

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

WEDNESDAY, OCTOBER 5, 2005 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBER: Rami Talleh, Jason Kelley, Paul Da Veiga,
Ramona Kohlmann (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 05-24 (SORELY THIRD-STORY DECK)

APPLICANT/
PROPERTY OWNER: Gary Sorely, 17022 Bolero Lane, Huntington Beach, CA 92649
REQUEST: To permit the construction of a third-story deck in conjunction with
a second story addition to an existing single-story, single-family
home.
LOCATION: 17022 Bolero Lane (east side of Bolero Lane, north of Sirius
Drive)
PROJECT PLANNER: Rami Talleh

Rami Talleh, Staff Planner, recommended a continuance to the October 12, 2005, meeting in order to re-notice the item. Staff stated that there have been no inquires and that the applicant has been notified of the requested continuance.

**CONDITIONAL USE PERMIT NO. 05-24 WAS CONTINUED TO THE OCTOBER 12, 2005,
MEETING WITH THE PUBLIC HEARING OPEN**

ITEM 2: COASTAL DEVELOPMENT PERMIT NO. 05-15 (EDGEWATER REMODEL)

APPLICANT/
PROPERTY OWNER: Keith Jorgensen, 7573 Slater Ave, Unit J, Huntington Beach, CA
92647
REQUEST: To permit a 1,413 sq. ft. first and second floor addition to an
existing two-story single-family dwelling with an overall building
height of 30 ft. 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: 16947 Edgewater Lane (west side of Edgewater Lane and south of Davenport Drive)
PROJECT PLANNER: Jason Kelley

Jason Kelley, Staff Planner, displayed project plans and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview 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 the proposed project is subject to, and complies with, the Infill Lot Ordinance. No written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, confirmed with staff that the homeowner's association (HOA) has approved the proposed project. Staff stated that a letter from the HOA is in the entitlement file.

THE PUBLIC HEARING WAS OPENED.

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

COASTAL DEVELOPMENT PERMIT NO. 05-15 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) WORKING 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 an addition to an existing structure, which increases the floor area less than 50 percent and involves negligible or no expansion of an existing use.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 05-15:

1. Coastal Development Permit No. 05-15 to permit a 1,413 sq. ft. first and second floor addition to an existing two-story single-family dwelling with an overall building height of 30 ft. conforms with the General Plan, including the Local Coastal Program land use designation of Residential Low-Density. The project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage development within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a developed site, contiguous to existing residential development.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The project, as proposed, complies with all applicable development regulations, including maximum building

height, minimum yard setbacks, maximum lot coverage, and minimum on-site parking.

3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed addition will be constructed on an existing developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer and roads.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access or impact public views to coastal resources. In addition, the project is subject to payment of required park fees, to be used for acquiring and maintaining public parkland for recreational use.

SUGGESTED CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 05 15:

1. The site plan, floor plans, and elevations received and dated August 24, 2005 shall be the conceptually approved design.

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: CONDITIONAL USE PERMIT NO. 05-25/VARIANCE NO. 05-05 (NGUYEN RESIDENCE)

APPLICANT/

PROPERTY OWNER:

REQUEST:

Andy Do, 12570 Brookhurst Street, Garden Grove, CA 92840

CUP: To permit the construction of a 340 sq. ft. bonus room and a 700 sq. ft. deck on the third floor of a new 2,537 sq. ft. single family home with a maximum height of 33 feet. **VAR:** To permit construction of third-floor habitable area outside of 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:

1115 Orange Avenue (southeast corner of 12th Street and Orange Avenue)

PROJECT PLANNER:

Paul Da Veiga

Paul Da Veiga, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the

proposed project and the suggested findings and conditions of approval as outlined in the executive summary.

Staff suggested the addition of a condition as follows:

A minimum five-foot setback shall be provided from the deck railing to the exterior of the building.

Mary Beth Broeren, Zoning Administrator, reviewed the project plans and aerial photographs. Ms. Broeren engaged in a discussion with staff concerning staff's recommended additional condition of approval.

Ms. Broeren asked staff if any comments were received from the public. Staff advised that a letter was received from Ms. Dotson inquiring into the nature of the proposed project and an adjacent property owner inquired at the Zoning counter concerning the construction timeframe.

THE PUBLIC HEARING WAS OPENED.

Kelly Boyd, 324 12th Street, neighboring property owner, stated that she spoke with staff and reviewed the plans. Ms. Boyd voiced objection to the location of the proposed third-floor deck and bonus room and its impact upon her property value. She came forward and reviewed the plans with staff. Discussion ensued.

Andy Do, 12570 Brookhurst Street, Garden Grove, architect, spoke on behalf of the proposed project emphasizing the high quality architecture as proposed.

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

Ms. Broeren confirmed with the applicant their understanding of staff's suggested conditions. She reviewed with the applicant the intended use of the third story confirming the use as a deck. She confirmed that the third-story bonus room would be offset from the adjacent neighboring deck.

Staff stated that the proposed project is subject to the Infill Lot Ordinance and emphasized that the windows are not to be aligned with other windows.

Ms. Broeren stated that she was going to approve the request with staff's suggested addition to the suggested conditions of approval.

CONDITIONAL USE PERMIT NO. 05-25/VARIANCE NO. 05-05 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND CONDITIONS. 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 project consists of construction of one single-family residence in a residential zone.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-25:

1. Conditional Use Permit No. 05-25 to permit the construction of a 340 sq. ft. bonus room and a 700 sq. ft. deck on the third floor of a new 2,537 sq. ft. single family home with a maximum height of 33 feet 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 consists of a small sitting room and has substantial setbacks from the first and second story façade to minimize building mass and bulk. In addition, the third story deck is setback 5 ft. from the building exterior and is oriented toward the public right-of-way.
2. The conditional use permit to construct a third story addition to a single family home will be compatible with surrounding uses because the proposed three story home is designed to be comparable to adjacent development based on the proposed upper story setbacks and massing. Furthermore, the third story addition is similar in design, colors, and materials as other dwellings existing in the surrounding neighborhood. The third story deck is setback five feet from the building exterior and is oriented toward adjacent public streets.
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 any variances approved concurrently. The project complies with the maximum building height, maximum lot coverage, and floor area ratio.
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 RL (Residential Low Density) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - LU 9.2.1: Require that all new residential development within existing neighborhoods be compatible with existing structures, including the:
 - LU 9.2.1b: Use of building heights, grade elevations, orientation, and bulk that are compatible with surrounding development;
 - LU 9.2.1c: Maintenance of privacy on abutting residences.

The development will comply with maximum building height permitted in the RMH-A zone. The proposed third-story and third-story deck will be setback from the first and second-story façade as required by the HBZSO, thus minimizing the building massing.

FINDINGS FOR APPROVAL - VARIANCE NO. 05-05:

1. The granting of Variance No. 05-05 for to permit construction of third-floor habitable area outside of the confines of the second story roof volume 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 third floor consists of a small sitting room, approximately 340 square feet in size, and has substantial setbacks from the first and second story façade to minimize building mass and bulk. Several properties in the surrounding neighborhood are developed with larger third floor areas. The variance is necessitated by the unique shape of the lot which is 50 feet in width and 58 feet in depth in comparison to the majority of the lots in the area which measure 25 feet in width.

2. Because of special circumstances applicable to the subject property, including size and shape, 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 majority of the properties in the surrounding area are not subject to the requirement of designing third floor habitable area within the confines of the roof volume based on their lot width of 25 feet. The unique manner in which the property was subdivided results in a lot width of 50 feet, which triggers the requirement to build third floor habitable area within the confines of the roof volume. This requirement is not applicable to the majority of the homes under the zoning designation of RMH-A (Residential Medium-High Density). Although the subject property has a width of 50 feet it only has a depth of 58 feet, which is unique to the area, where the majority of homes have a lot depth of 100 feet or greater.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The variance will allow the owner to develop the property in a consistent manner with the neighborhood. It also will allow development on the site with a floor area ratio that is consistent with other homes in the area.
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 development is consistent with the majority of properties located in the surrounding neighborhoods. Limiting third floor habitable area to within the confines of the roof volume would result in a design that is inconsistent with the surroundings and would be an unreasonable requirement for developing a lot with 50 feet in width and 58 feet in depth.
5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RMH-A (Residential Medium-High Density) on the subject property, including the following General Plan policy:

LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character as appropriate.

The requested variance accounts for the unique attributes of the site including its size and shape. The variance is necessary based on the unique shape of the lot, which is 50 feet in width and 58 feet in depth in comparison to the majority of the lots in the area which measure 25 feet in width and a minimum of 100 feet in depth.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 05 25 / VARIANCE
NO. 05 05:**

1. The site plan, floor plans, and elevations received and dated July 27, 2005 shall be the conceptually approved design with the following modification:
 - a. The deck along the easterly portion of the residence shall be screened from the adjacent property by a screen wall with a minimum height of five feet or shall be reduced in size to be predominately oriented to the street.
 - b. A minimum five-foot setback shall be provided from the deck railing to the exterior of the building.

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 4: CONDITIONAL USE PERMIT NO. 05-26 (SILVERY LIQUOR MART)

APPLICAN
PROPERTY OWNER: Pintip Metanai, 5242 Chadwick Drive, Huntington Beach, CA
92649
REQUEST: To permit the establishment of a 1,750 sq. ft. retail market with
more than 10 percent of the floor area devoted to sales, display
and storage of alcoholic beverages in an existing 1,750 sq. ft.
commercial building.
LOCATION: 16091 Beach Boulevard (southwest corner of Beach Boulevard
and Aldrich Avenue)
PROJECT PLANNER: Ron Santos

Paul Da Veiga, Staff Planner, sitting in for Ron Santos, displayed project plans and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview 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 there is no over saturation of liquor sales in the area. No written or verbal comments were received in response to the public notification.

THE PUBLIC HEARING WAS OPENED.

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

Mary Beth Broeren, Zoning Administrator, reviewed the floor plan with staff and engaged in a discussion with staff concerning the primary intent of the proposed establishment. Staff stated that the proposed market is not to be open between the hours of 2:00 a.m. and 6:00 a.m.

CONDITIONAL USE PERMIT NO. 05-26 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 operation and minor alteration of an existing commercial structure involving negligible or no expansion of use beyond that previously existing.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-26:

1. Conditional Use Permit No. 05-26 to permit the establishment of a 1,750 sq. ft. retail market with more than 10 percent of the floor area devoted to sales, display and storage of alcoholic beverages in an existing 1,750 sq. ft. commercial building 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 proposed facility will not generate noise, traffic, demand for parking or other impacts at levels inconsistent with the commercial zoning applicable to the property.
2. The conditional use permit will be compatible with surrounding uses because the use is proposed in an existing commercial building, in a commercial zone, located along the City's principal corridor.
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. The proposed retail establishment is permitted in the CG base district, subject to conditional use permit approval, pursuant to Section 211.04 of the Huntington Beach Zoning and Subdivision Ordinance – *CO, CG, and CV Districts: Land Use Controls*. No new construction is proposed.

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 CG-F2-a (Commercial General – 0.5 max. FAR – auto district overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

LU 7.1.2: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

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 residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

The requested conditional use permit will accommodate an existing development by allowing the addition of alcohol sales to a permitted land use (retail). The proposed use will serve the needs of local residents and visitors to the City by providing for a retail market with alcoholic beverages available.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 05-26:

1. The site plan, floor plans, and elevations received and dated August 24, 2005 shall be the conceptually approved design.
2. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning Department for the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.

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 2:00 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, OCTOBER 12, 2005 AT 1:30 PM.

Mary Beth Broeren
Zoning Administrator

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