

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

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

**ZONING ADMINISTRATOR:** Mary Beth Broeren

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

**MINUTES:** September 12, 2007  
September 19, 2007  
**APPROVED AS SUBMITTED**

**ORAL COMMUNICATION:** **NONE**

**ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 2007-012 (GUARDI RESIDENCE)**

**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.

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

**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 noted that there is an adjacent lot which is currently vacant, but plans have been approved for a proposed residence on that site. The proposed residence does not have any windows that align and staff is recommending that building inspectors review the structure to confirm that.

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 letter was received from the Homeowner's Association which approved the project. No other public comments were received on this item.

Mary Beth Broeren, Zoning Administrator, confirmed with staff that the proposed site coverage and building height comply with code.

**THE PUBLIC HEARING WAS OPENED.**

Andre Guardi, the applicant, was present and stated that he had no concerns with the suggested conditions of approval.

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

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

**ITEM 2: ADMINISTRATIVE PERMIT NO. 04-10 AND VARIANCE NO. 04-02 (KEMMERER ADDITION)**

APPLICANT/

PROPERTY OWNER:

REQUEST:

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

**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.)

PROJECT PLANNER:

Rami Talleh

Rami Talleh, 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 applicant proposed to demolish the interior walls of the dwelling, construct the second floor addition, rebrace the majority of the exterior walls, remove the kitchen from the detached second unit, and reconstruct the garage. The proposed plans will have a great room on the first floor and three bedrooms on the second floor. The applicants propose to remove the kitchen from the detached unit, making that a work area.

Staff stated that the project is located within the Wesley Park tract. The applicant submitted a report prepared by Ms. Cynthia Ward, an architectural historian. The report indicated that the structure does not meet any criteria for historic resources and therefore is not subject to guidelines for restoring historic properties.

Mary Beth Broeren, Zoning Administrator, asked if the detached unit had a separate address, and if the conditions requiring removal of the kitchen on the existing detached unit would eliminate a functioning address for the detached unit. Staff stated that the detached unit would not be a functioning address and that it will be a guest house/work area.

Ms. Broeren asked if, after dedication, there would be less than 5,000 square feet on the lot. Staff stated that the total net lot size would be 4,747 square feet. The net lot coverage would be 49%.

## **THE PUBLIC HEARING WAS OPENED.**

Joseph Santiago, Chairman of the Historic Resources Board (HRB) in Huntington Beach, stated that they received notification of this action the day before the hearing. He was curious why notification was so late. Mr. Santiago stated that the proposed site is in close proximity to a former mayor's house, a historic landmark in the city. He had a concern with the site design and feels that it does not conform with the surrounding neighborhood. He also expressed concern with the architectural historian's recommendation.

Marcus Kemmerer, applicant, stated that the house and garage were built in different eras. He stated that the architecture reflects the different styles found in the neighborhood.

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

Mary Beth Broeren, Zoning Administrator, questioned staff regarding whether protocol was followed in contacting the HRB in a timely manner. Staff stated that the HRB is on the mailing list for notification. The notifications were sent out 10 days before the hearing. Ms. Broeren stated that the HRB should be engaged early on in the process for properties in the Wesley Park Tract.

Ms. Broeren concurred with Mr. Santiago on his comments regarding this proposed project in that it is not consistent with many homes in the area. Ms. Broeren stated that this is basically a demolition and bears no resemblance to the original structure.

Ms. Broeren asked if the accessory structure would be demolished in the near future. The applicant stated that they would always keep that structure. Ms. Broeren asked if Public Works had any timeline for meeting the dedication requirements. Staff stated that it was part of the standard conditions.

Ms. Broeren asked if Mr. Santiago had reviewed the report by Cynthia Ward. Mr. Santiago stated that there had not been enough time. Ms. Broeren stated that she had not seen Ms. Ward's review. Staff provided a copy at the meeting.

Ms. Broeren asked Jason Kelley, Associate Planner, whether the project had been through plan check and whether there had been any discussions regarding the use of materials or architecture that would be more compatible with the area. Mr. Kelley stated that the project has gone through many redesigns.

Mr. Kemmerer, the applicant, stated that with regards to materials, houses in the surrounding area are stucco, wood, and terra cotta with varying styles of architecture. He stated that he embraces variety and was more than willing to work with the HRB.

Ms. Broeren stated that she did appreciate that the project has been scaled down and redesigned. She stated that there are varying styles of architecture in the area. She commented that the structure is only 24 feet in height which will be more consistent with the area. She further stated that Ms. Ward has not been given any guidance from the City when preparing her historical review of a proposed site. Applicants receive a list of available historians in the area and can choose whomever they wish to prepare a historical review.

Barbara Sullivan, neighbor at 825 Main Street, was allowed to comment by Ms. Broeren even though the Public Hearing was closed. Ms. Sullivan was concerned about the size of the structure for the lot and stated that she was speaking for other neighbors

**ADMINISTRATIVE PERMIT NO. 2004-10 AND VARIANCE NO. 2004-02 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 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.

**ITEM 3: TENTATIVE PARCEL MAP NO. 07-151 (WOODWIND INDUSTRIAL CONDOMINIUM CONVERSION)**

APPLICANT:	MAM Socal, Inc., 711 W. 17 <sup>th</sup> Street, Suite D-5 Costa Mesa, CA 92627
PROPERTY OWNER:	5362 Bolsa Avenue, Suite E, LLC. 7632 Woodward Drive, Huntington Beach, CA 92647
REQUEST:	<b><u>TPM:</u></b> 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 Woodward Drive (south side of Woodward Dr., east of Sampson Lane)
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.

Staff did receive one letter in opposition from one nearby property owner.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the executive summary.

**THE PUBLIC HEARING WAS OPENED.**

Mike Bauma, Voight Commercial Brokerage, represents the owners and made suggestions that they subdivide the building. They currently lease one half and use the other half for themselves.

Mr. Bauma responded to some of the assertions made in the letter received by staff and stated that he also represents the Ken Ruby Company. He stated that there are no other 11,000 square foot condos in Huntington Beach for sale. There is no glut market. There is a 5 ½% vacancy in Huntington Beach. The building is already divided and leased. This building satisfies a need in the marketplace.

Mr. Bauma stated that there is a set of CC&Rs for Woodwind Commerce Park which is controlled by the developer and managed by a professional management company, the Ken Ruby Company. There is another set of CC&Rs for this specific building. There is double protection.

Mike Murphy, civil engineer for the project, stated that many industrial buildings are purchased with a 1031 exchange. This occurs frequently in Huntington Beach. He urged moving ahead with the project.

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

**TENTATIVE PARCEL MAP NO. 2007-151 (WOODWIND INDUSTRIAL CONDOMINIUM CONVERSION) 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 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.

**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 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 on 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.

**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.

**THE MEETING WAS ADJOURNED AT 2:15 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, NOVEMBER 14, 2007 AT 1:30 PM.**

  
Mary Beth Broeren  
Zoning Administrator

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