

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

TO: Zoning Administrator
FROM: Tess Nguyen, Associate Planner
DATE: June 16, 2010

SUBJECT: **CONDITIONAL USE PERMIT 2010-014 (COLETTE'S CHILDREN'S HOME)**

LOCATION: 7911 Slater Avenue, 92647 (northeast corner of Slater Avenue and Keelson Lane)

**Applicant/
Business**

Owner: William O'Connell, 17301 Beach Boulevard, Suite No. 23, Huntington Beach, CA 92647

Property

Owner: Kiet Truong, 5633 Florida Avenue, Arcadia, CA 91006

Request: To permit the construction of a multi-family development consisting of six dwelling units comprised of three, two-story structures.

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

Zone: RMH (Residential Medium High Density)

General Plan: RMH-25 (Residential Medium High Density – 25 dwelling units per acre maximum)

Existing Use: Vacant

RECOMMENDATION: Staff recommends approval with modifications 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. 2010-014:

1. Conditional Use Permit No. 2010-014 to construct a multi-family development consisting of six dwelling units comprised of three, two-story structures 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 project will not generate noise, traffic, odors or other impacts at levels inconsistent with the residential character of the existing neighborhood. Adequate parking to serve the proposed project will be provided onsite in conformance with the requirements of the HBZSO. The project will provide new housing anticipated to have a positive impact on the value of property in the neighborhood.
2. The conditional use permit will be compatible with surrounding uses because the project consists of construction of multi-family residential dwellings in a neighborhood predominantly developed with multi-family housing of comparable design and density. The proposed dwellings are designed to convey a high level of quality and a character consistent with the City's Urban Design Guidelines, including massing, building colors, materials, and scale.
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, including maximum density, building height, lot coverage, and minimum lot size, lot width, building setbacks, off-street parking, and open space requirements. In addition, the project is conditioned to comply with the landscaping requirements.
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 RMH-25 (Residential Medium High Density - 25 dwelling units/acre) 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 six dwelling units at a density of 18 units per acre. The General Plan Land Use and Density Schedule allows for residential development on the subject property at a maximum density of 25 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. Site and design parking areas and facilities that are integrated with but do not dominate the architectural character of the structure.
- b. Include an adequate landscape setback along the street frontage that is integrated with abutting sidewalks and provides continuity throughout the neighborhood.

The proposed building design features articulation of the exterior elevations which minimize overall building mass through roof line variations, variable wall planes, and window and door arrangements. All dwellings include attached integrated garages. Open parking spaces are located so as to minimize large expanses of paving. Garages are oriented toward the interior of the lot so as not to dominate the architectural character of the project as viewed from the street.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2010-014:

1. The site plan, floor plans, and elevations received and dated April 19, 2010 shall be the conceptually approved design with the following modifications:
 - a. On the site plan, depict a minimum of 8 percent of the total net site area in landscaping. **(HBZSO 232.08-A-1)**
 - b. On the site plan, depict two 36-inch box trees planted within the setback areas adjacent to a street. In addition, provide one 36-inch box tree planted within the common open space area for each first level unit. Specimen palms may be substituted at a ratio of ½ foot brown trunk height for one inch of box tree inch required. **(HBZSO 232.08-B-3 & 232.08-B-5)**
2. Prior to issuance of grading permits, the following shall be completed:
 - a. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning Department.
 - b. Blockwall/fencing plans (including a site plan, section drawings and elevations, depicting the height and material of all retaining walls, freestanding walls and fences) consistent with the grading plan, shall be submitted to and approved by the Planning Department. Double walls shall be prohibited. Prior to construction of any new property line walls or fences, a plan, approved by the owners of adjacent properties, and identifying the removal of any existing walls, shall be submitted to the Planning Department for review and approval. The plans shall identify proposed wall and fence materials, seep holes and drainage.
3. 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 dated May 27, 2010, 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.
4. Prior to issuance of building permits, the following shall be completed:
 - a. The subject property shall enter into irrevocable access easement between the subject site and adjacent northerly property for a common walkway. The location and width of the accessway shall be reviewed and approved by the Planning Department and Public Works Department. The subject property owner shall be responsible for making necessary improvements to implement the reciprocal access. The legal instrument shall be submitted to the Planning Department a minimum of 30 days prior to building permit issuance. The document shall be approved by the Planning Department and the City Attorney as to form and content and, when approved, shall be recorded in the Office of the County Recorder prior to final building permit approval. A copy of the recorded document shall be filed with the Planning Department for inclusion in the entitlement file

prior to final building permit approval. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.

- b. The draft Affordable Housing Plan received and dated April 19, 2010, shall be revised to identify six on-site units for-rent as affordable. An Affordable Housing Agreement in accordance with the Affordable Housing Plan shall be submitted to the Planning Department for review and approval by the City Attorney, and accepted by the City Council. Said agreement shall be recorded with the Orange County Recorder's Office prior to issuance of the first building permit for the development. The Agreement shall comply with HBZSO Section 230.26 and include:
 - i. A detailed description of the type, size, and location of the six affordable housing rental units on-site. There shall be five units with three bedrooms and one unit with two bedrooms.
 - ii. There shall be six units affordable to very low-income households (income level less than 50% of Orange County median). The Orange County median income is adjusted for appropriate household size.
 - iii. Continuously affordable provisions for a period of 60 years.
 - c. An interim parking and building materials storage plan shall be submitted to the Planning Department to assure adequate parking and restroom facilities are available for contractors during the project's construction phase and that adjacent properties will not be impacted by their location. The plan shall also be reviewed and approved by the Fire Department and Public Works Department. The applicant shall obtain any necessary encroachment permits from the Department of Public Works.
 - d. An "Acceptance of Conditions" form shall be properly executed by the applicant and an authorized representative of the owner of the property, recorded with the County Recorder's Office, and returned to the Planning Department for inclusion in the entitlement file. Conditions of approval shall remain in effect in the recorded form in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.
5. 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.
6. The structure(s) cannot be occupied and the final building permit(s) cannot be approved, until the following has 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.
 7. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
 8. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State, and Federal Fire Codes, Ordinances, and standards, except as noted herein.
 9. 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/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.