

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

**WEDNESDAY, DECEMBER 17, 2014 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Joanna Cortez, Tess Nguyen, Ethan Edwards, Judy Demers

**MINUTES:** June 4, 2014  
July 2, 2014  
August 6, 2014  
September 3, 2014  
September 17, 2014

**APPROVED AS SUBMITTED**

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

**ITEM 1: CONDITIONAL USE PERMIT NO. 14-015 (LE RESIDENCES):**

**APPLICANT/  
PROPERTY OWNER:** Hung M. Le, 17810 Candelo Street, Fountain Valley, CA 92708  
**REQUEST:** To permit the construction of two two-story attached multi-family residential apartment units on a vacant property that abuts an arterial highway (Garfield Ave.) and includes buildings exceeding 25 ft. in height.  
**LOCATION:** 7761 Garfield Avenue, 92648 (northeast corner of Garfield Ave. at Delaware St.)  
**CITY CONTACT:** Hayden Beckman

Hayden Beckman, Assistant Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary. Mr. Beckman noted that based on the most recent plans which were received and stamped on December 2, 2014, the plans reflect a change to the height of the proposed project to 23 ft. 5 in., therefore the request no longer includes a provision to allow building heights over 25 ft. He also noted that two conditions regarding the construction and improvements are being added for consistency.

Ricky Ramos, Zoning Administrator, verified that staff notified the applicant regarding the two additional conditions. Mr. Ramos also verified the elevation for the trash enclosure. Mr. Ramos stated that he had no other questions for staff.

**THE PUBLIC HEARING WAS OPENED.**

Hung M. Le, applicant, stated that he had no comments or concerns with staff's recommendations.

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

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff.

**CONDITIONAL USE PERMIT NO. 14-015 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY 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 15303 of the CEQA Guidelines, because the project is located in an urbanized area and involves the construction of less than six dwelling units on the subject site.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 14-015:**

1. Conditional Use Permit No. 14-015 for the construction of two two-story attached multi-family residential apartment units on a vacant property abutting an arterial highway 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 two story residences will be constructed on a vacant property located at the northeast corner of a highly visible intersection surrounded by an existing multi-family residential neighborhood. The design of the two proposed detached residential units will incorporate roof articulation, material changes, and bay window projections to reduce the visual mass and bulk of the new buildings. The new residences will be sufficiently setback to buffer adjacent residences from the proposed development. The project will not generate additional noise, traffic, odors or other impacts at levels inconsistent with the residential character of the existing neighborhood.
2. The project will be compatible with surrounding uses because it involves construction of two two-story attached multifamily residential apartment units within a neighborhood permitted for multi-family development. A variety of duplexes and multi-unit residences exist within the immediate vicinity, and the overall building height of the project will match the building heights of surrounding properties. Since the subject site has not been previously developed, the proposed project will result in an improvement of the streetscape along both Garfield Avenue and Delaware Street. The facades of the new buildings incorporate new variations in rooflines and material changes minimize the mass and bulk of the two-story buildings. New landscaping will be incorporated to further enhance and minimize the mass and scale of the proposed development.
3. The proposed construction of two two-story attached multi-family residential apartment units on a vacant property abutting an arterial highway will comply with the provisions of the base district, other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the

district in which it would be located. The project complies with minimum onsite parking, open space, and building setbacks, maximum lot coverage and building height. Construction of new residential units on a property abutting an arterial highway is allowed within a Residential zoning district 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 RM-15 (Residential Medium Density – Max. 15 du/ac) on the subject property. In addition, it is consistent with the following objectives and policies of the General Plan:

A. Land Use Element

Objective LU 9.1: Provide for the development of single- and multi-family residential neighborhoods.

Policy LU 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.

Policy LU 9.2.1: Require that all new residential development within existing residential neighborhoods be compatible with existing structures, including (b) use of building heights, grade elevations, orientation, and bulk that are compatible with the surrounding development; and (c) use of complimentary building materials, colors, and forms, while allowing flexibility for unique design solutions.

B. Urban Design Element

Objective UD 1.1: Identify and reinforce a distinctive architectural and environmental image for each district in Huntington Beach.

Policy UD 1.1.1: Coordinate streetscape and landscape design in all residential neighborhoods to strengthen their identities.

The design of the proposed project conveys a visual character comparable to existing multi-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.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 14-015:**

1. The site plan, floor plans, and elevations received and dated December 2, 2014 shall be the conceptually approved design.
2. Prior to submittal for building permits, the following shall be completed:
  - a. Zoning entitlement conditions of approval and code requirements identified in separately transmitted memorandum from the Departments of Fire, Public Works, and Planning & Building shall be printed verbatim on one of the first three pages of all 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.

- b. An address assignment application including applicable submittal fees shall be submitted for the new residential units.
    - c. Contact the United Postal Service for approval of mailbox locations.
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(s) cannot be occupied and the final building permit(s) cannot be approved until the following have been completed:
  - a. All improvements shall be completed in accordance with approved plans, except as modified 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. CUP No. 14-015 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 Department a minimum 30 days prior to the expiration date.
6. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment

to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.

7. 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.

**ITEM 2: VARIANCE NO. 14-005/ ADMINISTRATIVE PERMIT NO. 14-005 (WIESE ADDITION):**

APPLICANT:	Thom Jacobs, 202 Alabama Street, Huntington Beach, CA 92648
PROPERTY OWNER:	Kent Wiese, 1009 Main Street, Huntington Beach, CA 92648
REQUEST:	<b><u>VAR:</u></b> To permit an approximately 2,376 sq. ft. first and second floor addition to a non-conforming structure in lieu of the maximum allowed square footage of 785 sq. ft. (50% addition). <b><u>AP:</u></b> To permit the addition to match the existing non-conforming side yard setbacks of 4 ft. 2 in. and 4 ft. in lieu of the minimum required side yard setbacks of 5 ft.
LOCATION:	1009 Main Street, 92648 (west side of Main St., between 12 <sup>th</sup> St. and 13 <sup>th</sup> St.)
CITY CONTACT:	Ethan Edwards

Ethan Edwards, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary. Mr. Edwards that staff would like to add a condition that the approved conditions and code requirements be printed on the first page of the working drawing sets.

Ricky Ramos, Zoning Administrator, verified that the variance is due to the width of the lot being narrow at 48 ft. instead of the 50 ft. that other lots in the neighborhood have.

**THE PUBLIC HEARING WAS OPENED.**

Thom Jacobs, applicant, stated that he had no comments or concerns with staff's recommendations.

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

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff.

**VARIANCE NO. 14-005/ ADMINISTRATIVE PERMIT NO. 14-005 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY 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 15303 of the CEQA Guidelines, because the project consists of an addition to an existing single family home.

**FINDINGS FOR APPROVAL - VARIANCE NO. 14-005:**

1. The granting of Variance No. 14-005 to permit an approximately 2,376 sq. ft. first and second floor addition to a non-conforming structure in lieu of the maximum allowed square footage of 785 sq. ft. (50% addition) will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The subject property is located on a 48 foot wide lot and is constructed with a one-story single family residence with non-conforming side yard setbacks. Other additions of equal or greater sizes have been constructed throughout the neighborhood. The proposed 2,376 sq. ft. first and second floor addition at the subject site is consistent with other properties in the vicinity and under an identical zone classification.
2. Because of special circumstances applicable to the subject property, including non-conforming width of the lot, 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. The subject property is located on a 48 foot wide lot. Due to the width of the parcel the existing structure is non-conforming. Limiting the addition to 50% of the existing structure or 785 sq. ft. will deprive the subject property of privileges enjoyed by other properties without this unique circumstance. The granting of the variance would not be necessary if the lot width was conforming.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The requested variance is will allow the subject property to be designed in the same manner that is similar to other properties in the neighborhood.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The proposed addition is conditioned to provide additional setbacks providing additional architectural undulation and is designed to be compatible with the neighborhood. The granting of the variance will provide for property rights consistent with other properties in the vicinity developed as a single-family dwelling. No detrimental impacts to surrounding properties are anticipated.

5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL-7-sp (Residential Low Density–7 units/acre–Specific Plan) on the subject property, including the following policy.

LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character as appropriate.

The requested variance accounts for the non-conforming lot width. Granting the addition would allow the subject property the opportunity to be designed in the same manner as nearby properties with similar lot configurations under the identical zone classification.

#### **FINDINGS FOR APPROVAL – ADMINISTRATIVE PERMIT NO. 14-014:**

1. Administrative Permit No. 14-014 for a waiver of development standards to permit a residential addition to match the existing non-conforming side yard setbacks of 4 ft. 2 in. and 4 ft. in lieu of the minimum required side yard setbacks of 5 ft., as conditioned to provide additional upper story setbacks, 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 administrative permit for a waiver of development standards to permit a residential addition to match the existing non-conforming side yard setbacks of 4 ft. 2 in. and 4 ft. in lieu of the minimum required side yard setbacks of 5 ft. will be compatible with surrounding uses because the proposed addition is conditioned to provide additional upper story setbacks and will result in a single family home with similar height, setbacks and materials as other properties within the neighborhood.
3. The proposed addition to match the existing non-conforming side yard setbacks of 4 ft. 2 in. and 4 ft. in lieu of the minimum required side yard setbacks of 5 ft. 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.

#### **CONDITIONS OF APPROVAL VARIANCE NO. 14-005/ ADMINISTRATIVE PERMIT NO. 14-014:**

1. The site plan, floor plans, and elevations received and dated November 5, 2014 shall be the conceptually approved design with the following modification:
  - a. Fifty percent of the 2<sup>nd</sup> story façades facing the side yards shall provide an average setback of 4 feet 10 inches
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, Public Works, and Planning & Building shall be printed verbatim on one of the first three pages of all 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. VAR No.14-005/ AP No. 14-014 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.
4. 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.
5. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
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 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.

**THE MEETING WAS ADJOURNED AT 1:44 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, JANUARY 7, 2015, AT 1:30 P. M.**

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Ricky Ramos  
Zoning Administrator

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