

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

WEDNESDAY, NOVEMBER 21, 2012 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Rosemary Medel, Hayden Beckman Ethan Edwards, Judy Demers (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: SITE PLAN REVIEW NO. 11-04/ VARIANCE NO. 12-04/ ENVIRONMENTAL ASSESSMENT NO. 11-06 (CASA RINCON)

APPLICANT: Wayne Dietz, Global Premier Development, 2100 Main Street, Suite 1250, Irvine, CA 92614

PROPERTY OWNER: Moore Golcheh, Progressive Real Estate, 10537 Santa Monica Blvd., Suite No. 350, Los Angeles, CA 90025

REQUEST: **EA:** To analyze the potential environmental impacts associated with the proposed project and identified within the certified Beach and Edinger Program EIR No. 08-008. **SPR:** To permit the construction of an approximately 10,900 square foot, four-story affordable housing apartment project with an overall height of 50 feet within the Town Center Neighborhood Segment of Beach & Edinger Corridors Specific Plan (SP 14). The project will consist of 24 affordable housing units containing 4 one-bedroom units (615 sq. ft./unit), 5 two-bedroom units (843 sq. ft./unit), 6 three-bedroom units (1,028 sq. ft./unit) and 9 four-bedroom units (1,224 sq. ft./unit) including a 693 square foot, two-story community recreation building with an overall height of 33 feet. **VAR:** To permit (a) 8 feet high perimeter privacy walls in lieu of a maximum height of 6 feet permitted; (b) a reduction in required public open space requirement from a minimum 1,200 sq. ft. permitted to 925 square feet; and (c) eliminating the private entry type requirement from the project design.

LOCATION: 18431 Beach Boulevard, 92648 (Northwest corner of Main Street and Beach Boulevard).

PROJECT PLANNER: Rosemary Medel

Rosemary Medel, 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 for denial.

Ms. Medel noted that staff had received one letter from Ron Beard of Allen Tires, supporting the project.

THE PUBLIC HEARING WAS OPENED.

Shaun Payton, representing the applicant, stated the applicant and property owner would like to continue the item to be heard by the City Council.

Patrick Tucker, Allen Tires, clarified that Ron Beard is the property owner, and that Allen Tires is opposed to the project. He stated that the proposed building location would negatively impact visibility of the store.

Adam Van Dyke inquired if staff could clarify the private entry type requirement. Ms. Medel explained that there are various types of private entry. The proposed project does not meet the design criteria.

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 deny request as recommended by staff.

SITE PLAN REVIEW NO. 11-04/ VARIANCE NO. 12-04/ ENVIRONMENTAL ASSESSMENT NO. 11-06 WERE DENIED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR DENIAL – SITE PLAN REVIEW NO. 11-04:

1. The project is not consistent with the City's General Plan and all applicable requirements of the Municipal Code because the proposed development does not enhance the vacant land as part of an integrated development within Town Center Neighborhood District, which is the most urbanized segment of the Beach and Edinger Corridors Specific Plan (BECSP).
2. The project will be detrimental to the general welfare of persons working or residing in the vicinity because the project has not accounted for the impacts to the adjacent multiple family developments as evidenced by designing the emergency vehicle access only from the overcrowded alley. The location of the balconies and windows on the west side of the project are oriented towards the second story windows of the adjacent development creating potential privacy issues. The proximity of these balconies has the potential to generate excessive noise to the adjacent residential developments as they are not sufficiently recessed in the structure to reduce or mitigate sound. Lack of a master planned development creates further issues of circulation and shared parking. Additionally, the quality of architectural design is not in keeping with the quality of design required by the Beach and Edinger Corridors Specific Plan and the area. Proposed rooflines and materials do not complement surrounding or recently approved projects in the vicinity. Therefore, because of these design issues the project has the potential to be detrimental to the value of the property and improvements in the neighborhood.
3. The project will adversely affect the Circulation Plan of this Specific Plan and Five Points area because access to the site from the public alley does not provide efficient circulation in order to address the parking conflicts of the adjacent multiple family developments gaining access to their garages and utilizing the alley for additional parking, which may result in

inadequate emergency vehicle access from the alley to the subject site. Integrated mixed use projects account for shared parking opportunities. Because this development would be a stand-alone project, the opportunity for shared parking is not available and therefore will burden the already under-parked surrounding residential developments.

4. The project does not comply with the applicable provisions of the Beach and Edinger Corridors Specific Plan and other applicable regulations because the project does not provide the required public open space in an area that is accessible to the public on a 24 hour basis. A specific entry design type required by the BECSP is not incorporated into the architecture of the building. The proposed perimeter privacy wall height exceeds the height permitted within the Specific Plan by over two feet without proposing solutions to reduce the visual impact of the walls with better design or grading solutions.

FINDINGS FOR DENIAL - VARIANCE NO. 12-04:

1. The granting of Variance No. 12-04 to permit perimeter privacy-walls at eight feet high in lieu of the maximum height of six feet as required by the Specific Plan, 925 square feet of public open space in lieu of the required 1,200 square feet, and eliminate the private entry type design requirement from the residential building design will constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The Specific Plan requires residential developments of twenty units or more to provide public open space. Reducing the proposed number of units in order to meet the public open space requirement does not constitute an undue hardship. Consequently, the requested variance would be the first request of this type within the recently adopted BECSP. Similar variances have not been granted to other Specific Plan properties within the same district that contain similar development constraints.
2. There are no special circumstances applicable to the subject property. Therefore, the strict application of the Specific Plan is not found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. While the project site has a grade difference from Beach Blvd to the rear of the site, the Specific Plan encourages the consolidation of parcels in order to create more integrated projects meeting the goals of the Specific Plan. Therefore, if the adjacent parcels were consolidated into a master development there would be sufficient onsite circulation to accommodate emergency vehicles, address onsite traffic and pedestrian circulation and there would be the opportunity for shared parking to accommodate the residential development.
3. The granting of a variance is not necessary to preserve the enjoyment of one or more substantial property rights. The requested variance is not necessary in order to allow for the construction of a residential project on this site. The Beach and Edinger Corridors Specific Plan requires that a property meet certain minimum development requirements such as those imposed for open space types, open space location, maximum fence height and private entry types of buildings. In this case, the project does not comply with the applicable public open space types for design or location. The design does not incorporate a common entry type design into the building and exceeds the allowable fence height along the north, south and east property lines.

ITEM 2: CONDITIONAL USE PERMIT NO. 12-15/VARIANCE NO. 12-07 (SMITH FRONT YARD WALL)

APPLICANT/

PROPERTY OWNER: Vanessa Smith, 422 7th Street, Huntington Beach, CA 92648

REQUEST: **CUP:** To permit the existing approximately 24 linear ft. wall with pilasters and a gate measuring 3 ft., 6 in. high in lieu of a maximum height of 1ft., 6 in. permitted within 3 ft. of the front property line. **VAR:** To permit the existing approximately 50 in. high freestanding fireplace in lieu of the maximum 42 in. high at a setback of approximately 2 ft. in lieu of the minimum 3 ft. within the front yard setback.

LOCATION: 422 7th Street, 92648 (southeast of 7th Street, at Pecan Avenue)

PROJECT PLANNER: Hayden Beckman

Hayden Beckman, Planning Aide, 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 for approval as presented in the executive summary.

Mr. Beckman noted that staff had not received any public comments regarding the proposed project.

Ricky Ramos, Zoning Administrator, inquired if staff would verify the height of the fireplace. Mr. Beckman verified the height to be 3' 6".

Mr. Ramos, inquired if staff could explain the special circumstance listed in the Variance. Mr. Beckman stated that the property width limits the potential location for the placement of accessory structures.

THE PUBLIC HEARING WAS OPENED.

Vanessa Smith, commented that they did work with staff to get the structure permitted. The height of the flue was not intentionally built to exceed the height requirements. She stated that they would cut the flue to meet the height requirements but that it would not be aesthetically pleasing.

Olivia Hull, commented that she supports the proposed project, noting that the yard is beautiful.

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

Mr. Ramos explained that he could make the necessary findings to approve the conditional use permit as recommended by staff but could not make the findings to support the variance, therefore he would deny the request for the variance.

CONDITIONAL USE PERMIT NO. 12-015 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. VARIANCE NO. 12-007 WAS DENIED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS FOR DENIAL.

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 construction of a small accessory structure (new wall/fence) on property developed with a single-family home.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 12-15:

1. Conditional Use Permit No. 12-15 for the construction of an approximately 24 linear ft. wall and gate with pilasters measuring 3 ft. 6 in. high in lieu of maximum height 1 ft. 6 in. within 3 ft. of the front property line 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 proposed wall will be located on an interior lot and constructed at a height that will not create any significant traffic or safety concerns. The proposed wall will not negatively impact the visual character of the neighborhood because boxwood hedges and other vegetation are proposed behind the wall to soften its overall appearance. The wall is consistent with other walls and fences in the neighborhood in terms of setback, materials and height.
2. The conditional use permit will be compatible with other residential properties containing similar walls in the surrounding area in terms of setback, materials and height. The wall will be further improved through the addition of enhanced landscaping through the use of hedges and other vegetation behind the wall that will visually soften its overall appearance and assist in blending it in with the surrounding environment.
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 which allows walls to exceed the 1 ft. 6 in. maximum height within 3 ft. of the front property line in the RMH-A zone subject to approval of a Conditional Use Permit.
4. The granting of the conditional use permit will not adversely affect the General Plan and is consistent with the following objectives and policies of the General Plan:

A. Land Use Element

Objective LU 9.2: Provide for the preservation of existing residential neighborhoods.

Policy LU 16.1.1: Accommodate development of the City's neighborhoods, boulevards, and districts according to the Community Districts and Subarea Schedules, which requires (Subarea 3b) front yard setbacks to maintain the existing residential neighborhood character.

B. Urban Design Element

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

The proposed wall will not change the residential character of the neighborhood. Other properties in the vicinity have similar setbacks for walls. Landscaping will be planted behind the wall including stone veneer treated pilasters which softens its overall appearance. The subject property will maintain a minimum 40% landscaping within the front yard, in addition to a 2 ft. wide interior landscape planter.

FINDINGS FOR DENIAL - VARIANCE NO. 12-07:

1. The granting of Variance No. 12-07 to permit an existing approximately 50 in. high freestanding fireplace in lieu of the maximum 42 in. high at a setback of approximately 2 ft. in lieu of the minimum 3 ft. within the front yard setback will constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification because the subject site does not have any unique disadvantage compared to other properties in the same zoning classification.
2. There is no special circumstance applicable to the subject property such that 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 property is of typical size, shape, topography, and location as most other properties in the same zoning classification.
3. The granting of a variance is not necessary to preserve the enjoyment of one or more substantial property rights. A freestanding fireplace that complies with the requirements of the zoning code can be built on the subject property.

CONDITIONS OF APPROVAL CONDITIONAL USE PERMIT NO. 12-15:

1. The site plan received and dated September 21, 2012 shall be the conceptually approved design.
2. The use shall comply with the following: All landscaping within the front yard setback area shall be maintained in a neat and clean manner.
3. CUP No. 12-15 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.
4. 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:

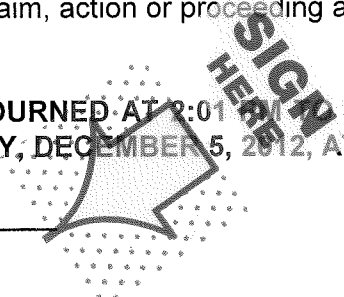
The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, 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 2:01 PM. THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, DECEMBER 5, 2012, AT 1:30 PM.



R. Ramos

Ricky Ramos
Zoning Administrator



RR:jd

