

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

WEDNESDAY, FEBRUARY 14, 2007 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBER: Ron Santos, Jeanie Cutler (recording secretary)

MINUTES: January 10, 2007

APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: TENTATIVE TRACT MAP NO. 17068/CONDITIONAL USE PERMIT NO. 2006-022
(SLATER AVENUE CONDOMINIUMS)

APPLICANT: Bao Nguyen, P.O. Box 387, Midway City, CA 92655
PROPERTY OWNER: Kiet Truong, 498 Faulkner Court, Mountain House, CA 95391
REQUEST: **TTM:** To permit a one-lot, 0.33 acre subdivision for condominium purposes. **CUP:** To construct five, two-story attached condominium dwelling units.
LOCATION: 7911 Slater Avenue, Huntington Beach (northeast corner of Slater Avenue and Keelson Lane)
PROJECT PLANNER: Ron Santos, Associate Planner,

Ron Santos, 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 presented in the executive summary emphasizing that the applicant has made considerable changes to the design, and worked with staff to completely redesign the project in accordance with staff's recommendations.

Staff stated that the applicant has proposed the designation of one of the units to meet the affordable housing requirements and has submitted a draft Affordable Housing Agreement.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the executive summary. Staff stated that one comment was received in favor of the project by a gentleman who was in attendance. No other written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, confirmed with staff that the allowable code for the property is 8 units and this project consists of 5 units.

Staff also confirmed there are no grade differentials that would warrant retaining walls or drainage issues with surrounding properties.

THE PUBLIC HEARING WAS OPENED.

Rudi Van Mil, 17473 Beach Blvd. stated his concerns related to adequate parking around the property, however after reviewing the plans he did not foresee any problems and welcomed improvement in the area.

Jose Rivera, 7911 Slater Avenue, stated that he is the tenant at the existing property and was concerned about what would happen to him.

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

Ms. Broeren clarified with the applicant that the draft Affordable Housing Agreement should reflect 100% for the Orange County medium rather than 120%.

Discussion ensued concerning the parking spaces.

Staff confirmed that the applicant had been notified of the underground utilities requirement.

Ms. Broeren responded to Mr. Rivera's concerns explaining that due to the project not being in a redevelopment area, the City has no mechanism to address the fact he may be displaced.

Ms. Broeren asked staff for clarification regarding the requirement for the utilities undergrounding condition as opposed to a development review requirement. Staff stated that the Public Works Department had received direction from the City Attorney's office with respect to the requirement for undergrounding of utilities and that this condition is consistent with other similar projects.

Ms. Broeren stated that she was going to approve the request.

TENTATIVE TRACT MAP NO. 17068/CONDITIONAL USE PERMIT NO. 2006-022 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 15303 of the CEQA Guidelines, which exempts multi-family residential structures consisting of six or fewer units in urbanized areas.

FINDINGS FOR APPROVAL - TENTATIVE TRACT MAP NO. 17068:

1. Tentative Tract Map No. 17068 to permit a one-lot, 0.33 acre subdivision for condominium purposes is consistent with the General Plan Land Use Element designation of RMH-25 (Residential Medium High Density – 25 units/acre) on the subject property and other applicable provisions of the Huntington Beach Zoning and Subdivision Ordinance. The RMH-25 designation provides for residential development at a maximum density of 25 units per acre. The project proposes residential development at a density of 15 units per acre. In addition the project complies with all applicable development standards of the Huntington Beach Zoning and Subdivision Ordinance, including minimum lot size and width, minimum on-site parking, landscaping, setbacks and open space, and maximum building heights.
2. The site is physically suitable for the type and density of development proposed. The project site is regular in shape, has no unique topographical or other constraints to development, can accommodate the proposed development in accordance with all applicable codes and development standards and is accessible from existing public streets. In addition, the project site is designated for residential development by the General Plan and Zoning maps, and is adjacent to existing residential development of comparable design and density.
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 consists of residential development on a previously developed lot in an urbanized area. The project site does not serve as habitat for fish or wildlife and contains no known environmental hazards. The project will comply with all applicable Code requirements.
4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. No easements acquired by the public at large exist within the proposed subdivision and all necessary dedications for public right-of-way will be provided as a prerequisite to final tract map approval.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2006-022:

1. Conditional Use Permit No. 2006-022 to construct five, two-story attached condominium dwelling units 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 townhouse style multi-family residential dwellings in a neighborhood predominately developed with multi-family housing of comparable design and density. The proposed dwellings are designed to convey a high level of quality and a character consistent with the City's Urban Design Guidelines.

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 RMH-25 (Residential Medium High Density – 25 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 Tract Map and Conditional Use Permit provide for the construction of eight dwelling units at a density of 15 units per acre. The General Plan Land Use and Density Schedule allows for residential development on the subject property at a maximum density of 25 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. Site and design parking areas and facilities that are integrated with but do not dominate the architectural character of the structure.
- b. Include an adequate landscape setback along the street frontage that is integrated with abutting sidewalks and provides continuity throughout the neighborhood.

The proposed design features articulation of building elevations and masses, including a variety of roof lines, wall planes, window and door arrangements. All dwellings feature attached integrated garages and covered porch entries. Open parking spaces are located so as to minimize large expanses of paving and decorative paving treatments are provided at the driveway entrance and to designate pedestrian pathways. Garages are oriented toward the interior of the lot so as not to dominate the architectural character of the project as viewed from the street. Open space areas are provided along the project site street frontage.

CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 17068/ CONDITIONAL USE PERMIT NO. 2006-022:

1. The Tentative Tract Map No. 17068 to permit a one-lot, 0.33 acre subdivision for condominium purposes, received and dated January 16, 2007, shall be the approved layout.
2. The site plan, floor plans, and elevations received and dated December 29, 2006 shall be the conceptually approved design with the following modification: All existing overhead utilities exclusively serving the site shall be undergrounded. This includes all aerial cables from Southern California Edison (SCE) pole no. 1851239E (on the south side of Slater Avenue), across Slater Avenue to SCE pole no. 2021536E and the cable to the existing structure at the subject property. Additionally, SCE pole no. 2021536E on the north side of Slater Avenue shall be removed. **(PW)**

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: TENTATIVE PARCEL MAP NO. 2006-187/CONDITIONAL USE PERMIT NO. 2007-003 (LIBERTY AVENUE CONDOMINIUMS)

APPLICANT: Duc Nguyen, 1170 E. Warner Avenue, #216, Fountain Valley, CA 92708

PROPERTY OWNER: Lannie Truong, 18692 Jockey Circle, Huntington Beach, CA 92648

REQUEST: **TPM:** To permit a 8,910 sq. ft. one-lot subdivision for condominium purposes **CUP:** To construct three, two-story condominium dwelling units exceeding 25 ft. in height on a lot with a grade differential exceeding three ft. between the high and low point. 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: 7822 Liberty Avenue, Huntington Beach (south side of Liberty Avenue, west of Beach Blvd.)

PROJECT PLANNER: Ron Santos

Ron Santos, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary emphasizing the suggested modifications to the plans.

Staff stated it is the applicant's intent to submit the Affordable Housing Template as part of the agreement, and has designated unit A to meet the Affordable Housing requirements.

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

Mary Beth Broeren, Zoning Administrator, informed staff that the plans should include interior garage dimensions.

THE PUBLIC HEARING WAS OPENED.

Leonard Burn, 7812 Liberty Avenue, welcomed the new addition to the neighborhood but also had some concerns relating to privacy, the height requirements, and the location of the driveway.

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

Ms. Broeren explained to Mr. Burn that the Infill Lot Ordinance notification requirements, protecting privacy, apply only to adjacent single family residences as opposed to multi family residences.

TENTATIVE PARCEL MAP NO. 2006-187/CONDITIONAL USE PERMIT NO. 2007-003 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 15303 of the CEQA Guidelines, which exempts multi-family residential structures consisting of six or fewer units in urbanized areas.

FINDINGS FOR APPROVAL - TENTATIVE PARCEL MAP NO. 2006-187:

1. Tentative Parcel Map No. 2006-187 to permit a 8,910 sq. ft. one-lot subdivision 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 other applicable provisions of the Huntington Beach Zoning & Subdivision Ordinance. The RM-15 designation provides for residential development at a maximum density of 15 units per acre. The project proposes residential development at a density of 14.7 units per acre. In addition the project complies with all applicable development standards of the Huntington Beach Zoning and Subdivision Ordinance, including minimum lot size and width, minimum on-site parking, landscaping, setbacks and open space, and maximum building height.
2. The site is physically suitable for the type and density of development. The project site is regular in shape, has no unique topographical or other constraints to development, can accommodate the proposed development in accordance with all applicable codes and development standards and is accessible from an existing public street. In addition, the project site is designated for residential development by the General Plan and Zoning maps, and is adjacent to existing residential development of comparable design and density.
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 consists of residential development on a previously developed lot in an urbanized area. The project site does not serve as habitat for fish or wildlife and contains no known environmental hazards. The project will comply with all applicable Code requirements.

4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. No easements acquired by the public at large exist within the proposed subdivision and all necessary dedications for public right-of-way will be provided as a prerequisite to final tract map approval.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2007-003

1. Conditional Use Permit No. 2007-003 to construct three, two-story condominium dwelling units exceeding 25 ft. in height on a lot with a grade differential exceeding three ft. between the high and low point 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 townhouse style multi-family residential dwellings in a neighborhood predominately developed with multi-family housing of comparable design, density and building height. The proposed dwellings are designed to convey a high level of quality and a character consistent with the City of Huntington Beach Urban Design Guidelines.
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 Tract Map and Conditional Use Permit provide for the construction of 3 dwelling units at a density of 14.7 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.
- d. 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 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. All dwellings feature attached integrated garages and covered porch entries. Open parking spaces and decorative paving treatments are located and provided so as to minimize and break up large expanses of paving.

CONDITIONS OF APPROVAL – TENTATIVE PARCEL MAP NO. 2006-187/CONDITIONAL USE PERMIT NO. 2007-003:

1. The Tentative Parcel Map No. 2007-003 to permit a 8,910 sq. ft. one-lot subdivision for condominium purposes received and dated October 30, 2006 shall be the approved layout.
2. The site plan, floor plans, and elevations received and dated January 17, 2007, shall be the conceptually approved design with the following modifications:
 - a. The common open space area between Unit “A” and Unit “B” shall be landscaped, excepting a paved walkway 3.5 feet in approximate width, extending between the gate and the driveway.
 - b. The backup area between the southerly most open parking spaces shall be paint striped and designed “NO PARKING”.
 - c. The vehicle overhang portion of the southerly most parking space shall be excluded from the common open space area calculation.
 - d. A paved walkway, approximately 3.5 feet in width, shall be provided between the gate providing access to the Unit “A” trash storage area and the public sidewalk.

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 2:10PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, FEBRUARY 21, 2007 AT 1:30 PM.

Mary Beth Broeren
Zoning Administrator

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