

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

WEDNESDAY, SEPTEMBER 26, 2007 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBER: Tess Nguyen, Ron Santos, Rami Talleh, Pamela Avila
(recording secretary)

MINUTES: August 22, 2007
August 29, 2007
APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2007-028 (HENDRICKSON RESIDENCE)

**APPLICANT/
PROPERTY OWNER:** Jill and Al Hendrickson, 25071 Cheshire, Mission Viejo, CA
92692
REQUEST: To permit (a) the development of a lot with a grade differential exceeding three feet between the high and low points of the parcel, (b) the construction of a two-story single-family residence with a height of approximately 34 ft. 9 in., and (c) the construction of an approximately 119 sq. ft. rooftop deck above the second story. 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: 206 21st Street, 92648 (east side of 21st Street, north of Walnut Avenue)

PROJECT PLANNER: Tess Nguyen

Tess Nguyen, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site.

Staff stated that the project meets the minimum setback, maximum height, maximum lot coverage, and minimum onsite parking requirements. However, the project does not currently meet the requirements for enclosure of habitable area within the second story roof volume. In addition, the windows above the second story are not oriented towards the public right-of-way only. Other windows within the proposed project line up with that of the adjacent residences. Staff indicated that the project is conditioned to bring all these issues into compliance.

Staff received no inquiries regarding this project.

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, confirmed with staff regarding the habitable area above the second story plate line and whether this condition was applicable to the RMH-A or the RL zoning designation. Staff confirmed that it applied in the RMH-A zone on lots with more than 50 feet of street frontage. Ms. Broeren asked whether the applicant had applied for any variances. Staff stated that the applicant had not applied for a variance. Ms. Broeren asked Staff which windows were recommended for elimination. Staff stated that windows above second level must be oriented to the public right-of-way only. The proposed windows were oriented toward the adjacent neighbors. Staff then proceeded to specify which windows needed to be eliminated.

THE PUBLIC HEARING WAS OPENED.

Kaz Begovich, architect, stated that these changes would cause the project to be bulkier. Mr. Begovich requested a definition of "habitable areas." Mr. Begovich further addressed the alignment of windows with windows on adjacent residences. Mr. Begovich suggested the use of obscure glass. Mr. Begovich stated that the project is a block away from the beach and his plans allowed the project to take advantage of the ocean views.

Mr. Charles Morro, neighbor, raised the issue of setbacks for single family residences and that the current apartment is very close to the street. Ms. Broeren stated that there would be a 12 foot setback from the street. Mr. Morro raised no further concerns and was satisfied with the setback defined.

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

Staff clarified that obscure glass is only allowed for bathroom windows. Ms. Broeren stated that the code is quite clear regarding windows. Windows above six feet high, however, could line up.

Ms. Broeren discussed the definition of "habitable area" after reviewing the Uniform Building Code (UBC) definition. Mr. Talleh stated that the Zoning Code does not have a definition of "habitable area."

Ms. Broeren stated that she was not able to approve the request and the applicant would have to either redesign the project or apply for a variance. Ms. Broeren stated that she was not relying on the UBC to make her decision and that Staff had discussed this with the Planning Department. Ms. Broeren stated that she would continue the project for one week.

CONDITIONAL USE PERMIT NO. 2007-028 WAS CONTINUED TO THE OCTOBER 3, 2007 MEETING WITH THE PUBLIC HEARING CLOSED.

ITEM 2: ENTITLEMENT PLAN AMENDMENT NO. 2007-004 (BROOKHURST CARWASH/AMENDMENT TO CONDITIONAL USE PERMIT NO. 2005-37)

APPLICANT: Atabak Youseefzadeh, 8811 Burton Way #47, Los Angeles, CA 90048
PROPERTY OWNER: Farhad Yazdiniyan, Fairfax Group LLC, King Center Plaza, LLC, 11950 San Vicente Boulevard, Suite 200, Los Angeles, CA 90049
REQUEST: To amend previously approved plans for construction of an approximately 2,300 sq-ft. full-service carwash building and associated site improvements, to accurately depict the project site as part of the adjacent shopping center and delete a condition of approval requiring reciprocal access with the adjacent shopping center.
LOCATION: 19002 Brookhurst Street, 92646 (southeast corner of Brookhurst St. and Garfield Ave.)
PROJECT PLANNER: Ron Santos

Ron Santos, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Staff stated that the subject site is not a separate parcel. In fact, this site and the adjacent shopping center are one parcel. Therefore, there is no need for a condition requiring reciprocal access.

Staff received one letter that expressed concern with traffic and the compatibility of the carwash to the neighborhood. Previously, the Zoning Administrator had found the carwash to be compatible to the neighborhood and traffic not a significant problem.

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

THE PUBLIC HEARING WAS OPENED.

Mr. Atabak Youseefzadeh, applicant, spoke regarding a request to have a canopy for the carwash.

Staff stated that this request is not part of the original project request. Staff recommended that a separate request be submitted to consider the canopy.

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

Ms. Broeren recommended that the applicant speak to staff regarding the requested canopy.

ENTITLEMENT PLAN AMENDMENT NO. 2007-004 (BROOKHURST CARWASH/AMENDMENT TO CONDITIONAL USE PERMIT NO. 2005-37 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 15302 of the CEQA Guidelines, because the project consists of replacement of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 2007-004

1. Entitlement Plan Amendment No.07-004 to amend previously approved plans for construction of an approximately 1,940 sq-ft. full-service carwash building and associated site improvements, to accurately depict the project site as part of the adjacent shopping center and delete a condition of approval requiring reciprocal access with the adjacent shopping center 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 condition requiring reciprocal access is no longer needed since the subject property is actually part of the shopping center and not a separate parcel as depicted on previously approved plans.
2. The entitlement plan amendment will be compatible with surrounding uses because the proposed carwash building will be located on commercially zoned property, formerly occupied by a gas station, and surrounded by developed commercially zoned properties. The proposed carwash building will be located in excess of 400 feet from the nearest residential property. The proposed development, as conditioned, substantially conforms with the City's Urban Design Guidelines, by siting of the building to convey a strong link to the street or corner, accommodating anticipated circulation patterns, minimizing the driveway cuts along the adjacent streets, and minimizing the visibility of the carwash tunnel openings.
3. The proposed Entitlement Plan Amendment No.07-004 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 minimum building setbacks, on-site parking and landscaping requirements, and maximum floor area ratio. The proposed car wash use is permitted in the zoning district with approval of a conditional use permit.
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 CN-F1 (Commercial

Neighborhood – 0.35 maximum floor area ratio) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

LU10.1.12. Require that Commercial uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development including consideration of:

- siting of buildings to the street frontage to convey a visual relationship to the street and sidewalks;
- architectural treatment of buildings to minimize visual bulk and mass, using techniques such as the modulation of building volumes and articulation of all elevations.

UD 1.2 Consider establishing, at each significant node, a local center that serves its neighborhood constituency and provides a strong and distinct focal for the district.

ED 2.4 Revitalize, renovate and expand the existing Huntington Beach commercial facilities while attracting new commercial uses.

CE 2.3.2 Limit driveway access points and require adequate driveway widths onto arterial roadways and require driveways be located to ensure the smooth and efficient flow of vehicles, bicycles and pedestrians.

CE 2.3.3 Require where appropriate, an irrevocable offer of mutual access across adjacent non-residential properties fronting arterial roadways and require use of shared driveway access.

The proposed development is in substantial compliance with the Urban Design Guidelines for Service Stations and Car Washes, which call for corner sites to convey a strong link to the street or corner, a design which anticipates circulation patterns, limits driveway cuts and minimizes visibility of car wash openings. In addition, the project will serve the needs of the surrounding neighborhood and will provide for the revitalization of a now vacant, former gas station site. The project will provide for closure of three existing driveways along the adjacent arterials, and for shared driveway access with the adjacent commercial property.

**CONDITIONS OF APPROVAL - ENTITLEMENT PLAN AMENDMENT NO. 2007-004/
CONDITIONAL USE PERMIT NO 2005-37:**

1. The site plan, floor plans, and elevations received and dated August 30, 2007 shall be the conceptually approved design with the following modifications:
 - a. The overhead wires above the property corner from the westerly pole along the Garfield Avenue frontage to the northerly pole along the Brookhurst Street frontage and the overhead wires from the northerly pole along the frontage of Brookhurst Street to the pole on the west side of Brookhurst shall be removed and placed underground.
 - b. One streetlight shall be installed along the Brookhurst Street project frontage. The Public Works Department will determine the exact location.

- c. A 3-ft., 6-in. wall shall be constructed along the curve at the carwash tunnel entrance to screen views into the tunnel.
- d. The west elevation shall be architecturally enhanced. Proposed enhancements shall be subject to review and approval by the Department of Planning.
- e. The landscaped setbacks along both street frontages shall incorporate mounding, shrubbery and vertical elements to enhance the aesthetics of the site and provide additional screening of the openings to the carwash tunnel. Vertical landscape elements shall be featured in the area directly north of the proposed vacuum 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 3: TENTATIVE PARCEL MAP NO. 2007-148 AND CONDITIONAL USE PERMIT NO. 2007-026 (OCEANUS DR. INDUSTRIAL CONDOMINIUM CONVERSION)

APPLICANT: Michael C. Adams, 21190 Beach Blvd., Huntington Beach, CA 92648

PROPERTY OWNER: CT-Huntington LLC., 20151 S.W. Birch, Ste. 200, Newport Beach, CA 92660

REQUEST: **TPM:** To permit the subdivision of one parcel currently developed with two buildings totaling 69,568 sq. ft. for condominium purposes. The project will consist of approximately 26 industrial condominium units. **CUP:** To permit a 43 space reduction in required parking, based on parking survey data and a transportation demand management plan.

LOCATION: 5445 Oceanus Ave. and 15121 Graham St., 92649 (Northwest corner of Oceanus Ave. and Graham St.)

PROJECT PLANNER: Rami Talleh

Rami Talleh, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

The applicant has submitted a parking study which utilizes a parking survey. There were 70 parking spaces occupied during peak hours on a week day from 11 a.m. to 12 noon. Staff went out during the same time frame and found that there were 59 occupied parking spaces.

The applicant provided a Transportation Demand Management Plan (TDMP) which would be incorporated with the project. The TDMP consisted of seven key subjects: parking for carpool

vehicles, providing shower and locker facilities, parking for vanpools, bicycle parking, passenger loading and unloading areas, commuter information areas, and being in close proximity to a bus stop.

Staff received one letter in opposition to the project from the property owner to the north stating that it would be a burden on their property if the parking is reduced. There is no barrier between the properties. They indicated they would support the project only if a wrought iron fence were constructed along the northern boundary prohibiting people from crossing the property line.

Two phone calls were also received. Both property owners expressed their concern for the reduction in parking and indicated that local streets are parked to the maximum.

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 stated that she was concerned how valid the numbers for the parking survey were if personnel were parking on the street and further away from the proposed site.

THE PUBLIC HEARING WAS OPENED.

Michael Strange, representing the applicant, Michael C. Adams, was available to answer any questions.

Robert Kahn, R & K Engineering, who prepared the traffic study, stated that while conservative they felt confident that the study does accurately represent reasonable conditions.

Ms. Broeren asked Mr. Dave Ball, the owner, what the occupancy rate for the proposed site was. He stated that there was only one unoccupied space.

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

Ms. Broeren asked if the applicant's occupancy rate would change prior to recordation of the parcel map. She then requested that the timing of the Transportation Demand Management Implementation Plan be tied to the recordation of the map.

Ms. Broeren asked staff to modify the suggested findings and/or conditions as follows: that the fence would be at minimum five feet high and that the fence be constructed within six months.

Ms. Broeren asked if the parking study had been reviewed by the Public Works Department. Mr. Talleh stated that it had been reviewed by Planning Staff. He further stated that he had many discussions with the traffic engineers regarding the parking study.

CONDITIONAL USE PERMIT NO. 2007-026 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.

SUGGESTED 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 of the CEQA Guidelines, because the project consists of the division of property in an urbanized area zoned for commercial use into four or fewer parcels, in conformance with the General Plan and zoning, with no variances or exceptions required; and with all services and access to the proposed parcels available.

SUGGESTED FINDINGS FOR APPROVAL - TENTATIVE PARCEL MAP NO. 2007-148:

1. Tentative Parcel Map No. 07-148 to permit the subdivision of one parcel currently developed with two buildings totaling 69,568 sq. ft. for condominium purposes is consistent with the General Plan Land Use Element designation of IG (General Industrial) on the subject property, and other applicable provisions of the Huntington Beach Zoning and Subdivision Ordinance (ZSO). The proposed subdivision will create a total of approximately 26 condominium units available to small incubator type industrial businesses to facilitate the growth of start-up industrial uses within the City.
2. The site is physically suitable for the type and density of development. The site consists of one parcel, which is developed with two multi-tenant industrial buildings. The project involves the subdivision of the multi-tenant buildings into approximately 26 condominium units. No added square footage or expansion of the use is proposed in conjunction with the proposed subdivision. Currently the site complies with, floor area ratio, setbacks, maximum building height, and other provisions of the ZSO. A concurrent application, Conditional Use Permit No. 2007-026, is requested to reduce the required parking by 43 parking spaces to facilitate the industrial condominium conversion and redistribution of uses within the units.
3. The design of the subdivision will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subdivision is proposed for a developed property. No new development is proposed. The site does not serve as habitat for fish or wildlife.
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 for access through or use of the property exist within the proposed subdivision.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2007-026:

1. Conditional Use Permit No. 2007-026 to permit a 43 space reduction in required parking, based on parking survey data and a transportation demand management plan, 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. A parking survey, prepared by a registered professional traffic engineer (July 2007), supports the proposed 43 space reduction in required parking and concludes that adequate on-site parking will be available to accommodate the Industrial condominium conversion.
2. The conditional use permit will be compatible with surrounding uses because the use is an industrial business complex located in an industrial area developed with primarily industrial uses. The subject property is designated by the zoning and General Plan land use maps for industrial uses. The industrial condominium conversion will be provided with adequate parking based upon the parking survey and implantation of a transportation management plan.
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). The HBZSO permits reductions in required parking for industrial uses based on survey data with approval of a conditional use permit. The applicant has prepared a Transportation Demand Management Plan (TDMP) in accordance with the provisions of HBZSO Section 231.08 – *Reduced Parking For Certain Uses*, and conditions of approval require submittal of evidence that the approved TDMP has been implemented.
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 I-F2-d (Industrial – 0.5 maximum floor area ratio – design overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Goal LU 12: Achieve the development of industrial uses that provide job opportunities for existing and future residents, as well as the surrounding subregion, and generate revenue for the City.

Policy LU 12.1: provide for the continuation of existing and the development of additional industrial uses that capitalize upon the existing and emerging types of industries, offer opportunities for the clustering of key economic sectors, and maintain the character and quality of the City.

The proposed reduction in parking will facilitate a condominium conversion of approximately 26 existing industrial units. The conversion will make these units available for ownership to existing and future industrial businesses, which will promote job opportunities to existing and future residents and generate revenue for the City. The units range in size from 2,000 sq. ft. to 6,000 sq. ft. and will be available to small incubator type industrial businesses to facilitate the growth of start-up industrial uses within the City.

SUGGESTED CONDITIONS OF APPROVAL – TENTATIVE PARCEL MAP NO. 2007-148:

1. The Tentative Parcel Map No. 2007-148 for the subdivision of one parcel currently developed with two multi-tenant industrial buildings totaling 69,568 for condominium purposes received and dated July 10, 2007, shall be the approved layout.
2. At least 90 days before recordation of the final map, CC&Rs shall be submitted to the Planning Department. The CC&Rs shall be approved by the City Attorney and shall identify common areas and improvements, including parking areas, driveways and landscaping; and existing, proposed and necessary easements. The CC&Rs shall include provisions for maintenance of all common areas, including freestanding walls and landscaping, by the to-be-formed property Owner's Association. The CC&Rs must be in recordable form and recorded prior to recordation of the map.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2007-026:

1. The site plan received and dated July 10, 2007 and floor plans received and dated September 6, 2007 shall be the conceptually approved design.
2. Prior to issuance of a Certificate of Occupancy, the applicant shall submit a Transportation Demand Management (TDM) Implementation Plan, which outlines in detail the specific measures to be undertaken to implement the TDM Plan prepared by Paul Cook and Associates received and dated July 10, 2007, for review and approval by the Planning Department. The applicant shall submit evidence that all measures provided for in the approved TDM Implementation Plan have been implemented.

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 2:15 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, OCTOBER 3, 2007 AT 1:30 PM.



Mary Beth Broeren
Zoning Administrator

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