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Dept. of Community Development

Date January 24, 2020

Subject: Appeal of Tentative Parcel Map (TPM) 19-022 and Conditional Use Permit (CUP) No. 19-021

Location: 7852 Ronald Drive, Huntington Beach, Ca,

Dear Chairperson Garcia and Commissioners,

We are the owners of the triplex that adjoins and shares a common walkway/ amenities with the subject property. We are appealing the Zoning Administrator's decision to approve CUP 19-021 and TPM 19-022, because we have questions that are outlined in the attached letter. Further as the zoning code indicates, in order for the Planning Commission to approve a Conditional Use Permit, the following finding needs to be made

***Operation of the use will not be detrimental to the general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood;***

Given the proximity of the proposed project and unique relationship with our triplex, we do not believe this finding can be supported by the facts. Lastly, the approval of this project has implications for affordable housing citywide and more specific, compatibility issues along Ronald Drive. I would ask that the Planning Commission seek a written legal opinion from the City Attorney to address the issues raised in the attached letter before rendering a decision.

Thank you in advance for your consideration

Jerome and Doreen Bame

A handwritten signature in cursive script, appearing to read "Doreen Bame".

Attachment: Letter to Zoning Administrator

Re: 7852 Ronald Drive

Tentative Parcel Map 19-022

Conditional Use Permit 19-021

Attn: Joanna Cortez

Dear Ms. Cortez,

I represent the property owner at 7842 Ronald Drive which shares the common amenities and open space with the subject property. The purpose of this letter is not to express my opposition to the proposed project at this time, but to seek a continuance so the planning issues raised in this letter can be addressed. First, it should be noted that the legal advertisement needs to be amended to correct the type of applications which are being processed. The heading in the published notice reads Tentative Tract Map but the application is actually for a Tentative Parcel Map.

Secondly, the staff is recommending a CEQA Categorical Exemption Class 3 for the project. For a typical triplex on a vacant site, this would be an appropriate determination. However, as CEQA states in Section **15300.2 Exceptions**

- (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

Therefore, the City is obligated to consider the setting the project is located. As you may know, the properties located on Ronald drive are primarily singles story triplexes which were designed with common amenities and open space. As a result, each pair of triplexes is uniquely linked with one another. In order to adequately assess the impacts on my property, it would be beneficial for the City to require a Mitigated Negative Declaration which would include a shadow and noise study to determine how the proposed 3 story condominium will affect my tenants. Clearly, given the proposed 34foot 9 inch building height, my tenants will be in the shadows most of the day. Further, a very good case can be made that this project may motivate other property owners on Ronald Drive to demolish and convert their single story apartments to 3-story condominiums which will result in cumulative impacts cited in Section 15300.2 (c)

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Another issue which we believe needs clarification is compliance with **Section 66427.1** of the Government Code, which states in part. **"Conversion of residential real property to condominium, community apartment or stock cooperative project; prerequisites to approval of final map** a) The legislative body shall not approve a final map for a subdivision to be created from the conversion of residential real property into a condominium project, a community apartment project, or a stock cooperative project, unless it finds as follows: 2) Each of the tenants of the proposed condominium, community apartment project, or stock cooperative project has received or will receive each of the following notices:

(A) Written notification, pursuant to **Section 66452.18**, of intention to convert, provided at least 60 days prior to the filing of a tentative map pursuant to **Section 66452**. (B) Ten days' written notification that an application for a public report will be, or has been, submitted to the Bureau of Real Estate, that the period for each tenant's right to purchase begins with the issuance of the final public report, and that the report will be available on request. (C) Written notification that the subdivider has received the public report from the Bureau of Real Estate. This notice shall be provided within five days after the date that the subdivider receives the public report from the Bureau of Real Estate. (D) Written notification within 10 days after approval of a final map for the proposed conversion. (E) One hundred eighty days' written notice of intention to convert, provided prior to termination of tenancy due to the conversion or proposed conversion pursuant to **Section 66452.19**, but not before the local authority has approved a tentative map for the conversion. The notice given pursuant to this paragraph shall not alter or abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1, and 1941.2 of the Civil Code. (F) Notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that the unit will be initially offered to the general public or terms more favorable to the tenant pursuant to **Section 66452.20**. The exclusive right to purchase shall commence on the date the subdivision public report is issued, as provided in **Section 11018.2** of the Business and Professions Code, and shall run for a period of not less than 90 days, unless the tenant gives prior written notice of his or her intention not to exercise the right.

(b) The written notices to tenants required by subparagraphs (A) and (B) of paragraph (2) of subdivision (a) shall be deemed satisfied if those notices comply with the legal requirements for service by mail. (c) This section shall not diminish, limit, or expand, other than as provided in this section, the authority of any city, county, or city and county to approve or disapprove condominium projects. (d) If a rental agreement was negotiated in Spanish, Chinese, Tagalog, Vietnamese, or Korean, all required written notices regarding the conversion of residential real property into a condominium project, a community apartment project, or a stock cooperative project shall be issued in that language."

We understand that the proposed project seeks to demolish the existing triplex, which may or may not be an "end around" of the above cited government code which is very specific regarding tenant notice and tenant rights. We are requesting a formal response to this question and how it relates to affordable housing concerns that the City is required to address.

Lastly, given the nature of the existing setting on Ronald Drive of single story triplexes, and how this project will permanently alter that environment, we believe this application warrants a discussion before the Planning Commission. After the staff addresses the issues cited above, we would recommend the Zoning Administrator forward this application to the Planning Commission for their consideration

Thank you,

Richard A Harlow.

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February 10, 2020

Dept. of Community Development

Re: Tentative Tract Map No. 19-022/Conditional Use Permit No. 19-021  
Appeal before the Planning Commission on February 25, 2020

**STATEMENT BY APPELANT**

My name is Jerome M. Bame. My wife and I are the Appellants in this CUP No. 19-021 Appeal to the Planning Commission.

We are the owners of the triplex property located at 7842 Ronald Drive in Huntington Beach, which is a companion property and immediately adjacent to the triplex property owned by the Applicant at 7852 Ronald Drive.

My wife and I have lived in Huntington Beach for 53 years and have owned our triplex property at 7842 Ronald Drive for 42 years.

We appealed the recent decision of the Zoning Administrator for the reasons set forth in our Letter of Appeal, and other letters, sent to the Zoning Administrator.

I fully understand the rights that a property owner (in this case, the Applicant) has in wanting to enhance and improve their property; but it should not be to the detriment and expense of adjacent and other property owners.

Our triplex property at 7842 Ronald Drive and Applicant's triplex property at 7852 Ronald Drive are just a few feet apart and face each other. Both properties share a common iron gate entrance and common walkway.

Our triplex property at 7842 Ronald Drive is fully occupied. I fear that if the Applicant is permitted to demolish their triplex property and build three (3) much larger structures in its place, the demolition and construction of their new buildings, and the dissimilarity of both properties, will result in my losing my current tenants and having difficulty in procuring new tenants at my 7842 Ronald Drive triplex property.

I am a cancer patient at the MD Anderson Cancer Center in Houston, Texas. I have Acute Myeloid Leukemia (Blood Cancer).



I rely on the income from our triplex property at 7842 Ronald Drive to pay for my medical treatment and care.

I was in Texas for treatment the entire month of January and thus unable to appear before, and speak at, the Zoning Administrator's Hearing on January 15, 2020.

I have been home in Huntington Beach for the past few days, but will have to return to the MD Anderson Cancer Center in Houston, Texas, on February 20-25 - - again missing an opportunity to participate in a meeting or hearing on this matter during that period of time.

When I was home in Huntington Beach on February 6<sup>th</sup>, at the suggestion of Planner Joanna Cortez, I called and spoke with both Brett Roth and Jasmin Roth, Applicant and Owner of the 7852 Ronald Drive property. I requested a meeting with one or both of them while I was still in Huntington Beach so that we might come to some solution that would be beneficial to both of us. Jasmin Roth said that she would consider my request and call me back that same day. She has not called me back as of the date of this Statement.

I urge the Planning Commission to DENY Applicant's requested Conditional Use Permit No 19-021.

Respectfully,



Jerome M. Bame









February 18, 2020

Re: Tentative Tract Map No. 19-022/Conditional Use Permit No. 19-021  
Appeal before the Planning Commission on February 25, 2020

**REQUEST FOR A CONTINUANCE BY APPELLANT**

My name is Jerome M. ("Jerry") Bame. My wife and I are the Appellants in this Appeal of CUP No. 19-021 before the Planning Commission.

As I stated in the Statement that I filed in this matter on February 11, 2020...

- My wife and I have resided in the City of Huntington Beach for approximately 53 years;
- We have owned the triplex property at 7842 Ronald Drive (the property that is immediately adjacent to and faces the property owned by the Applicant at 7852 Ronald Drive) for approximately 42 years; and,
- Although I live in Huntington Beach, I am a cancer patient at the MD Anderson Cancer Center in Houston, Texas.

I was unable to attend and speak at the Zoning Administrator's Hearing on January 15, 2020, because I was in Houston, Texas, the entire month of January being treated at the MD Anderson Cancer Center.

I will be unable to appear and speak at the forthcoming Planning Commission Meeting on February 25, 2020, because I will be returning to Houston for further treatment on February 20<sup>th</sup> through February 25<sup>th</sup> (the latter date being the date of the Hearing before the Planning Commission on this Appeal).

As verification, I have attached (as Attachment "A") my treatment schedule at the MD Anderson Cancer Center for the period February 20-25. The morning of February 25 has been intention left open at the MD Anderson Cancer Center to handle any follow-up treatment that may be required from the previous days.

I have also attached (as Attachment "B"), a copy of my United Airline ticket showing my return on February 25 (the date of the Planning Commission meeting).

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It is necessary that rest and recuperate for several days after I return to Huntington Beach after 5 days of intensive cancer treatment to get my body and mind together - - thus prohibiting me from coming to the February 25 Planning Commission meeting directly after departing from the airplane.

On February 7, 2020, I called and spoke with Jasmin Roth (the Applicant) and requested her cooperation and consent to a continuance of my Appeal before the Planning Commission on February 25. She said that she would call me back, but has not done so.

It is frustrating to me that I did not have the opportunity to appear before and speak at the Zoning Administrator's Hearing, and will not now have had the opportunity to appear and speak on my own behalf before the Planning Commission when I have paid a substantial sum (\$4,281.00) to initiate this appeal.

In conclusion, I request that the Hearing before the Planning Commission be continued from February 25 to Tuesday, March 24, 2020, when I hope to be able to appear and speak.

Thank you.

  
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Jerome M. Bame  
Appellant