

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

WEDNESDAY, MARCH 28, 2007 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

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

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2006-015 (PATHWAYS TO INDEPENDENCE APARTMENTS)

APPLICANT: Steve Sterbentz, 6475 E. Pacific Coast Highway, #354, Long Beach, CA 90803
PROPERTY OWNER: Pathways To Independence, 5267 Warner Avenue, #184, Huntington Beach, CA 92649
REQUEST: To permit construction of a four-unit, three-story apartment building exceeding 25 feet in height. The project scope includes partial demolition, reconstruction and expansion of an existing structure.
LOCATION: 5111 Dunbar Avenue, Huntington Beach (north side of Dunbar Ave., east of Bolsa Chica Street)
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 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 neighboring resident submitted a letter in opposition to the project with concerns relating to noise and party activities at the site. Staff presented the letter for the Zoning Administrator's review. Staff stated that three phone inquires were received with questions of a general nature.

Mary Beth Broeren, Zoning Administrator, confirmed with staff there will be a surplus of six parking spaces after two spaces are eliminated as per the revised plan. Ms. Broeren engaged in discussions with Mr. Steve Sterbentz, 6475 E. Pacific Coast Hwy., Long Beach, applicant, in relation to the location and number of kitchens within the project, and the size and number of bedrooms per apartment.

THE PUBLIC HEARING WAS OPENED.

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

Ms. Broeren asked for comments in response to the letter from a neighboring resident who had concerns relating to the percentage of girls that complete the Pathways program, late night disruptive parties, and policies in relation to being a good neighbor.

David Bishop, 5082 Dunbar Avenue, #F, Huntington Beach, responded that there had been two parties that he was aware of; one was a party of a tenant not affiliated with the Pathways program, and the other was a program participant which he accepted responsibility for. Mr. Bishop stated that the program has an 80 percent graduation rate and is very strict in terms of accountability. They require participants to maintain a specific GPA and part-time employment, and in his opinion all participants are very responsible individuals. Mr. Bishop stated that seven members of the program accompanied him to the meeting and were available to answer questions. Mr. Bishop stated that a graduate of the program will be living on the premises and he and his wife lived across the street.

David Bishop and Steve Sterbentz confirmed they had reviewed, and were in agreement with the conditions of approval. Discussion ensued concerning the Department of Public Works Condition No. 3 (a) and Ms. Broeren suggested the applicant communicate directly with Public Works to clarify the requirement.

Ms. Broeren stated that she was going to approve the request with a revision to Condition No.3 (a), qualifying the necessity of the trash truck accommodations.

Ms. Broeren expressed her appreciation of staff's research, the over-parking situation, and commended Pathways program for providing an important service.

CONDITIONAL USE PERMIT NO. 2006-015 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, which exempts multi-family residential structures consisting of six or fewer units in urbanized areas.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2006-015:

1. Conditional Use Permit No. 2006-015 to permit construction of a four-unit, three-story apartment building exceeding 25 feet in height 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, as conditioned, will be consistent with the unit and bedroom count of other dwelling units in the neighborhood, and therefore is not expected to generate traffic, parking or other impacts which are inconsistent with the zoning designation applicable to the property or the surrounding neighborhood. In addition, the proposed structure, which features quality architectural design and character, will be constructed in accordance with current building codes and zoning regulations and will replace (in large part) an existing structure which is approximately 30 years old. The replacement of a 30 year old structure with a new structure may be expected to have a positive effect on property values in the vicinity.

2. The conditional use permit, as modified by conditions of approval, will be compatible with surrounding uses because the project site is located in a neighborhood developed with other multi-family residential developments of comparable size and design. The three-story component of the project is setback 65 feet from the front property line, thus providing for compatibility in design with the mix of two and three story structures in the neighborhood. In addition, the project features a variety of wall planes, roof lines, balconies and other projections which reduce the overall massing of the structure, contribute to the visual appeal and provide for compatibility with other structures in the neighborhood.
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 (HBZSO). No variances are requested in conjunction with the requested conditional use permit and therefore the proposed project is subject to compliance with all applicable HBZSO standards. The project, as proposed, complies with applicable height, setback, lot coverage and open space requirements, provides the required number of parking spaces and will be modified as necessary to provide required drive aisles and maneuvering areas.
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.

Conditional Use Permit No. 2006-015 provides 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 4.2.4: Require that all development be designed to provide adequate space for access, parking, supporting functions, open space and other pertinent elements.

L.U. Policy 9.1.4: Require that recreational and open space amenities be incorporated in new multi-family developments and that they be accessible to and of sufficient size to be usable by all residents.

The project will provide on-site parking and open space in excess of the minimum required. Conditions of approval ensure that adequate space for access will be provided. In addition, the project includes a recreation room/gym.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2006-015:

1. The site plan, floor plans, and elevations received and dated January 8, 2007 shall be the conceptually approved design with the following modifications:
 - a. The project shall be limited to a maximum of 16 bedrooms.
 - b. All required minimum driveway widths, maneuvering areas and driveway turning radii, as specified in HBZSO Section 213.08 shall be provided on the subject property and/or within area(s) corresponding to a recorded easement(s) over the adjacent property. The location and width of any required easements shall be reviewed and approved by the Planning Department and Public Works Department. The subject property owner shall be responsible for making necessary improvements to implement reciprocal driveways. The legal instrument shall be submitted to the Planning Department a minimum of 30 days prior to building permit issuance. The document shall be approved by the Planning Department and the City Attorney as to form and content and, when approved, shall be recorded in the Office of the County Recorder prior to final building permit approval. A copy of the recorded document shall be filed with the Planning Department for inclusion in the entitlement file prior to final building permit approval. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.
 - c. All entrances to common building areas, including the laundry room and recreation room/gym, shall have locks that automatically lock when the door closes. **(PD)**The entrance door to the laundry room shall be fitted with panic hardware and security glass on the upper half of the door. The door shall swing outward. **(PD)**
 - d. The walkway between the garages and the stairways to the second floor shall be fitted with bright, photocell lighting set to illuminate during all hours of darkness. **(PD)**
 - e. The minimum and maximum height of private patio fencing shall be 43-inches. **(PD)**
2. An Affordable Housing Agreement in accord with Section 230.26 of the HBZSO and identifying one on-site unit as affordable (based upon a minimum affordable requirement of 10% of the four units proposed) shall be submitted to the Planning Department for review and approval by the City Attorney and accepted by the City Council. Said agreement shall be recorded with the Orange County Recorder's Office prior to issuance of building permits. The Agreement shall specify a term of not less than 60 years and include:
 - a. A detailed description of the type, size and location of the affordable rental housing unit on-site. There shall be one unit with three bedrooms.
 - b. The unit shall be affordable to very low or low-income households based on the Orange County Median Income adjusted for appropriate household size.

The affordable units shall be constructed prior to or concurrent with the primary project. Final approval (occupancy) of the first market rate residential unit(s) shall be contingent upon the completion and public availability, or evidence of the applicant's reasonable progress towards attainment of completion of the affordable units.
3. Prior to issuance of grading permits, the following shall be completed:
 - a. A truck-tracking exhibit shall be provided, if deemed necessary, which demonstrates that trash trucks can be accommodated. This truck turning exhibit shall be provided to demonstrate that vehicles can access garages and parking stalls. Locations of

particular concerns are the parking stall at the north-east corner of the property and the garage assigned to unit "C". **(PW)**

- b. The applicant shall notify all property owners and tenants within 300 feet of the perimeter of the property of a tentative grading schedule at least 30 days prior to such grading. **(PW)**
- c. A Precise Grading Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05/ZSO 230.84) The plans shall comply with Public Works plan preparation guidelines and include the following improvements on the plan: **(PW)**
 - i. The proposed shared driveway shall be a minimum of 27-feet wide and consistent with the Public Works Standard Plan 211, Commercial Driveway Approach. The commercial driveway is required to accommodate trash truck on-site.
 - ii. Damaged curb, gutter and sidewalk along the Dunbar Avenue frontage shall be removed and replaced per Public Works Standard Plan Nos. 202 and 207. (ZSO 230.84)
 - iii. Replace street pavement for half-width (27 feet width) of Dunbar Avenue along the project frontage. (ZSO 230.84)
 - iv. A new private sewer lateral shall be installed connecting to the main in the street. If the new sewer lateral is not constructed at the same location as the existing lateral, then the existing lateral shall be severed and capped at the main or chimney. (ZSO 230.84)
 - v. Each new dwelling unit shall have a separate (new) domestic water service and meter installed per Water Division Standards, and sized to meet the minimum requirements set by the California Plumbing Code (CPC). The domestic water service shall be a minimum of 1-inch in size. (ZSO 230.84/MC 14.08.020)

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 1:55 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, APRIL 4, 2007 AT 1:30 PM.

Mary Beth Broeren

Zoning Administrator

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