



Huntington Beach Planning Commission

2000 MAIN STREET

CALIFORNIA 92648

NOTICE OF ACTION

November 13, 2019

Mark Tran
12601 Sweetbriar Drive
Garden Grove, CA 92840

SUBJECT: ZONING MAP AMENDMENT NO. 18-002/ TENTATIVE TRACT MAP NO. 19-028/ CONDITIONAL USE PERMIT NO. 18-041 (UTICA TOWNHOMES)

APPLICANT: Mark Tran, 12601 Sweetbriar Drive, Garden Grove, CA 92840

PROPERTY

OWNER: Van Nguyen, 1814 Main Street, Huntington Beach, CA 92648

REQUEST: To amend the zoning designation from CG (Commercial General) to RM (Residential Medium Density) to construct a three-unit, three-story, for-sale condominium development with a height that exceeds 25 feet. The project includes the subdivision of an approximately 9,000 sq. ft. lot for condominium purposes.

LOCATION: 712 Utica Avenue, 92648 (south side of Utica Ave., between Florida St. and Beach Blvd.)

DATE OF

ACTION: November 12, 2019

On Tuesday, November 12 2019, the Huntington Beach Planning Commission took action on your application, and **recommended approval** with modifications of Zoning Map Amendment 18-002 with findings by approving draft City Council Ordinance No. 4191 and forward to the City Council, and approved Conditional Use Permit No. 18-041, and Tentative Tract Map No. 19-028 with findings and conditions of approval. Please see the attachment list for the applicable documents for each application.

Zoning Map Amendment 18-002 will now be forwarded to the City Council for final review and action at a noticed public hearing. You will be notified of the upcoming City Council meeting when it is scheduled.

Please be advised that the Planning Commission reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and

Subdivision Ordinance in order to expedite the processing/completion of your total application. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Planning Commission becomes final at the expiration of the appeal period. A person desiring to appeal the decision shall file a written notice of appeal to the City Clerk within ten (10) calendar days of the date of the Planning Commission's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal. Said appeal must be accompanied by a filing fee of Two Thousand, Three Hundred Fifty-Three Dollars (\$2,353.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and Three Thousand, Seven Hundred Seventy-Eight Dollars (\$3,778.00) if the appeal is filed by any other party. In your case, the last day for filing an appeal and paying the filing fee is **November 22, 2019 at 5:00PM.**

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, or at an alternative time specified as a condition of approval, unless actual construction has started.

"Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020."

If you have any questions regarding this Notice of Action letter or the processing of your application, please contact Jessica Bui, the project planner, at (714) 374-5317 or via email at Jessica.Bui@surfcity-hb.org, or the Community Development Department at (714) 536-5271.

Sincerely,

Ursula Luna-Reynosa, Secretary
Planning Commission

By:


Jennifer Villasenor, Deputy Director of Community Development

ULR:JV:JB:kdc

Attachments:

1. Findings and Conditions of Approval – ZMA 18-001/TTM 19-028/CUP 18-041
2. Draft City Council Ordinance No. 4191

c: Honorable Mayor and City Council
Chair and Planning Commission
Oliver Chi, City Manager
Ursula Luna-Reynosa, Director of Community Development
Tim Andre, Fire Division Chief
Mike Vigliotta, Chief Assistant City Attorney
Debbie DeBow, Principal Civil Engineer
Eric Haghani, Building Manager

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Jessica Bui, Associate Planner
Property Owner
Project File

FINDINGS AND CONDITIONS OF APPROVAL

ZONING MAP AMENDMENT NO. 18-002 TENTATIVE TRACT MAP NO. 19-028 CONDITIONAL USE PERMIT NO. 18-041

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission 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, Class 3 of the CEQA Guidelines because the project is located in an urbanized area and involves the construction of three, multi-family residential units.

FINDINGS FOR APPROVAL - ZONING MAP AMENDMENT NO. 18-002:

Zoning Map Amendment No. 18-002 to rezone the 9,000 sq. ft. lot from CG (Commercial General) to RM (Residential Medium Density) is consistent with the goals, objectives, and land use policies of the General Plan as identified below. The land uses in the surrounding area are consistent with the proposed change in zoning because surrounding land uses include medium density residential uses to the north, south, and west. The project will be constructed in an urbanized area where there will be appropriate infrastructure and services available to support the proposed development. The proposed zoning map amendment would be consistent with the following General Plan goals, objectives and policies:

A. Land Use Element

Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure the land use pattern is consistent with the overall goals and needs of the community.

Policy LU-1A: Ensure that development is consistent with the land use designations presented in the Land Use Map, including density, intensity, and use standards applicable to each land use designation.

Policy LU-1C: Support infill development, consolidation of parcels, and adaptive reuse of existing buildings.

Policy LU-1D: Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

Goal LU-4: A range of housing types is available to meet the diverse economic, physical, and social needs of future and existing residents, while neighborhood character and residences are well maintained and protected.

Goal LU-4A: Encourage a mix of residential types to accommodate people with diverse housing needs.

The project is consistent with the land use designation of RM (Medium Density) because the project request includes a zoning map amendment to amend the zoning designation from CG (Commercial General) to RM (Residential Medium Density) with a maximum density of 15 units per acre. The zoning map amendment will also bring the zoning

designation into consistency with the General Plan land use designation. Furthermore, the new construction of three-unit townhomes will continue the land use pattern of multi-family residential uses in the surrounding area and assist in meeting the overall housing needs of the community. The project supports infill development, as the project is located on an underutilized lot with a dated and distressed commercial building that will be demolished with the construction of the proposed three-unit townhome project. In addition, the proposed three units are attached and are compatible in proportion, scale, and character with the surrounding neighborhood because there are similar attached multi-family units to the north, south, and west of the site. Lastly, the attached townhomes will provide a mix of housing types to meet the diverse economic, social, and housing needs of the community.

B. Housing Element

Goal 1: Maintain and enhance the quality and affordability of existing housing in Huntington Beach.

Policy 1.1 Neighborhood Character: Preserve the character, scale, and quality of established residential neighborhoods.

Goal 2: Provide adequate housing sites through appropriate land use, zoning and specific plan designations to accommodate Huntington Beach's share of regional housing needs.

Policy 2.1 Variety of Housing Choices: Provide site opportunities for development of housing that responds to diverse community needs in terms of housing types, cost and location, emphasizing locations near services and transit that promote walkability.

Goal 3.1 Housing Diversity: Encourage the production of housing that meets all economic segments of the community, including lower, moderate, and upper income households, to maintain a balanced community.

Policy 4.3 Efficient Development Processing: Explore continued improvements to the entitlement process to streamline and coordinate the processing of permits, design review and environmental clearance.

The project is consistent with the Housing Element because it will enhance the quality of the existing multi-family residential neighborhood and the project is subject to the HBZSO inclusionary ordinance that requires ten percent of the units to be dedicated as an affordable unit or to pay an in-lieu fee. The applicant will be paying an in-lieu fee for 0.3 of a unit, which will be used toward affordable housing needs in the community. The project will also preserve the character, scale, and quality of the existing neighborhood because it involves the construction of three, three-story, attached townhome units that are similar to the surrounding multi-family residential units and provides a diversified mix of housing types for the different needs of the community.

2. Zoning Map Amendment No. 18-002 would only change the land use designation rather than a general land use provision and would not affect the uses authorized in and the standards prescribed for the proposed zoning district.

3. A community need is demonstrated for the change proposed. The changes would expand the opportunities for housing and address the needs of a growing population.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The zoning map amendment would provide for a compatible multi-family residential land use. The zoning map amendment would result in zoning and General Plan land use designations that are consistent with one another and would allow the property to be rightfully developed.

FINDINGS FOR APPROVAL - TENTATIVE TRACT MAP NO. 19-028:

1. Tentative Tract Map No. 19-028 for a one lot subdivision of an approximately 9,000 sq. ft. lot for condominium purposes to construct three attached multi-family residences is consistent with the goals, policies, and objectives of the General Plan Land Use Element that govern subdivision and residential development. The project, with conditions of approval, complies with the requirements of the proposed RM (Residential Medium Density) in regards to access, height, setbacks, and parking. In addition, a condition of approval will ensure the project complies with minimum open space requirements.
2. The site is physically suitable for the type and density of development. The project site is able to accommodate the type of development proposed from a public service, circulation, and drainage perspective. The proposed subdivision will result in a density of fifteen units per acre. The proposed density meets the maximum density of fifteen units per acre of RM (Residential Medium Density) land use designation for which the project is proposing to be designated. The proposed density would be consistent with the surrounding neighborhood. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The site has been previously used as a commercial use. The site does not contain any significant habitat for wildlife or fish. Design features of the project as well as compliance with the provisions of the Huntington Beach Zoning and Subdivision Ordinance will ensure that the subdivision will not significantly impact the function and value of any resources adjacent to the project site.
3. The design of the subdivision or the type of improvements 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. The subdivision will provide all necessary easements and will not affect any existing easements.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 18-041:

1. Conditional Use Permit No. 18-041 for the development of an attached three-unit, three-story condominium with a height that exceeds 25 feet 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 because the new structure is designed to comply with all current applicable development standards in the RM (Residential Medium Density) zoning designation which is consistent with the surrounding neighborhood. The conditions of approval will ensure the project will comply with building setbacks, minimum onsite parking, open space, and height. The proposed development is compatible with the surrounding uses in that other structures of similar height and mass exist in the adjacent area. The varied rooflines and wall articulation provide visual interest and help to reduce the mass of the building.

2. The granting of Conditional Use Permit No. 18-041 for the development of an attached three-unit, three-story condominium with a height that exceeds 25 feet will not adversely affect the General Plan because the request is consistent with the Land Use Element designation of RM on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure the land use pattern is consistent with the overall goals and needs of the community.

Policy LU-1A: Ensure that development is consistent with the land use designations presented in the Land Use Map, including density, intensity, and use standards applicable to each land use designation.

Policy LU-1C: Support infill development, consolidation of parcels, and adaptive reuse of existing buildings.

Policy LU-1D: Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

Goal LU-4: A range of housing types is available to meet the diverse economic, physical, and social needs of future and existing residents, while neighborhood character and residences are well maintained and protected.

Goal LU-4A: Encourage a mix of residential types to accommodate people with diverse housing needs.

The project is consistent with the land use designation of RM (Medium Density) because the project request includes a zoning map amendment to amend the zoning designation from CG (Commercial General) to RM (Residential Medium Density) with a maximum density of 15 units per acre. The zoning map amendment will also bring the zoning designation into consistency with the General Plan land use designation. Furthermore, the new construction of three-unit townhomes will continue the land use pattern of multi-family residential uses in the surrounding area and assist in meeting the overall housing needs of the community. The project supports infill development, as the project is located on an underutilized lot with a dated and distressed commercial building that will be demolished with the construction of the proposed three-unit townhome project. In addition, the proposed three units are attached and are compatible in proportion, scale, and character with the surrounding neighborhood because there are similar attached multi-family units to the north, south, and west of the site. Lastly, the attached townhomes will provide a mix of housing types to meet the diverse economic, social, and housing needs of the community.

B. Housing Element

Goal 1: Maintain and enhance the quality and affordability of existing housing in Huntington Beach.

Policy 1.1 Neighborhood Character: Preserve the character, scale, and quality of established residential neighborhoods.

Goal 2: Provide adequate housing sites through appropriate land use, zoning and specific plan designations to accommodate Huntington Beach's share of regional housing needs.

Policy 2.1 Variety of Housing Choices: Provide site opportunities for development of housing that responds to diverse community needs in terms of housing types, cost and location, emphasizing locations near services and transit that promote walkability.

Goal 3.1 Housing Diversity: Encourage the production of housing that meets all economic segments of the community, including lower, moderate, and upper income households, to maintain a balanced community.

Policy 4.3 Efficient Development Processing: Explore continued improvements to the entitlement process to streamline and coordinate the processing of permits, design review and environmental clearance.

The project is consistent with the Housing Element because it will enhance the quality of the existing multi-family residential neighborhood and the project is subject to the HBZSO inclusionary ordinance that requires ten percent of the units to be dedicated as an affordable unit or to pay an in-lieu fee. The applicant will be paying an in-lieu fee for 0.3 of a unit, which will be used toward affordable housing needs in the community. The project will also preserve the character, scale, and quality of the existing neighborhood because it involves the construction of three, three-story, attached townhome units that are similar to the surrounding multi-family residential units and provides a diversified mix of housing types for the different needs of the community.

3. Conditional Use Permit No. 18-041 for the development of an attached three-unit, three-story condominium with a height that exceeds 25 feet will comply with the provisions of the proposed RM (Residential Medium Density) district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance because the new structure is designed to comply with all applicable development standards including building setbacks, minimum onsite parking, and height. Furthermore, as conditioned, the project will be required to provide the minimum code required private and common open space.

CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 19-028:

1. The Tentative Tract Map No. 19-028 received and dated October 21, 2019 shall be the approved layout.
2. The final map for Tentative Tract Map No. 19-028 shall not be approved by the City Council until Zoning Map Amendment No. 18-002 is approved and in effect.
3. At least 90 days before City Council action on the final map, Conditions Covenants & Restrictions (CC&Rs) shall be submitted to the Community Development Department, Public Works, Fire, and City Attorney's office for review and approval. The CC&Rs shall include the following:
 - i. Provide for maintenance, repair and replacement by a Homeowner's Association (HOA) for all common area landscaping, maintenance of walls, irrigation, drainage facilities, water quality BMP's, water system lines, fire system lines, sewer system lines, and private service utilities.

- ii. Best Management Practices (BMP's as per the approved Water Quality Management Plan (WQMP).
 - iii. The CC&Rs shall restrict any revision or amendment of the WQMP except as may be dictated by either local, state or federal law and the LIP.
 - iv. Appropriate language shall be included to restrict garages to be converted to living quarters, workshops, or storage that will preclude the parking of two vehicles, all open parking spaces within the project shall be unassigned and available for visitors and guests.
 - v. Appropriate language shall be included to restrict boat, trailer, camper, off-road vehicle, golf cart, commercial vehicle, mobile home, motor home, bus, or other recreational vehicle or any non-operating vehicle shall be parked or stored in any open parking spaces. Towing of vehicles violating the parking restrictions shall be included.
4. Comply with all applicable Conditional Use Permit No. 18-041 conditions of approval.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 18-041:

1. The site plan, floor plans, and elevations received and dated October 21, 2019 shall be the conceptually approved design with the following modifications:
 - a. Minimum open space shall be provided in accordance with Huntington Beach Zoning and Subdivision Ordinance Section 210.06; including minimum dimensions for private and common open space and the minimum private open space required per unit.
 - b. Balconies shall not align with windows and shall not be oriented toward the rear yard of the one-story, single-family residence directly east of the subject site (718 Utica Avenue).
 - c. Provide elevation plans showing all new windows on the east elevation of the first floor to be offset from the one-story, single-family residence directly east of the subject site (718 Utica Avenue).
 - d. The site plan shall note a six-foot high block with a two-foot lattice extension on the wall will separate the project from the one-story, single-family residence directly east of the subject site (718 Utica Avenue).
2. Prior to the issuance of building permits, in-lieu fees for affordable housing shall be paid in full to the Community Development Department.
3. Green building strategies shall be incorporated into the construction of the residential units that meet all mandatory measures of the State of California Housing and Community Development's 2010 California Green Building Code, including providing energy efficiency 30 percent greater than the 2008 California Energy Commission Title 24 code standards. Incorporation of 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>).

4. 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.
 - g. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays.
5. Prior to submittal for building permits, the following shall be completed:
 - a. Zoning entitlement conditions of approval 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.
 - b. Submit three (3) copies of the site plan and the processing fee to the Community Development Department for addressing purposes after street name approval by the Fire Department.
6. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released for the first residential unit until the following has been completed:
 - a. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to Community Development Department.
 - b. Compliance with all conditions of approval specified herein shall be accomplished and verified by the Community Development 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. Conditional Use Permit No. 18-041 shall become null and void unless exercised within two years of the date of the final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
8. The development services departments (Planning and Building, Fire, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Directors of Community Development and Public Works 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 Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.

9. 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.

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.