

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

**WEDNESDAY, NOVEMBER 30, 2005 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Mary Beth Broeren

**STAFF MEMBER:** Rami Talleh, Ron Santos, Kathy Schooley (recording secretary)

**MINUTES:** **NONE**

**ORAL COMMUNICATION:** **NONE**

**SCHEDULED ITEMS:**

**ITEM 1: ENTITLEMENT PLAN AMENDMENT NO. 05-02 (AMENDMENT TO USE PERMIT NO 69-40 – CASA DEL SOL DRIVEWAY/PARKING LOT EXPANSION – CONTINUED FROM THE NOVEMBER 16, 2005 MEETING WITH THE PUBLIC HEARING OPEN)**

**APPLICANT:** Eana Yeh, 3366 Via Lido, Newport Beach, CA 92663  
**PROPERTY OWNER:** Richard Battaglia, 3366 Via Lido, Newport Beach, CA 92663  
**REQUEST:** To permit modifications to a previously approved site plan to permit a third driveway entrance and the expansion of a visitor parking lot along Brookhurst Street, serving an existing 448 unit apartment complex.  
**LOCATION:** 21661 Brookhurst Street (west side of Brookhurst Street, and south of Hamilton Avenue)  
**PROJECT PLANNER:** Rami Talleh

Rami Talleh, Staff Planner, displayed the project plans. Staff stated that the item was continued from the November 16, 2005, meeting to allow the applicant time to consider suggested options to the project plans.

Staff stated that the applicant is agreeable to Options 3 and 4 as were discussed at the previous meeting. Staff stated that the applicant has requested that the proposed project begin with Option 3 with Option 4 being phased-in when they are ready to make public improvements.

Mary Beth Broeren, Zoning Administrator, reviewed the project plans and discussions ensued.

**THE PUBLIC HEARING WAS CONTINUED OPENED.**

Rich Battaglia, 233 Carnation Ave Corona Del Mar, property owner, urged the Zoning Administrator's approval of Options 3 and 4.

Discussion ensued with Ms. Broeren, staff, the property owner, and a representative from Public Works concerning the timelines involved, reasons for additional parking, relocation of the driveway, access, the median, and the requirement for design approval by Public Works.

**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 and asked staff to modify the suggested findings and conditions of approval as follows:

Suggested Finding for Approval No. 1:

Entitlement Plan Amendment No. 05-02 for the modifications to a previously approved site plan to relocate an existing driveway entrance and permit the expansion of a visitor parking lot along Brookhurst Street, serving an existing 448 unit apartment complex 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 parking lot expansion will be located in an existing landscaped area along the front property line of the site to provide additional parking opportunities for visitors of the Casa Del Sol leasing office and guests/residents of the apartment community. The parking lot as modified by conditions of approval will ~~take access from one~~ have a total of two ~~existing~~ driveway entrances along Brookhurst St. An interim plan will utilize the existing driveway entrance located at the north of the site and provide 16 additional parking spaces. The ultimate design will Street thus minimizing impacts to traffic flow on Brookhurst Street. In addition the involve the closure of the northerly entrance and relocation towards the center of the site to directly access the additional parking spaces. In the event that the driveway entrance is not relocated the interim plan shall have adequate vehicular access and parking. The proposed parking lot expansion, ~~as modified by conditions of approval,~~ will preserve a majority of the existing mature trees. In addition, as a condition of approval, every tree to be removed will be replaced with two trees. A ~~2015~~ to 30 ft. wide landscaped planter will adequately buffer the nearest residences from the parking lot. A 30 ft. wide landscaped planter will adequately screen the parking lot from Brookhurst Street preserving a majority of the existing greenbelt. Relocation of the driveway entrance will not have a material affect to the flow of traffic along Brookhurst Street. Furthermore, the parking lot expansion will not generate noise, traffic, odor or other impacts at levels inconsistent with the residential zoning applicable to the subject property.

Suggested Conditions Of Approval - Entitlement Plan Amendment ~~no. 05-02;~~ no. 05-02:

1. The site plan, received and dated June 21, 2005, shall be modified consistent with the site plan identified as Staff Alternative No. 1 dated August 31, 2005, and maintained the project file plan received and dated October 31, 2005, and labeled Option No. 3 shall be the approved design subject to approval by the Public Works Department. Option No. 4 dated October 31, 2005 shall be the interim approved layout.
2. The parking spaces shall be provided with two (2) feet of landscaping consisting of low shrubs or ground cover between the stall and the required landscape area.

**ENTITLEMENT PLAN AMENDMENT NO. 05-02 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED 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 15311 of the CEQA Guidelines, because the project involves the construction of a minor parking lot expansion.

**FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 05-02:**

1. Entitlement Plan Amendment No. 05-02 for the modifications to a previously approved site plan to relocate an existing driveway entrance and permit the expansion of a visitor parking lot along Brookhurst Street, serving an existing 448 unit apartment complex 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 parking lot expansion will be located in an existing landscaped area along the front property line of the site to provide additional parking opportunities for visitors of the Casa Del Sol leasing office and guests/residents of the apartment community. The parking lot as modified by conditions of approval will have a total of two driveway entrances along Brookhurst St. An interim plan will utilize the existing driveway entrance located at the north of the site and provide 16 additional parking spaces. The ultimate design will involve the closure of the northerly entrance and relocation towards the center of the site to directly access the additional parking spaces. In the event that the driveway entrance is not relocated the interim plan shall have adequate vehicular access and parking. The proposed parking lot expansion will preserve a majority of the existing mature trees. In addition, as a condition of approval, every tree to be removed will be replaced with two trees. A 15 to 30 ft. wide landscaped planter will adequately buffer the nearest residences from the parking lot. A 30 ft. wide landscaped planter will adequately screen the parking lot from Brookhurst Street preserving a majority of the existing greenbelt. Relocation of the driveway entrance will not have a material affect to the flow of traffic along Brookhurst Street. Furthermore, the parking lot expansion will not generate noise, traffic, odor or other impacts at levels inconsistent with the residential zoning applicable to the subject property.
2. The entitlement plan amendment will be compatible with surrounding uses. The parking lot expansion is located in an area along the front property line consistent with parking facilities of other residential developments in the neighborhood. Furthermore, the size and shape of the lot is consistent with other parking lots in the neighborhood.
3. The proposed Entitlement Plan Amendment No. 05-02 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 (HBZSO). The proposed parking lot complies with the applicable development standards such as paving surface, stall dimensions and aisle widths, and landscaping.
4. The granting of the entitlement plan amendment will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RMH-25 (Residential Medium High density – 25 units per acre) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

- a. LU 9.1.2: Site and design parking areas and facilities that are integrated with but do not dominate the architectural character of the structure.
- b. LU 9.1.3: Include an adequate landscape setback along the street frontage that is integrated with the abutting sidewalks and provides continuity throughout the neighborhood.

The proposed parking lot expansion will be integrated with the structures on the site and provide adequate landscape setbacks by maximizing the amount of landscaping within the existing greenbelt along Brookurst Street and preserving a majority of the existing mature trees. In addition, as a condition of approval, every tree to be removed will be replaced with two trees. The parking lot will also tie into the existing network of walkways within the greenbelt and connect to the leasing office and residences.

**CONDITIONS OF APPROVAL - ENTITLEMENT PLAN AMENDMENT NO. 05-02:**

1. The site plan received and dated October 31, 2005, and labeled Option No. 3 shall be the approved design subject to approval by the Public Works Department. Option No. 4 dated October 31, 2005 shall be the interim approved layout.
2. The parking spaces shall be provided with two (2) feet of landscaping consisting of low shrubs or ground cover between the stall and the required landscape area.

**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: ENTITLEMENT PLAN AMENDMENT NO. 05-08 / CONDITIONAL USE PERMIT NO. 05-31 (AMENDMENT TO USE PERMIT NO. 75-11 – MICHAEL’S ADDITION/PARKING LOT EXPANSION)**

APPLICANT: Gary Belzung, 1218 Scenic View, Spring Branch, TX 78070  
PROPERTY OWNER: Huntington Beach No. 1, c/o Watt Family Properties, 2716 Ocean Park Blvd, Ste 3040, Santa Monica, CA 90405  
REQUEST: **EPA:** To amend Use Permit No. 75-11 (approved in 1975) by deleting Condition No. 1-a, which prohibits the placement of parking spaces along the southerly property line at the rear of the site. **CUP:** To construct a 5,304 sq. ft. addition to the existing commercial building, reconfigure the existing parking lot by adding 51 parking spaces along southerly property line at the rear of the site  
LOCATION: 7600 Edinger Avenue Suite 22 (south side of Edinger Avenue, west of Sher Lane)  
PROJECT PLANNER: Rami Talleh

Rami Talleh, Staff Planner stated that the applicant has requested a continuance to the December 7, 2005, meeting, in order to re-analyze the site plan and to avoid the need for providing parking along the southerly property line thus not affecting the original entitlements.

**THE PUBLIC HEARING WAS OPENED.**

Melissa Scott, 7631 Volga Drive #4, asked if there were any plans to improve the wall.

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

**ENTITLEMENT PLAN AMENDMENT NO. 05-08 / CONDITIONAL USE PERMIT NO. 05-31 WERE CONTINUED TO THE DECEMBER 7, 2005 MEETING WITH THE PUBLIC HEARING OPEN.**

**ITEM 3: COASTAL DEVELOPMENT PERMIT NO. 05-17 (DEMOS REMODEL)**

APPLICANT/  
PROPERTY OWNER: Vickie Demos, 16921 Coral Cay Lane, Huntington Beach, CA 92649  
REQUEST: To permit a 996 sq. ft. first and second floor addition to an existing two-story single-family dwelling with a maximum building height of approximately 25 feet.  
LOCATION: 16921 Coral Cay Lane (west side of Coral Cay Lane, east of Marina Bay 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 stated that the proposed project is not subject to the Infill Lot Ordinance requirements.

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.

Mary Beth Broeren, Zoning Administrator, reviewed the project plans and discussed the total square footage with staff.

**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. 05-17 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. 05-17:**

1. Coastal Development Permit No. 05-17 to permit a 996 sq. ft. first and second floor addition to an existing two-story single-family dwelling with an overall building height of 25'-2" 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.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 05-17:**

1. The site plan, floor plans, and elevations received and dated October 12, 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 4: ENTITLEMENT PLAN AMENDMENT NO. 05-05 / TENTATIVE PARCEL MAP NO. 05-124 (DUNBAR FOUR-PLEX DEVELOPMENT)**

APPLICANT/

PROPERTY OWNER: Emil Ratsiu, 5152 Dunbar Avenue Apt A, Huntington Beach, CA 92649

REQUEST: **EPA:** To amend Conditional Use Permit No. 04-37 by deleting Condition of Approval No. 1.f (removal of exterior stairs to the third floor), which permitted four (4) apartment units. **TPM:** To permit the subdivision of 13,575 sq. ft. (.31 acres) of land into one (1) lot for condominium purposes.

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 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 emphasizing Suggested Finding for Approval No. 1.

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.

Mary Beth Broeren, Zoning Administrator, reviewed the project plans and discussion ensued with staff related to open space and privacy concerns on the second and third floors.

**THE PUBLIC HEARING WAS OPENED.**

Jeff Parkhurst, advisor to the applicant, spoke in opposition to the suggested condition of approval requiring the five feet high screen wall between the third floor deck and the exterior staircase for units "B" and "C."

Discussion ensued.

**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 and asked staff to delete the suggested condition of approval and to add a condition as follows:

The remaining conditions of approval for Conditional Use Permit No. 04-37 shall still be applicable.

**ENTITLEMENT PLAN AMENDMENT NO. 05-05 / TENTATIVE PARCEL MAP NO. 05-124 WERE 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 sections 15315 and 15303 of the CEQA Guidelines, because the project consists of a minor land division of less than four lots for condominium purposes and the construction of a new multi-family residential structure consisting of no more than four-dwelling units. The development will be constructed as a condominium complex located within an urbanized area.

**FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 05-05**

1. Entitlement Plan Amendment No. 05-05 to modify a condition of approval of Conditional Use Permit No. 04-37 (for the construction of a four-unit multi-family residential building), by deleting Condition of Approval No. 1.f (removal of exterior stairs to the third floor) 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's private open spaces for units "B" and "C" have been relocated to the west side of the building, thus creating a greater buffer to the adjacent property to the east. Additionally, the third story floor plan has been redesigned to minimize the privacy impacts to the adjacent units and the adjacent property. The windows on the east elevation of the third floor are minimized and a private deck is added, which increases the setback to the master bedroom by an additional six feet. With the added condition to increase the screen wall to a minimum height of five feet, the privacy issues to the adjacent units and adjacent property are minimized.
2. The entitlement plan amendment will be compatible with surrounding uses because the project consists of construction of condominium 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 for Conditional Use Permit No. 04-37 and

Entitlement Plan Amendment No. 05-05, 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.T

3. The proposed Entitlement Plan Amendment No. 05-05, with the conditions of approval imposed for Conditional Use Permit No. 04-37, 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.
4. The granting of the entitlement plan amendment 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.*

Conditional Use Permit No. 04-37 and Entitlement Plan Amendment No. 05-05 provide 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 for Conditional Use Permit No. 04-37, 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.

#### **FINDINGS FOR APPROVAL - TENTATIVE TRACT MAP NO. 05-124:**

1. Tentative Tract Map No. 05-124 for the subdivision of 13,575 sq. ft. (.31 acres) of land into one (1) lot for condominium purposes is consistent with the General Plan Land Use Element designation of RM-15 (Residential Medium-Density – 15 units/acre) on the subject property

and applicable provisions of the Huntington Beach Zoning & Subdivision Ordinance. The RM-15 General Plan designation and RM zoning designation provide for residential development at a maximum density of 15 units per acre. The proposed subdivision will provide for multi-family residential (condominium) development at a density of 12.8 units per acre.

2. The site is physically suitable for the type and density of development. The 0.31-acre subject property can accommodate the proposed one lot subdivision and the four-unit residential development project. The tentative parcel map is in conformance with applicable land use and development standards including minimum lot size and lot width, and maximum development density. The project site was previously developed, has no significant topographic features, contains no rock outcroppings, wetlands, environmental hazards or other constraints, is accessible from an existing public street, and is surrounded by compatible residential land uses.
3. The design of the subdivision and 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 was previously developed, is not environmentally sensitive, contains no fish or wildlife habitat, and is not located within an earthquake fault zone, hazardous waste site or other known environmental hazard area. Proposed improvements will be constructed in accordance with applicable City building codes and engineering standards
4. The design of the subdivision and the proposed 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 public easements for access through or use of the property exist and none are necessary.

**CONDITIONS OF APPROVAL – TENTATIVE PARCEL MAP NO. 05-124:**

The Tentative Parcel Map No. 05-124 for the subdivision of 13,575 sq. ft. (0.31 acres) of land into one (1) lot for condominium purposes received and dated August 16, 2005, shall be the approved layout.

**CONDITIONS OF APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 05-05:**

The site plan, floor plans, and elevations received and dated October 31, 2005, shall be the conceptually approved design with the following modification:

- a. The remaining conditions of approval for Conditional Use Permit No. 04-37 shall still be applicable.

**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 5: CONDITIONAL USE PERMIT NO. 05-35 (HONRATH RESIDENCE)**

APPLICANT/

PROPERTY OWNER: Pat Honrath, 10390 Mopan River Avenue, Fountain Valley, CA 92708

REQUEST: To permit construction of a new 3,390 sq. ft. single-family dwelling and a 105 sq. ft. addition to an existing detached garage on a lot with a grade differential greater than three feet. The request also is to permit a maximum building height of approximately 31 ft.-6 in. in lieu of 30 feet.

LOCATION: 1040 Thirteenth Street (south side of Thirteenth Street, west of Lake Street)

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 stated that an error in the project description described the garage as attached instead of detached.

Staff presented an overview of the proposed project and the suggested findings and conditions of approval as outlined in the executive summary emphasizing the modifications to the project plans dated October 7, 2005.

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.**

Pat Honrath, 10390 Mopan River Avenue, Fountain Valley, applicant, opposed the suggested condition eliminating the kitchen window nearest the laundry room.

Discussion ensued concerning the Infill Lot Ordinance. Ms. Broeren instructed the applicant to submit for plan check an elevation depicting the window alignment in relation to the neighboring window.

**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 and asked staff to delete Suggested Condition of Approval No. 1.b as follows:

~~b. The kitchen window nearest the laundry room shall be eliminated or relocated so as to avoid alignment with any existing window in the home on the adjacent (to the west) property.~~

Ms. Broeren also stated that she agrees with staff's suggested addition to the conditions and confirmed the applicant's agreement.

[Prior to issuance of building permits, a copy of the approved and recorded Lot Line Adjustment shall be submitted to the Planning Department.](#)

**CONDITIONAL USE PERMIT NO. 05-35 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 project consists of the construction of a single-family residence, in a residential zone, in an urbanized area.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-35**

1. Conditional Use Permit No. 05-35 to permit construction of a new 3,390 sq. ft. single-family dwelling and attached garage, with a maximum building height of approximately 31 ft.-6 in. in lieu of 30 feet, on a lot with a grade differential greater than three 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. Based upon the conditions imposed, the subject property, which is currently developed with a single-family home, will predominantly maintain the existing pad elevations and site grade conditions, which is consistent with the grade elevations of adjacent properties. The proposed two-story dwelling will exceed 30 feet in height, at the peak of the roof, as a consequence of the existing elevated pad grade. The proposed dwelling is otherwise typical in design of two-story dwellings existing the neighborhood and City-wide.
2. The conditional use permit will be compatible with surrounding uses because the neighborhood is primarily developed with single family and multi-family residential units developed at a comparable grade. The proposed two-story residence will be compatible with other residential structures in the area taking into account the proposed building massing, height, and grade and that of existing homes in the immediate vicinity.
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. In addition, any specific condition required for the proposed use in the district in which it would be located. The project, as conditioned, complies with all applicable development regulations, including maximum building height, minimum yard setbacks, maximum site coverage and minimum on-site parking. The HBZSO allows dwellings in the RL zone to exceed 30 feet in height 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 RL-7 (Residential Low-Density – 7 units/acre) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

- a. Policy LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character.
- b. Policy LU 9.1.2: Require that single family residential units be designed to convey a high level of quality and character.
- c. Policy LU 9.2.1: Require that all new residential development within existing residential neighborhoods (i.e., infill) be compatible with existing structures.
- d. Policy LU 9.2.1: Require that the use of building heights, grade elevations, orientation, and bulk are compatible with the surrounding developments.

The project is designed to account for the unique characteristics of the project site, based on plans which propose development which will maintain the existing pad elevations and site grade conditions in lieu of a design which proposes to alter the site grades in order achieve compliance with the 30-foot height standard. The proposed residence incorporates distinct architecture and quality materials and design. The grade elevations, building orientation, and bulk will be compatible with other residential properties existing in the neighborhood.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 05-35:**

1. The site plan, floor plans, and elevations received and dated October 7, 2005, shall be the conceptually approved design with the following modifications:
  - a. The proposed dwelling shall be limited to a maximum of four bedrooms, as defined by the Huntington Beach Zoning & Subdivision Ordinance.
  - b. All portions of the proposed second-story projection into the side yard setback (at the master bathroom) shall be a minimum of 18 inches above the second story floor line.
2. Prior to issuance of grading permits, the precise grading plan shall identify both existing and proposed grades on the subject property, and existing grades on adjacent properties within five feet of the subject property. The grading plan shall demonstrate, to the satisfaction of the Departments of Planning and Public Works, that the subject property will maintain finish grades consistent with the existing grades, and that any proposed fill will be limited to the minimum necessary to achieve proper site drainage.
3. Prior to issuance of building permits, a copy of the approved and recorded Lot Line Adjustment shall be submitted to the Planning Department.

**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 2:20 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, DECEMBER 7, 2005 AT 1:30 PM.**

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Mary Beth Broeren  
Zoning Administrator

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