

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

WEDNESDAY, AUGUST 17, 2005 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBER: Rami Talleh, Paul Da Veiga, Ron Santos,
Ramona Kohlmann (recording secretary)

MINUTES: August 3, 2005
APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 03-36 (WARMAN RESIDENCE)

APPLICANT/

PROPERTY OWNER: Eric Warman, 1102 Palm Avenue, Huntington Beach, CA 92648
REQUEST: To permit the construction of a third-story deck in conjunction with a two-story, single-family home. The existing single-family home will be demolished.

LOCATION: 1102 Palm Avenue (northwest corner of Palm Avenue and Eleventh Street)

PROJECT PLANNER: Rami Talleh

Rami Talleh, Staff Planner, displayed project plans 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. Staff stated that no written comments were received in response to the public notification. One neighbor inquired into the nature of the proposed project.

Mary Beth Broeren, Zoning Administrator, reviewed the project plans. Discussion ensued with staff concerning the height and privacy of the abutting residences.

Ms. Broeren engaged in discussions with staff concerning the chain of title for the legally created subject site including portions of the adjoining lots that will be involved in the lot line adjustment as set forth in the suggested conditions of approval.

THE PUBLIC HEARING WAS OPENED.

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

Ms. Broeren asked the project architect to address Suggested Condition of Approval No. 1 concerning the minimum front yard setback of 15 feet. The architect acknowledged their ability to comply and detailed discussions ensued.

CONDITIONAL USE PERMIT NO. 03-36 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 15301 of the CEQA Guidelines, because the project consists of the construction of one single-family home.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 03-36:

1. Conditional Use Permit No. 03-36 for the construction of a third-story deck in conjunction with a two-story, single-family home 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 third story deck is oriented away from adjacent properties. A person accessing the deck will not have a line of sight toward any of the surrounding residences. The deck is setback a minimum of five ft. from the building exterior and is not visible from the surrounding properties.
2. The conditional use permit will be compatible with surrounding uses because the height of the second floor and third story deck will be 27'-4" tall, which is comparable to the height of other two-story homes in the vicinity. Furthermore, the home is designed to appear like a two-story home in that the third story deck is setback five feet from the building exterior and is located within the volume of the second story roof.
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 such as building height, setbacks, lot coverage and design criteria for third story construction. Third story decks are allowed in the base-zoning district with 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 (Medium Density Residential) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - a. LU 9.2.1b: Use of building heights, grade elevations, orientation, and bulk that are compatible with the surrounding development;
 - b. LU 9.2.1d: Maintenance of privacy on abutting residences.

The structure is oriented toward Eleventh Street consistent with other single-family homes on the same street. In addition, the structure will be built at a height similar to that of other residences in the neighborhood. The privacy of the abutting residences will be maintained in

that the third story deck will not have a line of site toward any of the surrounding properties. The deck is setback a minimum of five (5) feet from the building exterior. In addition the deck is confined within the second floor roof volume.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 03-36

1. The site plan, floor plans, and elevations received and dated July 7, 2005, shall be the conceptually approved design with exception of the following modification: The entry tower features shall be provided with a minimum front yard setback of 15 feet.
2. Prior to issuance of building permits, the Lot Line Adjustment to merge the parcels shall be reviewed and approved by the Planning and Public Works Departments and the lot line adjustment form shall be recorded.

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: VARIANCE NO. 05-01 / DESIGN REVIEW NO. 05-08 (TARBELL REALTORS)

APPLICANT: Rengel & Co Architects, 333 El Camino Real, Tustin, CA 92780
PROPERTY OWNER: Tarbell Realtors, Cheri Sutherland, 1403 N. Tustin Avenue #345, Santa Ana, CA 92705
REQUEST: To permit the construction of a five-foot wide landscape planter in lieu of the code required ten-foot wide planter along the front property line (Beach Boulevard frontage), in conjunction with façade upgrades to the existing two-story office building. The HBZSO requires compliance with minimum landscape standards based on the proposed exterior upgrades.
LOCATION: 16111 Beach Boulevard (west side of Beach Boulevard and Edinger Avenue)
PROJECT PLANNER: Paul Da Veiga

Paul Da Veiga, Staff Planner, displayed project plans 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 modification to Suggested Finding for Approval No. 1 by adding the following:

The variance will not constitute a grant of special privilege as several other commercial properties in the general area are developed with similar setbacks and have limited landscaping based on the footprints of existing buildings.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as outlined in the executive summary and with the modification as recommended above. Staff stated that the applicant has agreed to Suggested Condition of Approval No. 1.c to increase the width of the landscape planters.

Mary Beth Broeren, Zoning Administrator, confirmed with staff that parking requirements would be met based upon the square footage.

THE PUBLIC HEARING WAS OPENED.

Terry Smith, Rengel & Co Architects, 333 El Camino Real, Tustin, applicant, addressed the parking requirements.

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

Ms. Broeren stated that she was going to approve the request with the suggested modification to the findings as recommended by staff.

VARIANCE NO. 05-01 / DESIGN REVIEW NO. 05-08 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED 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 15301 of the CEQA Guidelines since the project proposes an exterior alteration to an existing office building that involves no expansion of use beyond that which currently exists.

FINDINGS FOR APPROVAL - VARIANCE NO. 05-01:

1. The granting of Variance No. 05-01 for the construction of a five-foot wide landscape planter in lieu of the code required ten-foot wide planter along the front property line (Beach Boulevard frontage), in conjunction with façade upgrades to the existing two-story office building, will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The code requires compliance with certain landscaping standards when exterior upgrades are proposed. Based on the location of the building and required parking, the minimum required landscape planter width of ten feet along the Beach Blvd. frontage cannot be met; therefore, a five-foot wide landscape planter will be provided as well as other landscaped areas throughout the site for a total of seven percent of landscape area. The variance will not constitute a grant of special privilege as several other commercial properties in the general area are developed with similar setbacks and have limited landscaping based on the footprints of existing buildings.

2. Because of special circumstances applicable to the subject property, including the location of the existing building, 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 existing footprint of the building limits the amount of landscaping that can be provided in front of the subject building and along the Beach Blvd. frontage based on the required parking space dimensions and drive aisle width. The proposed landscaping maximizes the amount of landscaping on a site that currently contains no landscape planters.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The granting of the variance is necessary to allow the proposed exterior upgrades, which will add value to the property and enhance the aesthetics of the property.
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 exterior upgrades and newly proposed landscaping will enhance the aesthetics and add value to the property.
5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial General on the subject property. In addition, it is consistent with the following goals the General Plan:

LU10.1.12 – Require that Commercial General uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development.

LU 10.1.4 – Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

The variance will facilitate the exterior renovation of the exiting office building with a contemporary architectural style and quality materials. The building will be compatible with commercial development along Beach Boulevard and the new landscaped planters will upgrade the appearance of the property.

CONDITIONS OF APPROVAL VARIANCE NO. 05-01:

1. The elevations received and dated May 19, 2005, shall be the conceptually approved layout with the following modifications:
 - a. The cornice treatment shall be provided around the entire perimeter of the subject building. **(DRB)**
 - b. The entry feature located along the frontage of the building shall provide returns with a minimum measurement of 10 feet to eliminate the appearance of a false façade. **(DRB)**
 - c. The landscape planters along the front and rear property lines shall be increased to five (5) feet in overall width.

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 3: TENTATIVE PARCEL MAP NO. 2003-137 (BEACHMONT PLAZA)

APPLICANT: Charles G. Ball, 17631 Fitch, Irvine, CA 92614
PROPERTY OWNER: Brookhurst & Adams, LLC, c/o Bruce Cowgill, 2760 East Spring Street, #200, Long Beach, CA 90806
REQUEST: To permit the consolidation of four contiguous parcels into one 7.498 acre legal lot, for purposes of accommodating a previously approved shopping center reconstruction project.
LOCATION: 10041 – 10111 Adams Avenue (northeast of the Adams Avenue/Brookhurst Street intersection)
PROJECT PLANNER: Ron Santos

Ron Santos, Staff Planner, displayed project plans and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented a review of the proposed project based upon the suggested findings and conditions of approval as outlined in the executive summary. Staff stated that the request is a condition under the original entitlement for the shopping center construction.

Staff recommended approval of the request. No written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, confirmed with staff that the reciprocal access agreement has been recorded as set forth in Suggested Condition of Approval No. 2.

THE PUBLIC HEARING WAS OPENED.

Charles G. Ball, 17631 Fitch, Irvine, applicant, submitted a letter requesting that Suggested Condition of Approval No. 2 be amended to exclude City Attorney approval. Mr. Ball voiced concern that complications are anticipated in obtaining cooperation from a neighboring business (Sav-on). He requested the option to allow recordation of the parcel map without the easement or a lot consolidation.

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

Ms. Broeren and staff engaged in discussions concerning the City's interest in the easement and reciprocal access agreement. Further detailed discussions ensued with the applicant concerning the need to expedite approval from the City Attorney's office, option to continue today's decision to one week, and timeline in starting construction as dictated by the suggested conditions of approval.

Ms. Broeren stated that she was going to proceed with a decision today and stated that the City Attorney's office should be contacted in order to expedite review of the agreement.

TENTATIVE PARCEL MAP NO. 2003-137 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 consolidation of existing parcels into one parcel in conformance with the General Plan and zoning, with all services and access to the site available.

FINDINGS FOR APPROVAL - TENTATIVE PARCEL MAP NO. 2003-137:

1. Tentative Parcel Map No. 2003-137 to permit the consolidation of four contiguous parcels into one 7.498 acre legal lot is consistent with the General Plan Land Use Element designation of CG-F1 (Commercial General – 0.35 maximum floor area ratio) on the subject property and applicable provisions of the Huntington Beach Zoning & Subdivision Ordinance. The proposed lot consolidation complies with minimum lot size (10,000 s.f.) and lot width (100 s.f.) standards, and will accommodate a previously approved shopping center reconstruction project with a 0.28 floor area ratio.
2. The site is physically suitable for the type and density of development. The project site will accommodate a previously approved development designed in conformance with all applicable code requirements including minimum on-site parking, landscaping and setbacks. The subject property is flat, rectangular, accessible from existing public streets and devoid of topographic or other physical constraints to development.
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 project site is located in an urbanized area surrounded by developed land. The project site was previously developed as a shopping center and does not serve as habitat for fish or wildlife. The lot consolidation will accommodate the reconstruction of the existing shopping center for retail, restaurant and office uses with minimal potential to generate significant environmental impacts.
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. All necessary public access and utility easements will be provided pursuant to conditions of approval.

CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 2003-137:

1. The Tentative Tract Map No. 2003-137 to permit the consolidation of four contiguous parcels into one 7.498 acre legal lot, received and dated July 15, 2005, shall be the approved layout.

2. Prior to recordation of the final map, an easement agreement providing for reciprocal parking and access between the subject parcel and the adjacent parcel to the northwest (Parcel 1 as shown in Book 5, Page 42 of Parcel Maps, in the Office of the County Recorder), shall be reviewed and approved by the City of Huntington Beach and recorded with the County Recorder.
3. Prior to issuance of a Certificate of Occupancy and final of building permit(s), the final map shall be recorded with the County of Orange.

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 2:15 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, AUGUST 24, 2005 AT 1:30 PM.

Mary Beth Broeren
Zoning Administrator

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