

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

WEDNESDAY, APRIL 19, 2006 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

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

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: TENTATIVE TRACT MAP NO. 16998 (KOURY MIXED USE BUILDING)

APPLICANT: Jeff Bergsma, 221 Main Street, Huntington Beach, CA 92648
PROPERTY OWNER: Robert Koury, 200 Main Street, Huntington Beach, CA 92648
REQUEST: **TTM:** To permit the consolidation of two parcels totaling 5,150 sq. ft. into one lot for condominium purposes. The proposed subdivision map is intended to permit development of retail, office, and two residential condominiums units.
LOCATION: 214 Fifth Street (east side of Fifth Street between Olive Avenue and Walnut Avenue)
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 an overview of the proposed project and the suggested findings and conditions of approval as presented 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 and because the proposed project is consistent with the General Plan.

Mary Beth Broeren, Zoning Administrator, reviewed the project plans.

THE PUBLIC HEARING WAS OPENED.

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

TENTATIVE TRACT MAP NO. 16998 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 and 15332 of the CEQA Guidelines, because the project consists of a minor land division less than four lots for condominium purposes on an infill lot less than five (5) acres in size and is consistent with the General Plan and zoning ordinance. The site can be adequately served by all required utilities and public services and will not have significant effects to traffic, noise, air quality or water quality. In addition the site does not have value as habitat for endangered or threatened species.

FINDINGS FOR APPROVAL - TENTATIVE TRACT MAP NO. 16998:

1. Tentative Tract Map No. 16998 for the consolidation of two parcels totaling 5,150 sq. ft. into one lot for condominium purposes is consistent with the General Plan Land Use Element designation of M-F11/25-sp-pd (Mixed Use – 2.0 maximum floor area ratio/ 25 units per acre – specific plan – pedestrian overlay) on the subject property, or any applicable specific plan, or other applicable provisions of this Code.
2. The site is physically suitable for the type and density of development. The 0.12 acre subject property can accommodate the proposed one lot subdivision and mixed use development consisting of retail and office suites and two residential units in conformance with applicable land use and development standards including minimum lot size and lot width, and maximum development density. The project site has no significant topographic features, contains no 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, flood 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 TRACT MAP NO. 16998:

The Tentative Tract Map No. 16998 for the consolidation of two parcels totaling 5,150 sq. ft. into one lot for condominium purposes received and dated January 13, 2006 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. 06-03 (BISHAY RESIDENCE)

APPLICANT: Karen Otis, 16871 Sea Witch Lane, Huntington Beach, CA 92649
PROPERTY OWNER: Jim Bishay, 17201 Marina View Place, Huntington Beach, CA 92649
REQUEST: To permit the construction of a 452 sq. ft. third floor deck in conjunction with a 440 sq. ft. addition to the first and second floors of an existing 3,695 sq. ft. two-story residence.
LOCATION: 17201 Marina View Place (west side of Marina View Place, north of Los Patos Drive)
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 an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

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

Mary Beth Broeren, Zoning Administrator, reviewed the project plans with staff and a discussion ensued regarding setback requirements for the deck.

THE PUBLIC HEARING WAS OPENED.

Karen Otis, 16871 Sea Witch Lane, applicant, spoke on behalf of the proposed project. Ms. Otis urged the Zoning Administrator's approval based upon the project plans submitted on January 24, 2006.

Lisa Brano, 17191 Marina View Drive, neighboring property owner, asked to review the project 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, stated that she was going to approve the request and asked staff to modify the suggested findings and conditions as follows:

Suggested Finding for Approval No. 4 revise the last sentence as follows:

In addition, the deck will be setback a minimum of 5 feet from the ~~the~~ building exterior and 15 feet 7 inches from the nearest property line, thus minimizing bulk and impacts to privacy on adjoining properties.

Deleted: second-story

Deleted: façade

Suggested Condition of Approval No. 1.a delete:

CONDITIONAL USE PERMIT NO. 06-03 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.

Deleted: a. The deck shall be setback a minimum of five feet from the second story façade. ¶

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 an addition to an existing single-family residence within an urbanized area.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 06-03:

1. Conditional Use Permit No. 06-03 to permit the construction of a 452 sq. ft. third floor deck in conjunction with a 440 sq. ft. addition to the first and second floors of an existing 3,695 sq. ft. two-story residence 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.
2. The conditional use permit to construct a 452 sq. ft. third floor deck in conjunction with a 440 sq. ft. addition to the first and second floors of an existing 3,695 sq. ft. two-story residence will be compatible with surrounding uses because the existing home is comparable to adjacent residential development with regard to height and massing. Furthermore, the third story deck has substantial setbacks from the building exterior and is screened from public views.
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 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-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 proposed third-story deck will not project above the roof line of the dwelling, will maintain an overall height consistent with two-story construction (approximately 23 feet), and will be architecturally integrated with the design of the house. In addition, the deck will be setback a minimum of 5 feet from the building exterior and 15 feet 7 inches from the nearest property line, thus minimizing bulk and impacts to privacy on adjoining properties.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 06-03:

1. The site plan, floor plans, and elevations received and dated January 24, 2006 shall be the conceptually approved design.
2. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.

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. 05-308 / CONDITIONAL USE PERMIT NO. 05-42
(CAMMAYO CONDOMINIUM)**

APPLICANT: Barton Crandell, 31872 Camino Capistrano Suite 100, San Juan Capistrano, CA 92675
PROPERTY OWNER: Christian Cammayo, 132 N. San Marino Avenue, Pasadena, CA 91107
REQUEST: **TPM:** To permit a one-lot condominium subdivision of an 8,280 sq. ft. (after required dedication for street widening) lot. **CUP:** To permit construction of two two-story detached condominium dwelling units with attached garages.
LOCATION: 16769 Hoskins Street (west side of Hoskins Street, south of Pearce Avenue)
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 an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Staff presented reasons for the suggested modification to the project plans received and dated March 21, 2006.

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

THE PUBLIC HEARING WAS OPENED.

Barton Crandell, 31872 Camino Capistrano Suite 100, San Juan Capistrano spoke in support of the proposed project.

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

TENTATIVE PARCEL MAP NO. 05-308 / CONDITIONAL USE PERMIT NO. 05-42 WERE 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 15303 of the CEQA Guidelines, because the project consists of construction two condominium dwelling units on a previously developed parcel in an urbanized area zoned for residential use.

FINDINGS FOR APPROVAL - TENTATIVE PARCEL MAP NO. 05-308:

1. Tentative Parcel Map No. 05-308 to permit a one-lot condominium subdivision of an 8,280 sq. ft. (after required dedication for street widening) lot is consistent with the General Plan Land Use Element designation of RM-15 (Residential Medium Density – 15 units/acre maximum) 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 (townhouse) development at a density of 10.5 units per acre.
2. The site is physically suitable for the type and density of development. The 8,280 sq. ft. subject property can accommodate the proposed one lot subdivision and two unit residential development project 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 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 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 was previously developed, is not environmentally sensitive, contains no fish or wildlife habitat, and is not located within an earthquake fault zone, flood zone, hazardous waste site or other known environmental hazard area. Proposed improvements will be constructed in accordance with all applicable City building codes and engineering standards.
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 public easements for access through or use of the property exist and none are necessary, with the exception of a dedication for street widening required in conjunction with the proposed subdivision.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-42:

1. Conditional Use Permit No. 05-42 for the construction of two two-story detached condominium dwelling units with attached garages 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 on site in conformance with the requirements of the HBZSO. The project will provide new housing anticipated to have a positive impact on the value of property in the neighborhood.
2. The conditional use permit will be compatible with surrounding uses because the project consists of construction of two detached multi-family residential dwellings in a neighborhood predominately developed with multi-family housing. The quality of the project design and materials proposed is comparable to or exceeds that of the surrounding neighborhood. The

proposed dwellings are designed consistent with the City of Huntington Beach Urban Design Guidelines for multi-family residential development.

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, including maximum density, height and lot coverage; and minimum lot size, lot width, building setbacks, landscaping, off-street parking and open space requirements.
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 Tentative Parcel Map and Conditional Use Permit provide for the construction of two dwelling units at a density of 10.5 units per acre. The General Plan Land Use and Density Schedule allows for residential development on the subject property at a maximum density of one unit per 15 acres.

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. Design building elevation to convey the visual character of individual units rather than a singular building mass and volumes.
- b. 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.
- c. Site and design parking areas and facilities that are integrated with but do not dominate the architectural character of the structure.

The proposed design conveys a visual character comparable to single-family residential development and features substantial articulation of building elevations and masses, including a variety of roof lines, wall planes, window and door arrangements. Both dwellings feature attached integrated garages and covered porch entries. The project also incorporates decorative paving treatments and avoids the siting of open parking spaces along the street frontage.

CONDITIONS OF APPROVAL – TENTATIVE PARCEL MAP NO. 05-308:

The Tentative Parcel Map No. 05-308 for a one-lot condominium subdivision of an 8,280 sq. ft. (after required dedication for street widening) lot received and dated December 30, 2005 shall be the approved layout.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 05-42:

The site plan, floor plans, and elevations received and dated March 21, 2006 shall be the conceptually approved design with the following modification: An opening shall be provided in the easterly wall of the guest parking carport, for the full width of the wall above a height of 43 inches

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 1:50 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, APRIL 26, 2006 AT 1:30 PM.

Mary Beth Broeren
Zoning Administrator

:rmk