



# City of Huntington Beach

File #: 19-1017

MEETING DATE: 11/12/2019

## PLANNING COMMISSION STAFF REPORT

**TO:** Planning Commission  
**FROM:** Ursula Luna-Reynosa, Community Development Director  
**BY:** Jessica Bui, Associate Planner

**SUBJECT:** ZONING MAP AMENDMENT NO. 18-001/ TENTATIVE TRACT MAP NO. 19-028/CONDITIONAL USE PERMIT NO. 18-041 (UTICA TOWNHOMES)

**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.)

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

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

### **STATEMENT OF ISSUE:**

1. Is the project proposal consistent with the City of Huntington Beach land use regulations (i.e., General Plan land use designation, Zoning Map and Zoning Code including any specific plans and overlay districts where applicable)?
2. Does the project proposal satisfy all the findings required for approving a Zoning Map Amendment, Conditional Use Permit, and Tentative Tract Map?
3. Has the appropriate level of environmental analysis been determined?

### **RECOMMENDATION:**

That the Planning Commission take the following actions:

- A) Find the proposed project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 - New Construction or Conversion of Small Structures.
- B) Recommend approval of Zoning Map Amendment 18-002 with findings (Attachment No. 1) by approving draft City Council Ordinance No. 4191 and forward to the City Council, and approve Conditional Use Permit No. 18-041, and Tentative Tract Map No. 19-028 with findings and conditions of approval (Attachment No. 1)

**ALTERNATIVE ACTION(S):**

- A) Continue Zoning Map Amendment No. 18-002, Conditional Use Permit No. 18-041, and Tentative Tract Map No. 19-028 and direct staff to return with findings for denial.
- B) Continue Zoning Map 19-028 and direct staff to return accordingly.

**PROJECT PROPOSAL:**

Zoning Map Amendment No. 18-001 is a request to amend the existing zoning designation of an approximately 9,000 sq. ft. lot from CG (Commercial General) to RM (Residential Medium Density) to be consistent with the existing General Plan land use designation pursuant to Chapter 247 - Amendments of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO).

Tentative Tract Map No. 19-028 represents a request for a one lot subdivision for condominium purposes to accommodate three attached townhome units and common areas pursuant to Chapter 250 - Subdivisions of the HBZSO.

Conditional Use Permit No. 18-041 represents a request to construct a three-unit, three-story condominium development with a height that exceeds 25 feet pursuant to Chapter 210 - Residential Districts of the HBZSO.

**Background:**

The project site is located on an approximately 9,000 sq. ft. lot located on the south side of Utica Avenue between Florida Street and Beach Boulevard. Existing onsite is a commercial building, which will be demolished with the construction of the proposed three-unit, three-story condominium development. The current zoning designation on the property is CG (Commercial General) and the General Plan land use designation is RM (Residential Medium Density). The zoning ordinance and zoning designations must be consistent with the General Plan. As such, the applicant is proposing to amend the zoning designation to be consistent with the General Plan, which is RM with a maximum density of 15 units per acre (Attachment No. 3).

The surrounding multi-family residential properties have a zoning designation and General Plan land use designation of RM, with the exception of the adjacent property to the east, which also has a General Plan land use designation of RM and a zoning designation of CG; however, a single-family residence exists on that property. The recent General Plan update (adopted in 2017) foresaw this area to remain as RM. Therefore, the proposal to amend the zoning map from CG to RM is consistent with the goals and policies of the General Plan.

**ISSUES AND ANALYSIS:**

**Subject Property And Surrounding General Plan Designations, Zoning And Land Uses:**

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	RM (Residential Medium Density)	CG (Commercial General)	Commercial
North of Subject Property:	RM (Residential Medium Density); PS (RM) (Public/Semipublic) (Residential Medium Density)	RM (Residential Medium Density)	Multi-Family Residential/ Commercial
East of Subject Property:	RM (Residential Medium Density)	CG (Commercial General)	Single-family residence
South and West of Subject Property:	RM (Residential Medium Density)	RM (Residential Medium Density)	RM (Residential Medium Density)

**General Plan Conformance:**

The General Plan Land use Map designation on the subject property is RM (Medium Density). The proposed project is consistent with this designation and the goals, policies, and objectives of the City’s General Plan as follows:

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, three-story 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, three-story townhome project. In addition, the proposed three units are attached and compatible in proportion, scale, and character of the surrounding neighborhood because similar attached multi-family units to the north, south, and west surround 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.

**Zoning Compliance:**

The three-unit, three-story townhome project is designed under the proposed RM zoning designation and complies with all requirements of the RM zoning district of the HBZSO. The zoning map amendment from CG to RM and the construction of three residential units that exceed the height of 25 feet is subject to the approval of a conditional use permit to the Planning Commission. A one-lot subdivision for condominium purposes allows the property owner to sell each unit individually with common interest in shared areas such as the common open space, landscaping, driveway, and guest parking spaces.

The project complies with front, side, and rear setbacks, height, minimum parking requirements, and open space (Attachment No. 9). The project is required to provide a minimum of 1769 sq. ft. of open space in private and common areas. The code also requires ground floor units such as these to provide 400 sq. ft. of private open space per unit with no dimension less than 10 feet for courts and minimum six feet for balconies. Each unit has 151 sq. ft. of private open space that meets the minimum 10 feet dimension on the ground floor. In addition, one unit has two decks on the second floor with the minimum required dimension of six feet where one is 62 square feet and the other is 78 square feet. In total, that unit has 291 square feet. The other two units also have two decks with the minimum required dimension of six feet on the second floor with one at 50 square feet and the other at 78 square feet. With the 156 square feet of ground floor private open space, the total is 279 square feet for those two units, which does not meet the minimum of 400 square feet of private open space per unit. For common open space, the project proposes a 528 square feet common area in the rear of the lot. In total, the project provides 1,377 square feet of open space (private and common) and is short 392 square feet of the minimum required. Staff is recommending a condition of approval that will require the applicant to provide the minimum private and common open space during building plan check review, which may require minor revisions to the floor plan. See the open space breakdown below:

**Open Space Required:**

- a. 1,769 sq. ft. (common and private)
- b. 400 sq. ft. of private open space per unit for four bedroom units
  - a.  $400 * 3 \text{ units} = 1,200 \text{ sq. ft. private open space}$
- c. Remaining common open space minimum = 569 sq. ft.

**Open Space Provided:**

*Common Open Space:*

Rear of Lot - 528 sq. ft.

\*Needs 41 sq. ft. more to comply

*Unit A Private Open Space:*

Ground Floor - 151 sq. ft.

Deck 1 - 62 sq. ft.

Deck 2 - 78 sq. ft.

Total = 291 sq. ft.

\*Needs 109 sq. ft. more to comply

*Unit B Private Open Space:*

Ground Floor - 151 sq. ft.

Deck 1 - 50 sq. ft.

Deck 2 - 78 sq. ft.

Total = 279 sq. ft.

\*Needs 121 sq. ft. more to comply

*Unit C Private Open Space:*

Ground Floor - 151 sq. ft.

Deck 1 - 50 sq. ft.

Deck 2 - 78 sq. ft.

Total = 279 sq. ft.

\*Needs 121 sq. ft. more to comply

TOTAL PROVIDED - 1,377 sq. ft.

Access onto the site is taken from Utica Avenue onto a driveway approach that leads to side-loading, two-car garages and open space parking. Multifamily dwellings with three or more bedrooms require 2.5 parking spaces per unit and 0.5 space per unit. With three, four-bedroom units, the project would require 7.5 parking spaces and 1.5 guest spaces for a total of nine parking spaces. The project proposes nine parking spaces where six are enclosed within three, separate two-car garages and three open guest spaces in the rear of the lot. See below for a breakdown on parking:

Required Parking for Multifamily Dwellings

Three or more bedrooms = 2.5 spaces per unit, plus

Guest = 0.5 spaces per unit

Provided Parking

Three, four-bedroom units = 3 units x 2.5 spaces = 7.5 spaces required

Guest = 3 units x 0.5 spaces = 1.5 spaces required

**TOTAL = 9 parking spaces required and provided on site**

*Affordable Housing*

Projects that propose three or more units are subject to provide affordable housing per Section 230.26 of the HBZSO. A minimum of 10 percent of new residential construction are required to be affordable housing units. In this case, the project would be required to provide 0.3 unit for affordable housing; however, developers of residential projects consisting of 30 or fewer units can pay an in-lieu fee instead of providing the units onsite. The applicant proposes to pay an in-lieu fee for 0.3 units to satisfy the affordable housing requirement.

***Park and Recreation Fees***

New residential developments are subject to parkland fees, per City Council Resolution No. 2012-66. Attached dwelling units require \$13,385 per unit and the applicant will be required to pay that amount in full prior to the issuance of a building permit.

**Urban Design Guidelines Conformance:**

The Huntington Beach Urban Design Guidelines contain guidelines specific to multi-family residential development. The project conforms to the objectives and standards contained in the Guidelines. The project complies with general design objectives providing high quality architectural and landscape design in massing and scale with existing residential developments surrounding the project site.

There is no particular architectural style requirement for multi-family residential developments; however, the focus is on developing a high quality residential environment. The project meets that Design Guideline intent by creating visual interest and an identity that enhances the existing neighborhood with its contemporary architectural design while maintaining a sense of harmony with the surrounding buildings. The building also provides visual interest with varied rooflines, variation in the wall planes, and a mix of colors and material such as smooth stucco, wood trims, wood tile, and canopy structures. Lastly, open space is provided in the rear of the lot and provides shelter from noise and traffic of adjacent streets and landscaping is provided in all setback areas.

**Environmental Status:**

The project will not have any significant effect on the environment and is exempt from the provisions in 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 a multi-family townhome development, not totaling more than six dwelling units on the subject site.

**Coastal Status:**

Not applicable.

**Design Review Board:**

Not applicable.

**Other Departments Concerns and Requirements:**

The Departments of Community Development, Public Works, and Fire have reviewed the project and identified a list of code requirements (Attachment No. 8) applicable to the project.

**Public Notification:**

Legal notice was published in the Huntington Beach Wave on October 31, 2019, and notices were sent to property owners of record and occupants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Community Development Department's Notification Matrix), and applicant. Written communications received prior to the November 12, 2019 Planning Commission meeting will be forwarded to the Planning Commission.

**Application Processing Dates:**

DATE OF COMPLETE APPLICATION:	MANDATORY PROCESSING DATE(S):
September 12, 2019	November 12, 2019

**SUMMARY:**

Consistent with the RM (Medium Density) Land Use Designation of the General Plan and the proposed RM (Residential Medium Density) zoning designation.

- Consistent with the City's Urban Design Guidelines for multi-family residential development.
- In full compliance with the proposed RM zoning designation development standards including parking, height, open space, and setbacks.
- The project meets the requirements of the Subdivision Map Act.
- The project contributes to the City's housing stock, including affordable housing as required by existing City requirements, thereby assisting to achieve the City's overall housing goals.

**ATTACHMENTS:**

1. Suggested Findings and Conditions of Approval for Zoning Map Amendment No. 18-002, Conditional Use Permit No. 18-041, and Tentative Tract Map No. 18-19-028
2. Draft City Council Ordinance No. 4191 for ZMA 18-002
3. Existing and Proposed Zoning Map Amendment
4. Vicinity Map
5. Project Narrative Received and Dated July 31, 2019
6. Site Plan, Floor Plans, 19-028 dated October 21, 2019
7. Tentative Tract Map No. 2019-028
8. Code Requirements Letter
9. Zoning Conformance Matrix