



AGENDA
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 – Lower Level - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, APRIL 26, 2006, 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBERS: Rami Talleh, Paul Da Veiga, Ron Santos, Ramona Kohlmann

MINUTES: None

ORAL COMMUNICATION: Anyone wishing to speak on an item not on the agenda may do so. No action can be taken by the Zoning Administrator on items not on the agenda.

SCHEDULED ITEMS:

- 1. PETITION DOCUMENT: **CONDITIONAL USE PERMIT NO. 05-11 (TOMRA PACIFIC RECYCLING CENTER)****

APPLICANT: Bruce Welch, Tomra Pacific, Inc
REQUEST: To permit the establishment of a portable beverage-recycling center as an accessory use within an existing commercial shopping center parking lot

LOCATION: 19081 Goldenwest Street (southwest corner of Goldenwest Street and Garfield Avenue – Peninsula Market Place Shopping Center)

PROJECT PLANNER: Rami Talleh
STAFF RECOMMENDS: Approval based upon suggested findings and conditions of approval
- 2. PETITION DOCUMENT: **TENTATIVE PARCEL MAP NO. 04-105 (DUBAR LOT CONSOLIDATION):****

APPLICANT: Patrick Dubar
REQUEST: To permit the consolidation of eight residential lots into one parcel totaling 68,643 square feet.

LOCATION: 6741 Shire Circle (terminus of Shire Circle, east of Quarterhorse Lane)

PROJECT PLANNER: Paul Da Veiga
STAFF RECOMMENDS: Approval based upon suggested findings and conditions of approval.
- 3. PETITION DOCUMENT: **COASTAL DEVELOPMENT PERMIT NO. 06-04 / CONDITIONAL USE PERMIT NO. 06-06 / VARIANCE NO. 06-01 (TEAZIS RESIDENCE):****

APPLICANT: Jon Christner
REQUEST: **CDP/CUP:** To permit the construction of a new 5,053 sq. ft., three-story, single-family dwelling and attached garage with an overall building height of 32 ft. 6 inches. **VAR:** To permit the

construction of a 498 sq. ft. third floor outside the confines of the second story roof volume. The request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/privacy issues, such as window alignments, building pad height, and floor plan layout.

LOCATION: 4021 Diablo Circle (terminus of Diablo Circle, west of Edgewater Lane)

PROJECT PLANNER: Paul Da Veiga

STAFF RECOMMENDS: Denial based upon suggested findings.

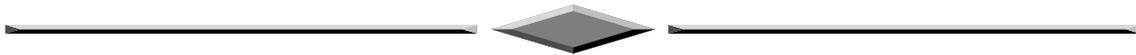
Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator is final unless an appeal is filed to the Planning Commission by you or by an interested party. Said appeal must be in writing and must set forth in detail the action and grounds by which the applicant or interested party deems himself aggrieved. Said appeal must be accompanied by a filing fee of One Thousand Two Hundred Eighty Seven Dollars (\$1287.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and One Thousand Five Hundred Sixty Nine Dollars (\$1569.00) if the appeal is filed by any other party. The appeal shall be submitted to the Secretary of the Planning Commission within ten (10) calendar days of the date of the Zoning Administrator's action or ten (10) working days for a coastal development permit.

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

TO: Zoning Administrator
FROM: Rami Talleh, Associate Planner
DATE: April 26, 2006

SUBJECT: CONDITIONAL USE PERMIT NO. 05-11 (TOMRA PACIFIC RECYCLING CENTER)

LOCATION: 19081 Goldenwest Street (southwest corner of Goldenwest Street and Garfield Avenue – Peninsula Market Place Shopping Center)



Applicant: Bruce Welch, Tomra Pacific, Inc., 150 Klug Circle, Corona, CA 92880

Property Owner: Barros Peninsula Marketplace, LLC, 1545 N Verdugo Rd, Suite 115, Glendale, CA 91208

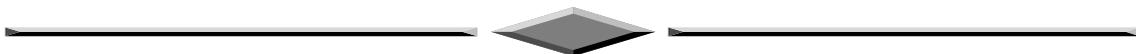
Request: To permit the establishment of a portable beverage-recycling center as an accessory use within an existing commercial shopping center parking lot

Environmental Status: This request is covered by Categorical Exemption, Section 15301, Class 01, California Environmental Quality Act.

Zone: CG (General Commercial)

General Plan: CN-F1-sp(Neighborhood Commercial – 0.35 Floor Area Ratio – Specific Plan)

Existing Use: Parking lot



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 15301 of the CEQA Guidelines, because the project consists of the installation of a portable accessory structure not exceeding 500 square feet.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-11:

1. Conditional Use Permit No. 05-11 for the establishment, maintenance and operation of a portable beverage-recycling center as an accessory use within an existing commercial shopping center parking lot 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. There are no residences located within the immediate vicinity of the recycling facility. The proposed facility will be located to the northeast of the Ralph's building to decrease potential impacts to the residences south of the shopping center. The facility will be located within the existing parking lot along Garfield Ave., will not occupy any required parking as there is currently a 22 space surplus, and will not alter existing improvements in the area. Furthermore, based on the conditions imposed, the facility will not generate traffic, odor or other impacts at levels inconsistent with the commercial zoning applicable to the subject property.
2. The conditional use permit will be compatible with surrounding uses because the project is proposed on a commercially zoned property within a commercial shopping center. The facility will have consistent hours of operation as other business in the shopping center and similar setbacks, color, and design as other buildings in the shopping center. Furthermore, the existing buildings on the site will adequately separate and buffer the abutting residential uses south of the site from the proposed facility.
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 and SP7 (Holly Seacliff Specific Plan) including setbacks, maximum floor area ratio, building height, 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 CN-F1-sp (Neighborhood Commercial – 0.35 FAR – Specific Plan). The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

LU 10.1 Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residences, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

ED 2.4.3 Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The application allows for the Ralph's Supermarket to comply with the California Beverage Container and Litter Act of 1986 (AB 2020) and meet its recycling obligations. In addition the facility provides recycling services to accommodate the needs of Huntington Beach residents.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 05-11:

1. The site plan, floor plans, and elevations received and dated March 30, 2006, shall be the conceptually approved design with the following modifications:
 - a. The recycling facility shall be located in the main parking lot along Garfield Ave. Final location of the facility shall be reviewed and approved by the Planning Department.
 - b. The facility shall be located so that it does not project into the required 26-foot wide drive aisle.
 - c. A decorative trash container matching other containers within the shopping center shall be placed in front of the recycling facility.
2. The use shall comply with the following:
 - a. The operator shall be responsible for maintaining the area around the containers in a clean manner free of trash, debris, and recyclables at all times.
 - b. The facility shall be posted with a clearly visible sign that dumping of trash, debris, or recyclables is prohibited after operating hours.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

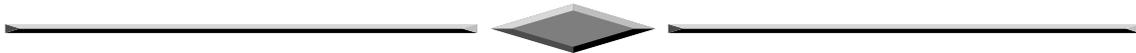
The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, 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.

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

TO: Zoning Administrator
FROM: Paul Da Veiga, Associate Planner
DATE: April 26, 2006

SUBJECT: TENTATIVE PARCEL MAP NO. 2004-105 (DUBAR LOT CONSOLIDATION)

LOCATION: 6741 Shire Circle (terminus of Shire Circle, east of Quarterhorse Lane)



Applicant: Patrick Dubar P.O. Box 1267, Sunset Beach, CA 90742

Property Owner: Courtney Dubar, PO Box 1267, Sunset Beach, CA 90742

Request: To permit the consolidation of eight residential lots into one parcel totaling 68,643 square feet.

Environmental Status: This request is covered by Categorical Exemption, Section 15315, Class 15, California Environmental Quality Act.

Zone: SP-7 (Ellis-Goldenwest Specific Plan) **General Plan:** RL-3 (Residential Low Density)

Existing Use: Residential



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 15315 of the CEQA Guidelines, because the project consists of the consolidation of eight lots into one in an urbanized area zoned for residential use.

SUGGESTED FINDINGS FOR APPROVAL - TENTATIVE PARCEL MAP NO. 2004-105:

1. Tentative Parcel Map No. 2004-105 for the consolidation of eight residential lots into one parcel totaling 68,643 square feet is consistent with the General Plan Land Use Element designation of Residential Low Density on the subject property. The proposed lot consolidation complies with all applicable provisions of the Subdivision Map Act and the HBZSO and is consistent with previous subdivisions in the surrounding neighborhood.
2. The site is physically suitable for the type and density of development allowed by the corresponding zoning designation. The site is currently developed with a single-family dwelling. Construction of an accessory structure and swimming pool are proposed on the site. The lot consolidation will comply with all applicable code provision of the Ellis-Goldenwest Specific Plan and HBZSO including minimum parcel size of and lot width. The site is accessible from an existing private street and all necessary public utilities and services are available.
3. The consolidation of eight lots to one 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 lot consolidation is proposed for eight lots designated for residential use. The site does not serve as habitat for fish or wildlife.
4. The consolidation of eight lots to one or the proposed improvements, will not conflict with easements, acquired by the public at large for access through or use of property within the subdivision unless alternative easements, for access or for use, will be provided. No easements acquired by the public at large for access through or use of the property exist within the subject site.

CONDITIONS OF APPROVAL – TENTATIVE PARCEL MAP NO. 2005-105:

Tentative Parcel Map No. 2005-105 for the for the consolidation of eight residential lots into one parcel totaling 68,643 square feet, shall be the approved layout.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

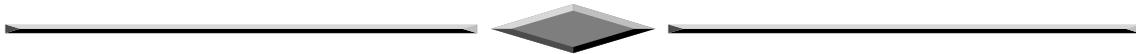
The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, 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.

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

TO: Zoning Administrator
FROM: Paul Da Veiga, Associate Planner
DATE: April 26, 2006

SUBJECT: **COASTAL DEVELOPMENT PERMIT NO. 06-04 / CONDITIONAL USE PERMIT NO. 06-06 / VARIANCE NO. 06-01 (TEAZIS RESIDENCE)**

LOCATION: 4021 Diablo Circle (terminus of Diablo Circle, west of Edgewater Lane)



Applicant: Jon Christner, 34071 La Plaza, Ste 240, Huntington Beach, CA 92629

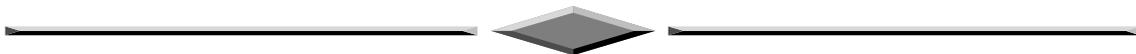
Property Owner: Theo Teazis, 5801 Grimsby Drive, Huntington Beach, CA 92649

Request: **CDP/CUP:** To permit the construction of a new 5,053 sq. ft., three-story, single-family dwelling and attached garage with an overall building height of 32 ft. 6 inches. **VAR:** To permit the construction of a 498 sq. ft. third floor outside the confines of the second story roof volume. The request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/privacy issues, such as window alignments, building pad height, and floor plan layout.

Environmental Status: This request is covered by Categorical Exemption, Section 15303, Class 03, California Environmental Quality Act.

Zone: RL-CZ (Residential Low Density-Coastal Zone) **General Plan:** RL-7 (Residential Low Density)

Existing Use: Residential



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

reconstruction of one single-family residence in a residential zone, where the new structure will have substantially the same purpose and capacity as the structure replaced.

SUGGESTED FINDINGS FOR DENIAL - COASTAL DEVELOPMENT PERMIT NO. 06-04:

The project, as proposed, is inconsistent with the requirements of the base zoning district for the design of third-story habitable space. The proposed third-story is not designed within the confines of the second-story roof volume in accordance with the requirements of the applicable ordinance (HBZSO Section 210.06(M)).

SUGGESTED FINDINGS FOR DENIAL - CONDITIONAL USE PERMIT NO. 06-06:

The proposed Conditional Use Permit No. 06-06 to permit the construction of a new 5,053 sq. ft., three-story, single-family dwelling and attached garage with an overall building height of 32 ft. 6 inches does not comply with the provisions of the Huntington Beach Zoning and Subdivision Ordinance based on the design of the third-story habitable space which is not within the confines of the second-story roof volume in accordance with the requirements of the applicable ordinance (HBZSO Section 210.06(M)).

SUGGESTED FINDINGS FOR DENIAL - VARIANCE NO. 06-01:

1. The granting of Variance No. 06-01 to permit the construction of a 498 sq. ft. third floor outside the confines of the second story roof volume will constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. There have been similar requests that have been denied by the City for third story construction outside the confines of the roof volume. The purpose of the requirement is for three story homes to have the appearance of two-story development. The adjacent homes on Diablo Circle are only two stories or have the appearance of two story homes. Granting of a variance for this request would constitute a grant of special privilege in light of the design of surrounding homes.
2. There are no special circumstances applicable to the subject property such as size, shape, topography, location or surroundings, that deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The subject lot measures 6,069 square feet in size, which is similar to the majority of properties located in the surrounding neighborhood. There is no basis for the granting of a variance to allow a third story outside of the confines of the roof volume based on the size or shape of the subject lot.

