the subdivision of a previously subdivided 1.25 acre parcel into three parcels for residential development including an easement for right-of-way access is consistent with the General Plan Land Use Element designation of RM-O (Residential Medium High Density – Oil Overlay) on the subject property. The proposed subdivision complies with all applicable code provisions of the Subdivision Map Act and the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) with the exception of one variance request to a design standard regarding placement of accessory structures. The project will result in the development of three new single family residences which is under the maximum allowed by code.
2. The site is physically suitable for the type and density of development. The site is located in a residential area within the Alquist Priolo Fault Zone. The applicant has designed the project to be consistent with a site specific geologic soils engineering report, in a manner that provides two buildable areas within acceptable setback distances from existing surface faulting and is amenable to residential development. With the suggested conditions of approval, the size, depth, frontage, street width and other design features of the proposed subdivision are in compliance with the HBZSO, except for a single design standard variance request processed concurrently.
3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The site has been previously graded and does not serve as habitat for either fish or wildlife.
4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. No easement acquired by the public at large for access through or use of the property exists within the proposed subdivision. Vehicular access to the parcels will be provided by a private reciprocal street accessed from Yorktown Avenue. The subdivision will provide all necessary easements and will not affect any existing easements.

**SUGGESTED CONDITIONS OF APPROVAL – TENTATIVE PARCEL MAP NO. 08-118:**

1. The Tentative Parcel Map No. 08-118 for the subdivision of a previously subdivided 1.25 acre parcel into three parcels for residential development received and dated September 25, 2013, shall be the approved layout.
2. The Development Services Departments and divisions (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 and Building 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 Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment

to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.

3. 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/green-building-guidelines-rating>).

### **SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 13-019:**

1. Conditional Use Permit No. 13-019 to permit development on a vacant site with a grade differential greater than three (3) feet between the high point and the low point of the site and to permit the construction of retaining walls greater than two feet high 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. The design of the proposed subdivision and the construction of decorative retaining walls properly adapt proposed residential project to streets, driveways, and surrounding structures and uses in a harmonious manner. The proposed project will allow for the development and maintenance of a three unit single family residential project located on an existing vacant property located within a residential area.
2. The conditional use permit will be compatible with surrounding uses because the subject site is surrounded to the north, east, and west by the Pacific Ranch residential complex and single and multi-family residences across Yorktown Avenue to the south. In conjunction with grading activities, the proposed construction of retaining walls greater than two feet high will allow for the development of three single family residences on a property with an existing grade differential greater than three (3) feet between the high point and the low point of the site. The subject site is currently zoned for and adjacent to residential uses, and compliance with applicable code requirements will ensure that the project will be compatible with surrounding uses.
3. The proposed conditional use permit 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, except for one variance request to a design standard regarding placement of accessory structures, processed concurrently. Excepting the variance request, the proposed project will comply with all code provisions, including setbacks, density, open space, and parking.
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 Residential Medium Density on the subject property. In addition, it is consistent with the following goals, policies, and objectives of the General Plan:

#### *A. Land Use Element*

*Objective LU 9.1:* Provide for the development of single- and multi-family residential neighborhoods.

Policy LU 9.1.2: Require that single family residential units be designed to convey a high level of quality and character considering the following guidelines:

- a. Modulate and articulate building elevation, facades and masses (avoiding undifferentiated “box-like” structures).
- d. Encourage innovative and creative design concepts.

**B. Urban Design Element**

Goal UD 1: Enhance the visual image of the City of Huntington Beach.

**C. Environmental Hazards Element**

Objective EH 1.1: Ensure that land use planning in the City accounts for seismic and geologic risk, including ground shaking, liquefaction, subsidence, soil and slope stability, and water table levels.

The layout and design of the proposed project will complement the subdivision without creating impacts to surrounding properties. Based on existing topography and seismic conditions, the proposed system of retaining walls will provide varied elevations of the buildable areas of the site in a creative design on an irregularly shaped property. The subject request will support the development and maintenance of three single family properties on a vacant site surrounded by residential uses. The design of the project takes into account the technical challenge of development on a site with an existing fault line and ensuring the safety of the future residential property owners. A ten foot easement area running the length of the site’s Yorktown Avenue frontage will be permanently maintained as landscaping which will serve to soften the appearance of proposed retaining walls and enhance the residential neighborhood.

5. The Zoning Administrator finds that 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 15303 of the CEQA Guidelines, because the project consists of the construction of three single-family residences in an urbanized area, including accessory structures and fences.

**SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 13-019:**

1. The site plans and elevations received and dated September 25, 2013 shall be the conceptually approved design.
2. Development Impact Fees will be required for new construction. **(Building Division)**
3. Prior to the issuance of grading or building permits, all soils at the site shall conform to City Specification #431-92 Soil Clean-Up Standards prior to the issuance of a grading or building permit. Grading and building plans shall reference that “All soils shall conform to City Specification # 431-92 Soil Clean-Up Standards” in the plan notes. **(FD)**
4. Prior to the issuance of grading or building permits, the following is required to demonstrate compliance with City Specifications 429 and 431-92:

- a. Soil Sampling Work Plan: Render the services of a qualified environmental consultant to prepare and submit a soil sampling work plan to the HBFD for review and approval. Once the HBFD reviews and approves the submitted work plan, the sampling may commence.

Note: Soil shall not be exported to other City of Huntington Beach locations without first being demonstrated to comply with City Specification 431-92 Soil Clean Up Standards. Also, any soil proposed for import to the site shall first be demonstrated to comply with City Specification 431-92.

- b. Soil Sampling Lab Results: Conduct the soil sampling in accordance with the HBFD approved work plan. After the sampling is conducted, the lab results (along with the Environmental Consultants summary report / tabulations / conclusions) for methane and 431-92 testing shall be submitted to the H.B.F.D. for review.
  - c. Remediation Action Plan: If contamination is identified, provide a Fire Department approved Remediation Action Plan (RAP) based on requirements found in Huntington Beach *City Specification #431-92, Soil Cleanup Standard*. All soils shall conform to City Specification # 431-92 Soil Clean-Up Standards prior to the issuance of a grading or building permit.
  - d. Methane Mitigation System: A Methane Barrier complying with City Specification 429 is required under the proposed structure(s). For structures with existing sub-slab methane barriers, the Methane Barrier shall be extended / modified under new or modified areas of the structure. A plan (two copies), showing compliance with City Specification 429, shall be submitted to the HBFD for review and approval prior to the installation or modification of a methane barrier. Depending upon the methane testing results, and other site data, measures in addition to the installation of a methane barrier may be required.
  - e. Oil Wells shall be abandoned to the satisfaction of the California Division of Oil, Gas & Geothermal Resources and the Huntington Beach Fire Department. **(FD)**
5. Prior to the issuance of grading or building permits. A California Division of Oil, Gas & Geothermal Resources (DOGGR – 714-816-6847), *Site Plan Review* is required for this project.
    - a. Identify the well name and well API number. Show the location of the abandoned oil well in question. Accurately locate with “x” and “y” parameters delineated. A completed DOGGR *Site Plan Review* must be on-file with the Fire Department prior to plan approval. Wells identified in the Site Review not meeting current DOGGR requirements may require re-abandonment. If required, the following permits shall be obtained and submitted:
      - i. From the Division of Oil, Gas & Geothermal Resources (DOGGR – (714) 816-6847), provide a *Permit to Conduct Well Operations* for all on-site active/abandoned oil wells.

- ii. Obtain a Huntington Beach Fire Department *Permit to Abandon Oil Well* and follow the requirements of *City Specification #422, Oil Well Abandonment Permit Process*. Reference compliance with *City Specification #422, Oil Well Abandonment Permit Process* in the plan notes.
  - b. "OIL WELL HISTORY DISPOSITION REPORT" is required. A California licensed third-party petroleum engineer or geologist compiles a disposition report for submittal to the Fire Department – Development Section. (see *City Specification # 429, section 3.2*)
  - c. "CITY CONSULTANT - OIL WELL HISTORY REVIEW" is required. The city consultant reviews the submitted *OIL WELL HISTORY DISPOSITION REPORT* for completeness, well integrity, and recommended safety measures. (see *City Spec. # 429, section 3.3*)
  - d. Discovery of soil contamination/pipelines, etc., must be reported to the Fire Department immediately and an approved remedial work plan submitted. **(FD)**
6. Fire Access Roads shall be provided and maintained in compliance with City Specification # 401, *Minimum Standards for Fire Apparatus Access*. Driving area shall be capable of supporting a fire apparatus (75,000 lbs and 12,000 lb point load). Minimum fire access road width is twenty-four feet (24") wide, with thirteen feet six inches (13" 6") vertical clearance. Fire access roads fronting commercial buildings shall be a minimum width of twenty-six feet (26") wide, with thirteen feet six inches (13" 6") vertical clearance. For Fire Department approval, reference and demonstrate compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access* on the plans. **(FD)**
  7. Fire Lanes, as determined by the Fire Department, shall be posted, marked, and maintained per City Specification #415, *Fire Lanes Signage and Markings on Private, Residential, Commercial and Industrial Properties*. The site plan shall clearly identify all red fire lane curbs, both in location and length of run. The location of fire lane signs shall be depicted. No parking shall be allowed in the designated 24 foot wide fire apparatus access road or supplemental fire access per City Specification # 415. For Fire Department approval, reference and demonstrate compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access* on the plans. **(FD)**
  8. Fire Apparatus Access Roads – The fire apparatus access road shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Show compliance with this requirement (Huntington Beach Municipal Code Section 17.56.130, Amendment to CFC 503.1.1) on the Fire Master Plan. **(FD)**
  9. The Planning Department shall review and make address assignments. The individual dwelling units shall be identified with numbers per City Specification # 409 Street Naming and Address Assignment Process. For Fire Department approval, reference compliance with City Specification #409 Street Naming and Address Assignment Process in the plan notes. **(FD)**
  10. Fire Hydrants are required and the proposed locations shall be shown, and accepted by the HBFD, on a Fire Master Plan prior to grading or building plan approval. Hydrants must be

portrayed on the site plan. Hydrants shall be installed and in service before combustible construction begins. The location and installation of hydrants shall meet the requirements of the 2011 Huntington Beach Fire Code Section 507.5, Appendix B and C, City Specification # 407 Fire Hydrant Installation, and Public Works Standard requirements. Hydrants shall be placed in locations acceptable to the Huntington Beach Fire and Public Works Departments. Plans shall be submitted to Public Works and approved by the Public Works and Fire Departments. **(FD)**

11. Automatic Fire Sprinklers are required for each single family dwelling and shall comply with NFPA 13D. Separate plans (two sets) shall be submitted to the Fire Department for permits and approval as a deferred submittal. For Fire Department approval, reference that a fire sprinkler system will be installed in compliance with NFPA 13D and the California Fire Code in the plan notes. **(FD)**
12. A Fire Master Plan showing the location of the following is required:
  - a. Buildings
  - b. Hydrants (public and private) and FDC"s (and actual travel distance for a person between)
  - c. Gate locations
  - d. Fire lane dimensions, lengths, signage and striping, turning radii at corners and turn-arounds.
  - e. Fire Department Access paths (for hose pulls and access in and around building) called out.

NOTE: A separate submittal is required for the Fire Master Plan. A master plan will need to be submitted to the HBFD for review and approval. No approvals will be granted for building permits or site grading until it has been approved. It will need to be a component of the submittal for the building plan review as well as all fire department plans. **(FD)**

13. Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with City Specification #426, Fire Safety Requirements for Construction Sites. **(FD)**
14. Discovery of additional soil contamination or underground pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly in compliance with City Specification #431-92 Soil Clean-Up Standards. **(FD)**
15. The Fire Department review of this project and subsequent plans may require the use of City consultants. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer or other responsible party. **(FD)**
16. CUP No. 13-019 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
17. The Development Services Departments and divisions (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 and Building 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 Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.

18. 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/green-building-guidelines-rating>).

#### **SUGGESTED FINDINGS FOR APPROVAL – VARIANCE NO. 13-016:**

1. The granting of Variance No. 13-016 to permit accessory structures to project beyond the front building line of the principal structures of each parcel will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The proposed three parcel subdivision for single family residential purposes has been designed with an easement over each of the three parcels to accommodate a private road to provide vehicular access to each property. The road will be privately owned and maintained by each of the property owners. The project site contains a slope differential and a seismic fault that prevents the placement of accessory structures behind the front building line of the principal structure. The proposed variance allows for a more flexible and harmonious site design consistent with other single family residential projects and subdivisions previously approved and developed.
2. 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 project site has been previously graded, is an irregular shape, and contains a grade differential of approximately 19 feet between the high point and the low point of the existing site. Further, a fault line currently traverses the southwestern portion of the property, restricting the developable areas. A site specific geologic soils engineering report identifies two buildable areas that are within acceptable setback distances from existing surface faulting and which are amenable to residential development. Based on engineering design specific to the subject property's existing conditions, habitable residential structures must be contained within the recommended buildable areas. The requested variance will allow the placement of required enclosed parking garages and other accessory structures in a practical manner harmonious with the location of the habitable structures.
3. The granting of a Variance is necessary to preserve the enjoyment of one or more substantial property rights. Based on the layout of the parcels of the proposed subdivision and location of the two residential buildable areas, accessory structures cannot be feasibly

placed behind or at the front building line of the principle structures and comply with minimum setbacks or be consistent with the recommended seismic design and improvements to permit the proposed project.

4. The granting of the Variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The proposed project will allow for the development of three single family structures on three separate parcels on an existing vacant parcel currently zoned for residential uses. With the exception of the subject variance request, the project will comply with all applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance.
5. The granting of the Variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Residential Medium Density on the subject property. In addition, the proposed project is consistent with the following General Plan policy and objective:

LU 4.2.4 Require that all development be designed to provide adequate space for access, parking, supporting functions, open space, and other pertinent elements.

LU 15.5 Ensure that development achieves the visual and physical character intended for the district in which it is located.

The proposed variance to permit accessory structures to project beyond the front building line of the principal structures of each parcel will allow for adequate space necessary for the safe and efficient development of three single-family homes. The construction of the proposed project will be based on the existing size, shape and topography of the subject site. The proposed development will be consistent with other existing single family residential neighborhoods with accessory structures projecting beyond the front building line of the principal structure. The subject property is surrounded to the north, east and west by the Pacific Ranch residential development and residential uses to the south across Yorktown Avenue.

**SUGGESTED CONDITIONS OF APPROVAL VARIANCE NO. 13-016:**

1. The site plan and elevations received and dated September 25, 2013 shall be the conceptually approved site layout.
2. VAR No. 13-016 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
3. The Development Services Departments and divisions (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 and Building 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 Zoning

Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.

4. 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/green-building-guidelines-rating>).

**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.