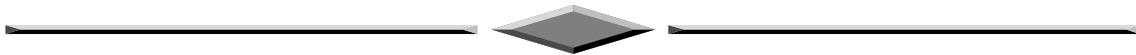


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Tess Nguyen, Associate Planner
DATE: October 5, 2011

SUBJECT: CONDITIONAL USE PERMIT NO. 10-013 (NGUYEN RESIDENCES-CONTINUED FROM THE JANUARY 19, 2011 MEETING)

LOCATION: 17102-17112 Bolsa Chica Street, 92649 (east side of Bolsa Chica Street, south of Warner Avenue)



Applicant: Thom Jacobs (Architect), 202 Alabama Street, Huntington Beach, CA, 92648

Property Owner: Xuan Mai Nguyen, 16781 Tim Lane, Lake Balboa, CA 91406

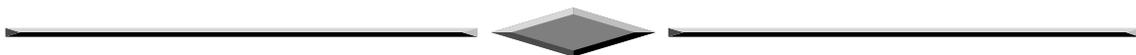
Request: To permit the construction of two attached residential units with an overall building height of 35 ft.

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

Zone: RM (Residential Medium Density)

General Plan: RM-15 (Residential Medium Density-15 du/ac Max.)

Existing Use: Single Family Residence



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, which exempts multi-family residential structures consisting of six or fewer units in urbanized areas.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 10-013:

1. Conditional Use Permit No. 10-013 to permit the construction of two attached residential units with an overall building height of 35 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. The overall building height is not anticipated to impact surrounding properties because the project is adjacent to existing two-story and three-story multi-family buildings of similar height. The project will not generate noise, traffic, odors or other impacts at levels inconsistent with the residential character of the existing neighborhood. The project will provide new housing opportunities which is anticipated to have positive impacts on the value of property within the surrounding neighborhood.
2. The conditional use permit will be compatible with surrounding structures because the project involves construction of townhouse style, multi-family residential dwelling units within an established residential neighborhood containing housing of comparable design and building height. Incorporation of architectural enhancements such as upper story setbacks, multiple façade breaks, and variations in rooflines will lessen the potential visual impact of each building's overall height. The proposed dwelling units will be designed of high architectural quality by incorporating façade enhancements as prescribed by the City of Huntington Beach Urban Design Guidelines which will allow the development to be compatible with the existing character of the surrounding area.
3. The proposed conditional use permit will comply with the provisions of the base zoning district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, including maximum density, height, lot coverage, building setbacks, landscaping, off-street parking, and open space requirements. Multi-family buildings are permitted up to 35 ft. high within the RM (Residential Medium Density) zoning district with the 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 RM-15 (Residential Medium Density – 15 units/acre max.) on the subject property. In addition, it is consistent with the following policies of the General Plan:

L.U. Policy 9.1.1: Accommodate the development of single- and multi-family residential units in areas designated by the Land Use Plan Map, as stipulated by the Land Use and Density Schedules.

The proposed Conditional Use Permit provides for the construction of two residential dwelling units at a density of 10.9 units per acre. The General Plan Land Use and Density Schedule allows for residential development on the subject property at a maximum density of 15 units per acre.

L.U. Policy 9.1.3: Require that multi-family residential projects be designed to convey a high level of quality and distinctive neighborhood character, including the following guidelines:

- a. Design building elevation to convey the visual character of individual units rather than a singular building mass and volumes.

- b. Include separate and well defined entries to convey the visual character of individual identity for each residential unit, which may be accessed from exterior facades, interior courtyards and/or common areas.
- c. Site and design parking areas and facilities that are integrated with but do not dominate the architectural character of the structure.
- d. Include an adequate landscape setback along the street frontage that is integrated with abutting sidewalks and provides continuity throughout the neighborhood.

The proposed design conveys a visual character comparable to single-family residential development and features articulation of building elevations and masses, including roofline variations, changes in wall planes with upper story setbacks, and a variety of window and door arrangements. All dwellings feature attached integrated garages and covered porch entries.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 10-013:

1. The site plan, floor plans, and elevations received and dated August 23, 2011, shall be the conceptually approved design.
2. Prior to submittal for building permits, zoning entitlement conditions of approval and code requirements identified in separately transmitted memorandum from the Departments of Fire, Planning and Building, and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
3. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - c. Truck idling shall be prohibited for periods longer than 10 minutes.
 - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.
 - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/grading activity.
4. The structure cannot be occupied and the final building permit cannot be approved until the following have been completed:
 - a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.

- b. Compliance with all conditions of approval specified herein shall be verified by the Planning and Building Department.
 - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
5. Conditional Use Permit No. 11-013 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.
6. 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 <http://www.builditgreen.org/green-building-guidelines-rating>

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.