



AGENDA
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 – Lower Level - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, NOVEMBER 7, 2007, 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBERS: Ron Santos, Rami Talleh, Pamela Avila (recording secretary)

MINUTES: September 12, 2007
September 19, 2007

ORAL COMMUNICATION: Anyone wishing to speak on an item not on the agenda may do so. No action can be taken by the Zoning Administrator on items not on the agenda.

SCHEDULED ITEMS:

1. PETITION DOCUMENT: COASTAL DEVELOPMENT PERMIT NO. 2007-012 (GUARDI RESIDENCE)

APPLICANT: Andre and Shelly Guardi
REQUEST: To permit construction of an approximately 4,100 sq. ft. two-story single-family dwelling. 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: 17042 Baruna Lane, 92649 (east side of Baruna Ln., north of Sirius – Huntington Harbor)
PROJECT PLANNER: Ron Santos
STAFF RECOMMENDS: Approval based upon suggested findings and conditions of approval

2. PETITION DOCUMENT: ADMINISTRATIVE PERMIT NO. 2004-10 AND VARIANCE NO. 04-02 (KEMMERER ADDITION)

APPLICANT: Marcus Kemmerer
REQUEST: **AP:** 1) To permit a second floor addition to an existing single family residence to match an existing non-conforming front yard setback of 10 ft. in lieu of the minimum required front yard setback of 15 ft and 2) to permit the addition to match an existing non-conforming side yard setback of 4 ft. in lieu of the minimum required side yard setback of 5 ft. **VAR:** 1) To permit an approximately 1,732 sq. ft. second floor addition to a non-conforming structure in lieu of the maximum allowed square footage of 766 sq. ft. and 2) to allow the addition at a 5 ft. rear yard setback in lieu of the minimum required rear yard setback of 10 ft.
LOCATION: 226 Crest Avenue, 92648 (north side of Crest Ave. between Main St. and Lake St.)

AGENDA
(Continued)

PROJECT PLANNER: Rami Talleh
STAFF RECOMMENDS: Approval modifications based upon suggested findings and conditions of approval

3. PETITION DOCUMENT: TENTATIVE PARCEL MAP NO. 2007-151 (WOODWIND INDUSTRIAL CONDOMINIUM CONVERSION)

APPLICANT: MAM Social Inc.

REQUEST: **TPM:** To permit the subdivision of one parcel currently developed with an approximately 23,217 sq. ft. building located within an existing industrial business center for condominium purposes. The subdivision will consist of 2 industrial condominium units for a total of 5 condominium units (3 detached and 2 attached) within the existing industrial business center.

LOCATION: 7632 Woodwind Drive, 92647 (south side of Woodwind Dr. east of Sampson Lane)

PROJECT PLANNER: Rami Talleh

STAFF RECOMMENDS: Approval based upon suggested findings and conditions of approval

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator is final unless an appeal is filed to the Planning Commission by you or by an interested party. Said appeal must be in writing and must set forth in detail the action and grounds by which the applicant or interested party deems himself aggrieved. Said appeal must be accompanied by a filing fee of One Thousand Two Hundred Eighty Seven Dollars (\$1287.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and One Thousand Five Hundred Sixty Nine Dollars (\$1569.00) if the appeal is filed by any other party. The appeal shall be submitted to the Secretary of the Planning Commission within ten (10) calendar days of the date of the Zoning Administrator's action or ten (10) working days for a coastal development permit.

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Ron Santos, Associate Planner
DATE: November 7, 2007

SUBJECT: **COASTAL DEVELOPMENT PERMIT NO. 2007-012 (GUARDI RESIDENCE)**

LOCATION: 17042 Baruna Lane, Huntington Beach (east side of Baruna Ln., north of Sirius – Huntington Harbor)

**Applicant/
Property**

Owner: Andre and Shelly Guardi, 17042 Baruna Lane, Huntington Beach, CA 92649

Request: To permit construction of an approximately 4,100 sq. ft. two-story single-family dwelling. 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.

Environmental Status: This request is covered by Categorical Exemption, Section 15302, **Class 2**, California Environmental Quality Act.

Zone: RL-CZ (Residential Low-Density – Coastal Zone)

General Plan: RL-7 (Residential Low-Density – 7 units/acre maximum)

Existing Use: single-family residential

RECOMMENDATION: Staff recommends approval the proposed project based upon the following findings:

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 15302 of the CEQA Guidelines, because the project consists of demolition and reconstruction of one single-family residence in a residential zone, where the new structure will have substantially the same purpose and capacity as the structure replaced.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2007-012:

1. Coastal Development Permit No. 2007-012 to permit construction of an approximately 4,100 sq. ft. two-story single-family dwelling, as conditioned, 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 previously 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, including maximum site coverage, maximum building height, minimum yard setbacks, 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 dwelling will be constructed on a previously 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.

SUGGESTED CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2007-012:

1. The site plan, floor plans, and elevations received and dated October 2, 2007 shall be the conceptually approved design with the following modifications:
 - a. The In-Fill Ordinance Plan shall depict the layout of the house approved for construction on Lot 14 (based on approved plans on file with the City) and demonstrate compliance with the In-Fill Ordinance (HBZSO Sec. 230.22) with respect to the alignment of windows.
 - b. The floor plans and/or window schedule shall identify required obscure glass for bathroom windows facing adjacent residences.
 - c. Elevations shall depict the vertical dimension between the top of curb along the street frontage and the top of slab.
2. Prior to issuance of building permits, a letter from the property owner's association stating that the proposed project has been approved, denied or that association review is not required shall be submitted to the Planning Department.
3. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

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.

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Rami Talleh, Associate Planner
DATE: November 7, 2007

**SUBJECT: ADMINISTRATIVE PERMIT NO. 04-10 AND VARIANCE NO. 04-02
(KEMMERER ADDITION)**

LOCATION: 226 Crest Avenue, 92648 (north side of Crest Ave. between Main St. and Lake St.)

**Applicant/
Property**

Owner: Marcus Kemmerer, 226, Crest Ave., Huntington Beach CA 92648

Request: **AP:** 1) To permit a second floor addition to an existing single family residence to match an existing non-conforming front yard setback of 10 ft. in lieu of the minimum required front yard setback of 15 ft. and 2) to permit the addition to match an existing non-conforming side yard setback of 4 ft. in lieu of the minimum required side yard setback of 5 ft. **VAR:** 1) To permit an approximately 1,732 sq. ft. second floor addition to a non-conforming structure in lieu of the maximum allowed square footage of 766 sq. ft. and 2) to allow the addition at a 5 ft. rear yard setback in lieu of the minimum required rear yard setback of 10 ft.

Environmental Status: This request is covered by Categorical Exemption, Section 15303, Class 3, California Environmental Quality Act.

Zone: RL (Residential Low Density)

General Plan: RL-7 (Residential Low Density – 7 Units Per Acre)

Existing Use: Single Family Home

RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

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 15303 of the CEQA Guidelines, because the project consists of an addition to an existing single family home.

SUGGESTED FINDINGS FOR APPROVAL – ADMINISTRATIVE PERMIT NO. 2004-10:

1. Administrative Permit No. 2004-10 for the construction of a second floor addition to an existing single family residence to match an existing non-conforming front yard setback of 10 ft. in lieu of the minimum required front yard setback of 15 ft and to match a non-conforming side yard setback of 4 ft. in lieu of the minimum required side setback of 5 ft. 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 will be compatible with surrounding uses because the proposed addition will result in a single family home with a similar height, similar materials
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, except for any variances approved concurrently.
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 (Residential Low Density) on the subject property.

SUGGESTED FINDINGS FOR APPROVAL - VARIANCE NO. 2004-02:

1. The granting of Variance No. 2004-02 to permit an approximately 1,732 sq. ft. second floor addition to a non-conforming structure in lieu of the maximum allowed square footage of 766 sq. ft. and to allow the addition at a 5 ft. rear setback in lieu of the minimum required rear yard setback of 10 ft. will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification.
2. Because of special circumstances applicable to the subject property, including size, shape, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights.

4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification.
5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL (Residential Low Density) on the subject property.

SUGGESTED CONDITIONS OF APPROVAL – ADMINISTRATIVE PERMIT NO. 2004-02 AND VARIANCE NO.04-02:

- a. The site plan, floor plans, and elevations received and dated April 10, 2007 shall be the conceptually approved design.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

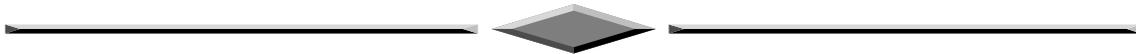
The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, 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.

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Rami Talleh, Associate Planner
DATE: November 7, 2007

SUBJECT: **TENTATIVE PARCEL MAP NO. 07-151 (WOODWIND INDUSTRIAL CONDOMINIUM CONVERSION)**

LOCATION: 7632 Woodwind Drive, 92646 (South side of Woodwind Dr. east of Sampson Lane)



Applicant: MAM Socal Inc., 711 W. 17th Street, Suite D-5, Costa Mesa, CA 92627

Property Owner: 5362 Bolsa Avenue, Suite E, LLC. 7632 Woodwind Drive, Huntington Beach, CA 92647

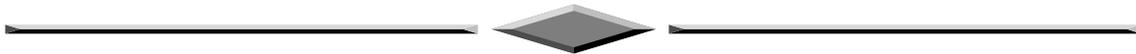
Request: To permit the subdivision of one parcel currently developed with an approximately 23,217 sq. ft. building located within an existing industrial business center for condominium purposes. The subdivision will consist of 2 industrial condominium units for a total of 5 condominium units (3 detached and 2 attached) within the existing industrial business center.

Environmental Status: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

Zone: IL (Limited Industrial)

General Plan: I (General Industrial)

Existing Use: Light Industrial units



RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

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 15301 of the CEQA Guidelines, because the project involves the

subdivision of two existing commercial buildings into common-interest ownership with no physical changes to the building.

SUGGESTED FINDINGS FOR APPROVAL - TENTATIVE PARCEL MAP NO. 2007-151:

1. Tentative Parcel Map No. 2007-151 for the subdivision of one parcel currently developed with an approximately 23,217 sq. ft. building for condominium purposes. The project which will consist of approximately 2 industrial condominium units is consistent with the General Plan Land Use Element designation of IG (Industrial General) on the subject property, and other applicable provisions of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The proposed subdivision will create two 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 is an industrial business complex constructed with four industrial buildings on individual parcels. The project involves the subdivision of one parcel creating two industrial units within one of the existing buildings. No added square footage or expansion of the building is proposed in conjunction with the proposed subdivision. Currently, the site complies with floor area ratio, minimum setbacks, maximum building height, parking, and other provisions of the HBZSO.
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 on a property currently developed with industrial buildings and located in an urbanized area. 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 improvement 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 CONDITIONS OF APPROVAL – TENTATIVE PARCEL MAP NO. 2007-151:

1. Tentative Parcel Map No. 2007-151 for the subdivision of one parcel currently developed with an approximately 23,217 sq. ft. building for condominium purposes received and dated August 8, 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.

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.