

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, JUNE 22, 2005 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBER: Jason Kelley, Ron Santos, Ramona Kohlmann (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: TENTATIVE PARCEL MAP NO. 2005-122 (HARTFORD AVENUE LOT SPLIT – CONTINUED FROM THE JUNE 15, 2005 MEETING WITH THE PUBLIC HEARING CLOSED)

APPLICANT/
PROPERTY OWNER: Dewey David, Emily Rose Properties, Inc., P.O. Box 911,
Huntington Beach, CA 92648

REQUEST: To permit the subdivision of one 7,725 sq. ft. lot into two 3,862 sq. ft. lots (30.31 ft. by 127.41 ft.) before required dedication for alley widening.

LOCATION: 615 Hartford Avenue, Huntington Beach (north side of Hartford Avenue, east of Delaware Street)

PROJECT PLANNER: Ron Santos

Ron Santos, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff stated that the request was continued from the June 15, 2005, meeting. Staff recommended that the request be modified as follows:

To permit the subdivision of one 7,725 sq. ft. lot into two 3,862 sq. ft. lots ~~(31 ft. by 127 ft.)~~ after (30.31 ft. by 127.41 ft.) before required dedication for alley widening.

Staff stated that eight letters in opposition to the proposed project were received with concerns related to impact on privacy and sunlight, changes to the character of the neighborhood, and height and width.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as outlined in the executive summary.

Mary Beth Broeren, Zoning Administrator, confirmed with staff that no further inquiries into the proposed project were received.

Ms. Broeren stated that she was willing to re-open the public hearing.

AS THERE WERE NO PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST, THE PUBLIC HEARING WAS NOT RE-OPENED.

Ms. Broeren stated that she did visit the subject site. She stated that she does sympathize with the surrounding neighbors; however, the request does comply with the City's Zoning and Subdivision Ordinance.

CONDITIONAL USE PERMIT NO. 04-37 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

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 division of property in an urbanized area zoned for residential use into four or fewer parcels, in conformance with the General Plan and zoning, with no variances or exceptions required; and with all services and access to the proposed parcels available.

FINDINGS FOR APPROVAL - TENTATIVE PARCEL MAP NO. 2005-122:

1. Tentative Parcel Map No. 2005-122 for the subdivision of one 7,725 sq. ft. lot into two 3,862 sq. ft. lots (30.31 ft. by 127.41 ft.) before required dedication for alley widening is consistent with the General Plan Land Use Element designation of Residential Medium-High Density on the subject property. The proposed subdivision complies with all applicable provisions of the Subdivision Map Act and the HBZSO and is consistent with previous subdivisions in the surrounding neighborhood. The project includes demolition of the existing residential structures and will provide for the future development of two new single-family dwellings, in accordance with applicable land use, density and development standards.
2. The site is physically suitable for the type and density of development allowed by the corresponding zoning designation. Although no development is proposed at this time, the site is currently developed with a single-family dwelling and accessory structures to be demolished. The proposed two-lot subdivision will comply with all applicable code provision of the HBZSO including the minimum parcel size of 2,500 sq. ft. and minimum lot width of 25 feet, as required in the RMH-A (Residential Medium High Density – Small Lot) zoning district. The proposed lots are level, rectangular and present no significant constraints to development. The site is accessible from an existing public street and all necessary public utilities and services are available.
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 subdivision is proposed for a property previously developed for residential use. The site does not serve as habitat for 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 easements acquired by the public at large for access through or use of the property exist within the proposed subdivision.

CONDITIONS OF APPROVAL – TENTATIVE PARCEL MAP NO. 2005-122:

Tentative Parcel Map No. 2005-122 for the subdivision of one 7,725 sq. ft. lot into two 3,862 sq. ft. lots (30.31 ft. by 127.41 ft.) before required dedication for alley widening, received and dated March 18, 2005, 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

ITEM 2: CONDITIONAL USE PERMIT NO. 04-37 (DUNBAR FOUR-PLEX DEVELOPMENT)

APPLICANT: Emil Ratsiu, 5152 Dunbar Ave., Apt A, Huntington Beach, CA 92649

PROPERTY OWNER: Dunbar 5 Trust, 5152 Dunbar Avenue, Apartment A, Huntington Beach, CA 92649

REQUEST: To permit the construction of **(a)** a four-unit, three-story apartment building with an overall height exceeding 25-feet (35-feet approximately), on a 13,504 square foot site and **(b)** to permit a patio fence exceeding 42-inches (43-inches approximately) at a two-foot front yard setback in lieu of the 42-inch maximum height within the required 15-foot front yard setback.

LOCATION: 5121 Dunbar Avenue (north side of Dunbar Avenue, east of Bolsa Chica Street)

PROJECT PLANNER: Jason Kelley

Jason Kelley, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented a review of the proposed project and the suggested findings and conditions of approval as outlined in the executive summary.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as outlined in the executive summary. No written or verbal comments were received in response to the public notification.

THE PUBLIC HEARING WAS OPENED.

Emil Ratsiu, 5152 Dunbar Ave., Apt A, applicant, voiced reasons for opposing suggested conditions of approval nos. 1.a, b, c, and g.

Veronica Ratsiu, 5152 Dunbar Ave., Apt A, opposed Suggested Condition of Approval No. 1.d stating that the open space would impact their privacy.

Frank Burcella, 3541 Courtside Circle, stated that he reviewed the project plans at the Planning Department zoning counter. Mr. Burcella voiced opposition to suggested conditions of approval nos. 1.b and g.

Jeff Parkhurst, 25512 Calle Jardin, San Juan Capistrano, architect, spoke on behalf of the proposed project, presented reasons against suggested conditions of approval nos 1.a, b, c, d, and g. Mr. Parkhurst urged the Zoning Administrator to approve the request based upon the original plans.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mary Beth Broeren, Zoning Administrator, engaged in discussions with staff concerning the aforementioned opposition to the suggested conditions of approval.

Ms. Broeren asked staff to modify Suggested Condition of Approval No. 1.b as noted below. Ms. Broeren advised Mr. Ratsiu that it must be clear to the tenants that parking would be prohibited.

Ms. Broeren asked staff to modify Suggested Condition of Approval No. 1.c as noted below.

Ms. Broeren stated that she concurs with the remaining conditions.

Ms. Broeren addressed Suggested Condition of Approval No. 1.g stating that the City's reason for requiring stairs within the unit is because circumstances change and covenants get ignored. She stated that the proposed project presents large apartments and that because of the size of the apartments there is great potential for conversion of more units, as has been done illegally throughout the City.

Ms. Broeren asked Mr. Ratsiu if conversion to condominiums is in their plan. Mr. Ratsiu responded perhaps down the road it would be considered; however, they don't know. Ms. Broeren stated that privacy upon the adjacent building also has to be taken into consideration.

Ms. Broeren stated her concurrence with staff's Suggested Condition of Approval No. 1.g. She stated that the proposed project can be designed with the stairs inside and still be very marketable.

Ms. Broeren asked staff to modify the suggested conditions of approval as follows:

1. The site plan, floor plans, and elevations received and dated April 28, 2005 shall be the conceptually approved design with the following modifications:

- ~~a. A ten-foot visibility triangle shall be provided at the south side of garage "A", pursuant to Section 230.88(C).~~
- ~~b.a. The three-foot wide access walkway proposed between parking spaces number 10 and 11 shall be eliminated. A three-foot wide delineated by striping the pedestrian access walkway providing access to the common area at the rear of the property shall be constructed. The access walkway shall not encroach into any parking spaces and installing directional signage.~~
- ~~c.b. The trash enclosure shall be relocated next to the maneuverable area adjacent to parallel parking space number 12 northerly within the landscaping planter. The trash enclosure shall be positioned south of the adjacent family room window. Screening vegetation shall be planted around the trash enclosure.~~

Mr. Ratsiu acknowledged understanding and agreement to the above modifications to the suggested conditions of approval.

CONDITIONAL USE PERMIT NO. 04-37 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

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 construction of a new multi-family residential structure consists of no more than four-dwelling units. The development will be constructed as an apartment complex located within an urbanized area.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 04-37:

1. Conditional Use Permit No. 04-37 to **(a)** construct a four-unit, three-story apartment building with an overall height exceeding 25-feet (35-feet approximately), on a 13,504 square foot site; and **(b)** construct a patio fence exceeding 42-inches (43-inches approximately) at a two-foot front yard setback in lieu of the 42-inch maximum height within the required 15-foot front yard setback 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 project will not generate noise, traffic, odors, or other impacts at levels inconsistent with the residential character of the existing neighborhood. Adequate parking to serve the proposed project will be provided onsite in conformance with the requirements of the HBZSO. The project will provide new rental housing and is anticipated to have a positive impact on the value of the property in the neighborhood. The proposed 43-inch tall patio fencing will have no detrimental impacts since the one-inch increase in height over the basic requirement is minimal. Although the fencing will extend across approximately 46 percent of the lot, the conditions of approval will require an increased front yard setback to provide variation to the fencing and decorative material as stipulated in the City's Urban Design Guidelines.

2. The conditional use permit will be compatible with surrounding uses because the project consists of construction of apartment style multi-family residential dwellings in a neighborhood predominately developed with multi-family housing. In addition, the proposed development will be consistent with the type and density permitted in the City's General Plan Land Use Map. With the conditions imposed, the proposed dwellings will be designed to convey a high level of quality and character consistent with the City's Urban Design Guidelines, including massing, building colors, material and scale.
3. With the conditions imposed, 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, including height, maximum density, lot coverage, building setbacks, landscaping, off-street parking and open space. In addition, the HBZSO authorizes walls/fences exceeding 42-inches within the required setback with the approval of a conditional use permit.
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 RM-15 (Residential Medium Density – 15 units/acre) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

L.U. Policy 9.1.1: Accommodate the development of single- and multi-family residential units in areas designated by the Land Use Plan Map, as stipulated by the Land Use and Density Schedules.

The proposed conditional use permit provides for the construction of four dwelling units at a density of 12.8 units per acre. The General Plan Land Use and Density Schedule allows residential development on the subject property at a maximum density of 15 units per acre.

L.U. Policy 9.1.3: Require that multi-family residential projects be designed to convey a high level of quality and distinctive neighborhood character, including the following guidelines:

- a. *Include separate and well defined entries to convey the visual character of individual identity for each residential unit, which may be accessed from exterior facades, interior courtyards and/or common areas.*
- b. *Site and design parking area and facilities that are integrated with but do not dominate the architectural character of the structure.*
- c. *Include an adequate landscape setback along the street frontage that is integrated with abutting sidewalks and provides continuity throughout the neighborhood.*

The proposed design conveys substantial articulation of building elevations and masses, including roofline variations, wall planes, and window and door arrangements. The project is a single structure with attached garages located towards the center of the property. Open parking spaces are provided adjacent to the garages, to minimize large expanses of paving. Conditions of approval, provide for decorative paving at the driveway entrance adjacent to the sidewalk, greater landscape setback along the street frontage, decorative material and greater articulation of the private open space screening located at the front of the property.

L.U. Policy 9.2.1: Require that all new residential development within existing residential neighborhoods be compatible with existing structures, including the:

- a. *Maintenance of the predominant or median existing front yard setbacks;*
- b. *use of building heights, grade elevations, orientation, and bulk that are compatible with the surrounding neighborhood;*
- c. *use of complimentary building materials, colors, and forms, while allowing flexibility for unique design solutions; and*
- d. *maintenance of privacy on abutting residences.*

The proposed design is compatible with adjacent development, including building height, setbacks, massing and orientation. The proposed development has incorporated fencing within the front yard consistent with properties within the neighborhood. Maintenance of privacy to the adjacent property will be accomplished by removing exterior stairs to the third floor, as stipulated in the conditions of approval. In addition, the proposed design conveys substantial articulation of building elevations, including a variety of rooflines, wall planes, materials and color complimentary to the surrounding neighborhood.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 04-37:

1. The site plan, floor plans, and elevations received and dated April 28, 2005 shall be the conceptually approved design with the following modifications:
 - a. The three-foot wide access walkway proposed between parking spaces number 10 and 11 shall be delineated by striping the pedestrian access and installing directional signage.
 - b. The trash enclosure shall be relocated northerly within the landscaping planter. The trash enclosure shall be positioned south of the adjacent family room window. Screening vegetation shall be planted around the trash enclosure.
 - c. The private open space for unit "A" shall have a five-foot minimum front yard setback, 19-feet in width starting from the west side of the building. A six-foot front yard setback shall be provided, 21½-feet in width measuring from the east side of the building.
 - d. The height of patio fencing proposed within the front yard setback shall be a maximum of 43 inches. Any request to increase the height shall be subject to approval of an entitlement plan amendment.
 - e. No fencing or walls other than that depicted on the approved plans and as modified by the conditions of approval shall be permitted within the required front yard setback.
 - f. All exterior stairs leading to the third floor shall be removed. All stairs leading to the third floors shall be incorporated within the interior of the building.
 - g. The driveway entrance shall have textured and colored pavement (behind sidewalk on private property) for a minimum depth of fifteen feet.
 - h. The fencing within the front yard setback shall be constructed with decorative material(s), such as pilasters, brick, masonry and stucco to accent the building design. The fencing design shall be approved by the Planning Department.

2. The property owner shall sign, notarize, and record with the County Recorder a covenant assuring that the four-unit apartment building will be maintained as four (4) dwelling units. Prior to recordation of the covenant, approval from the Department of Planning is required.

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.

THE MEETING WAS ADJOURNED AT 2:25 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, JUNE 29, 2005 AT 1:30 PM.

Mary Beth Broeren
Zoning Administrator

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