



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

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

ZONING ADMINISTRATOR: Mary Beth Broeren

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

MINUTES: August 22, 2007
August 29, 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: CONDITIONAL USE PERMIT NO. 2007-028
(HENDRICKSON RESIDENCE)**

APPLICANT: Jill and Al Hendrickson
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
STAFF RECOMMENDS: Approval based upon suggested findings and conditions of approval

**2. PETITION DOCUMENT: ENTITLEMENT PLAN AMENDMENT NO. 07-004
(BROOKHURST CARWASH/ AMENDMENT TO
CONDITIONAL USE PERMIT NO. 05-37)**

APPLICANT: Atabak Youseefzadeh
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

AGENDA
(Continued)

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

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

3. PETITION DOCUMENT: TENTATIVE PARCEL MAP NO. 2007-148 AND CONDITIONAL USE PERMIT NO. 2007-026 (OCEANUS DR. INDUSTRIAL CONDOMINIUM CONVERSION)

APPLICANT: Michael C. Adams

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

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: Tess Nguyen, Associate Planner
DATE: September 26, 2007

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

LOCATION: 206 21st Street, 92648 (east side of 21st Street, north of Walnut Avenue)

**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.

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

Zone: RMH-A (Residential Medium High Density - Small Lot Subdistrict)

General Plan: RMH-25-d (Residential Medium High Density - 25 du/ac maximum 25 units per acre - Design Overlay)

Existing Use: multi-family residences

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 involves the construction of a single-family residence in a residential zone in an urbanized area.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 07-028:

1. Conditional Use Permit No. 07-028 to permit (a) the development of a lot with a grade differential exceeding three feet between the high and low points of a parcel, (b) the construction of a two-story single-family residence with an overall height of approximately 34 ft. 9 in., and (c) the construction of an approximately 119 sq. ft. rooftop deck above the second story 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. Based upon the conditions imposed, the subject property will predominantly maintain the existing pad elevations and site grade conditions, which is consistent with the grade elevations of adjacent properties. The overall building height is not anticipated to impact surrounding properties. As conditioned, the access to the third floor deck will be enclosed within the second floor roof volume. In addition, the rooftop deck above the second story is setback at least five feet from the building exterior and is oriented toward the public right-of-way to insure privacy for adjacent properties.
2. The proposed single-family residence will be compatible with surrounding uses because the residential medium-high density neighborhood is primarily developed with two- and three-story single-family and multi-family residential units developed on the same grade. The proposed two-story residence will be compatible with other residential structures in the area, taking into account the proposed building massing, height, and grade of existing single-family and multi-family homes in the immediate vicinity. The residence is designed as a two-story residence with the rooftop deck above the second story which is within the height and setback limitations identified in the Zoning Code. The rooftop deck is setback from the building exterior to insure privacy for adjacent properties.
3. The proposed single-family residence 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) and any specific condition required for the proposed use in the district in which it would be located. The project complies with the maximum building height, maximum lot coverage, minimum building setbacks, and minimum onsite parking. The HBZSO allows single family homes up to a height of 35 ft. with approval of a conditional use permit.
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 Residential Medium-High Density on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - a. LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character.
 - b. LU 9.1.2: Require that single-family residential units be designed to convey a high level of quality and character.
 - c. LU 9.2.1: Require that all new residential development within existing residential neighborhoods (i.e. infill) be compatible with existing structures, including the use of building heights, grade elevations, orientation, and bulk that are compatible with the surrounding development and maintenance of privacy on abutting residences.

The project is designed to account for the unique characteristics of the subject site, by allowing for development on a lot with a grade differential, based on plans which propose minimal alteration of the existing site grades. The grade elevations, building orientation, and bulk will be compatible with other residential properties existing in the neighborhood. The development will comply with maximum building height, maximum lot coverage, minimum building setbacks, and minimum onsite parking permitted in the RMH-A zone. The proposed rooftop deck above the second story will be setback from the building exterior as required by the HBZSO, thus minimizing the building massing and ensuring privacy for abutting residences

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 07-028:

1. The site plan, floor plans, and elevations received and dated August 27, 2007 shall be the conceptually approved design with the following modifications:
 - a. The habitable area (stair, elevator, and landing/hallway) above the second story plate line shall be within the confines of the roof volume.
 - b. The windows above the second story top plate line on the north elevation and south elevation shall be eliminated.
 - c. The following windows shall be off-set to insure maximum privacy for existing residences:
 - The first north-facing window in bedroom 4/office on the first floor.
 - The second south-facing window in the dining room on the first floor.
 - The first north-facing window in bedroom 2 on the second floor.
 - The south-facing windows in the retreat on the second floor.
 - The second south-facing window in bedroom 3 on the second floor.
2. 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: Ron Santos, Associate Planner
DATE: September 26, 2007

SUBJECT: **ENTITLEMENT PLAN AMENDMENT NO. 07-004 (BROOKHURST CARWASH/AMENDMENT TO CONDITIONAL USE PERMIT NO. 05-37)**

LOCATION: 19002 Brookhurst Street, 92646 (southeast corner of Brookhurst St. and Garfield Ave.)

Applicant: Atabak Youseefzadeh, 8811 Burton Way #47, Los Angeles, CA 90048

Property Owner: Farhad Yazdininian, 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.

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

Zone: CG (Commercial General)

General Plan: CN-F1 (Commercial Neighborhood - 0.35 max. FAR)

Existing Use: vacant lot/former gas station

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 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.

SUGGESTED FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 07-004:

1. Entitlement Plan Amendment No.07-004 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 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.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

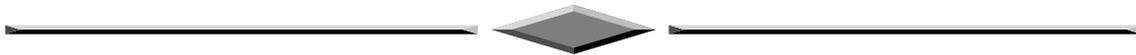
The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, 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: September 26, 2007

SUBJECT: **TENTATIVE PARCEL MAP NO. 2007-148 AND CONDITIONAL USE PERMIT NO. 2007-026 (OCEANUS DR. INDUSTRIAL CONDOMINIUM CONVERSION)**

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



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.

Environmental Status: This request is covered by Categorical Exemption, Section 15315, Class 15, California Environmental Quality Act.

Zone: IL (Limited Industrial)

General Plan: I – F2 (General Industrial – 0.50 maximum floor area ratio)

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 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.