

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

WEDNESDAY, NOVEMBER 18, 2020 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Joanna Cortez, Isela Siordia, Tess Nguyen

ORAL COMMUNICATION: **NONE**

ITEM 1: TENTATIVE PARCEL MAP NO. 19-164 / COASTAL DEVELOPMENT PERMIT NO. 19-017 / SPECIAL PERMIT NO. 19-001 (KELTER DEVELOPMENT):

APPLICANT/ PROPERTY OWNER: REQUEST:	Kevin Kelter, 16562 Graham Place, Huntington Beach CA 92649 TPM: To permit a one-lot subdivision of an approximately 7,926 sq. ft. lot for condominium purposes. CDP: To permit the construction of a four-unit, three-story residential project at an overall height of 34 ft.-11 in. in the coastal zone. SP: To allow the street side setback at three feet in lieu of the minimum required setback of five feet.
ENVIRONMENTAL STATUS:	This request is covered by Categorical Exemption, Section 15315, Class 15, and Section 15303, Class 3, California Environmental Quality Act. Appealable
LOCATION:	1620 Pacific Coast Highway (southeast corner of Pacific Coast Highway and 17 th Street)
CITY CONTACT:	Tess Nguyen

Tess Nguyen, Associate Planner, displayed project plans 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. Ms. Nguyen noted that staff received two phone inquiries and two letters regarding the proposed permit. Ms. Nguyen read the letters from Priya and Hersh Gopinath and Gerald and Colette Caterina, aloud. Both letters were in opposition of the project.

Ricky Ramos, Zoning Administrator, had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Mike Adams, representative for the applicant, stated that he had no comments or concerns with the staff's recommendations. Mr. Adams stated that he believes his project complies with all conditions set within the project.

Mr. Ramos addressed the public comments. Mr. Ramos suggested the comments about the sidewalk be forwarded to the Public Works department for consideration.

THERE WAS NO ONE ELSE PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos stated that he would approve the request as recommended by staff.

TENTATIVE PARCEL MAP NO. 19-164 / COASTAL DEVELOPMENT PERMIT NO. 19-017/SPECIAL PERMIT NO. 19-001 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) WORKING 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 15315 of the CEQA Guidelines, because the proposed project consists of the division of property into four or fewer parcels and is in conformance with the General Plan, no variances or exceptions are required, and all services and access to the proposed parcels are available. The project is also exempt pursuant to section 15303 because it involves the construction of four residential units within a residential area in an urbanized area.

FINDINGS FOR APPROVAL - TENTATIVE PARCEL MAP NO. 19-164:

1. Tentative Parcel Map No. 19-164 to permit a one-lot subdivision of a 7,926 sq. ft. lot for condominium purposes is consistent with the General Plan Land Use Element designation of Residential High Density (RH) on the subject property in that it permits the proposed subdivision and residential use. The proposed subdivision complies with other applicable provisions of the Subdivision Map Act and the Huntington Beach Zoning and Subdivision Ordinance (HBZSO).
2. Tentative Parcel Map No. 19-164 to permit a one-lot subdivision of a 7,926 sq. ft. lot for condominium purposes is physically suitable for the type and density of development because the proposed subdivision will comply with all applicable code provisions of the HBZSO including minimum lot width and lot size. The site has no topographical constraints and can accommodate the development of new residential dwellings in compliance with City standards. The proposed subdivision will result in a density allowable in the RH land use designation and the proposed density would be compatible with surrounding multi-family developments.
3. 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 because the site is located in an urban setting and is surrounded by residential developments and does not contain wildlife or habitat.
4. 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 project will maintain existing utility easements and provide improved sidewalks and pavements along Pacific Coast Highway and 17th Street frontages and public alley, respectively, as a part of this proposed tentative parcel map.

FINDINGS FOR APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 19-017:

1. Coastal Development Permit No. 19-017 to permit the construction of a four-unit, three-story condominium project on an approximately 7,926 sq. ft. lot conforms with the General Plan, including the Local Coastal Program because the proposed project is consistent with the Coastal Element Land Use Policy C 1.1.1 to encourage new development to locate within, contiguous to or in close proximity to existing developed areas able to accommodate it. The four attached three-story townhouses will occur on a site surrounded by existing residential development.
2. Coastal Development Permit No. 19-017 to permit the construction of a four-unit, three-story condominium project on an approximately 7,926 sq. ft. lot is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code except for the special permit for reduced exterior side yard setback because the proposed project, as proposed, will comply with all applicable development regulations, including maximum building height, maximum lot coverage, minimum setbacks (front yard, interior side yard, and rear yard), private and common open space, density, and minimum off-street parking.
3. At the time of occupancy, the proposed construction of four attached three-story multi-family units can be provided with infrastructure in a manner that is consistent with the Local Coastal Program in that the proposed project will be constructed in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways. In addition, the project provides the necessary public improvements such as dedications, curb, gutters, and sidewalks.
4. The construction of four attached three-story multi-family units conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act in that the proposed project will not impede public access and does not conflict with any public recreation policies by the provision of a development consistent with the City's General Plan, Coastal Element, and Downtown Specific Plan.

FINDINGS FOR APPROVAL – SPECIAL PERMIT NO. 19-001:

1. The granting of Special Permit No. 19-001 to allow the exterior side yard setback for the garage at 3 ft. in lieu of 5 ft. results in a greater benefit from the project and will promote a better living environment because it allows for sufficiently sized enclosed area to accommodate four side by side tandem parking garages. The wider garages allow each unit to have enough space to park vehicles and access the trash cans and bicycles that are stored in the garage. The reduction in the exterior side yard setback is only for the garage portion of the building elevation. The portion of the building above the garage complies with the 5 ft. setback. Other portions of the building are designed with greater setbacks, averaging at 7 ft. for the exterior setback.
2. The granting of Special Permit No. 19-001 to allow the exterior side yard setback for the garage at 3 ft. in lieu of 5 ft. will provide better land planning techniques with maximum use of aesthetically pleasing types of architecture, landscaping, site layout and design due to the provision of wider garages to store the trash cans and block them from view, while allowing them to be more easily accessible. The contemporary architectural building design provides visual interest through the incorporation of a variety of materials and colors on the building

façade. The reduced setback for the garage and greater setbacks for other portions of the building allow for variation in wall planes to reduce the overall building massing.

3. The granting of Special Permit No. 19-001 to allow the exterior side yard setback for the garage at 3 ft. in lieu of 5 ft. will not be detrimental to the general health, welfare, safety, and convenience of the neighborhood or City in general, nor detrimental or injurious to the value of property or improvements of the neighborhood or of the City in general because the project has been evaluated for compatibility with the surrounding neighborhood and compliance with the Downtown Specific Plan. The project will be designed to address the transition and scale of adjacent properties, be designed with a high-level of visual experiences, provide the required parking to serve the uses on site, and meet the goals and policies of the General Plan.
4. The granting of the special permit will be consistent with objectives of the Downtown Specific Plan in achieving a development adapted to the terrain and compatible with the surrounding environment because the proposed project is physically suitable for the site, provides parking consistent with the Downtown Specific Plan, is consistent with the type and intensities of proposed uses, complies with the Downtown Specific Plan, and is consistent with the Downtown Specific Plan Design Guidelines. The special permit would allow for a multi-family residential project with unique and quality architecture that includes a more contemporary architectural theme consisting of flat roofs, large window glazing systems, and glass railings. The building incorporates architectural and design principles to orient the building to take advantage of the ocean views. Building volumes are articulated with variation in wall planes to reduce building massing. The building facades incorporate a variety of building materials and colors to provide visual interest, including smooth stucco, aluminum siding, and stone veneer.
5. The granting of the Special Permit No. 19-001 to allow the exterior side yard setback for the garage at 3 ft. in lieu of 5 ft. will be consistent with the policies of the Coastal Element of the City's General Plan and the California Coastal Act as well as comply with State and Federal Law.

CONDITIONS OF APPROVAL - TENTATIVE PARCEL MAP NO. 19-164/COASTAL DEVELOPMENT PERMIT NO. 19-017/SPECIAL PERMIT NO. 19-001:

1. The tentative parcel map, site plan, floor plans, and elevations received and dated September 4, 2020 shall be the conceptually approved design.
2. Prior to issuance of a grading permit and at least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completing of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Community Development Department.
3. Prior to submittal of building permits, zoning entitlement conditions of approval and code requirements 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.

4. Prior to issuance of building permits, the following shall be completed:
 - a. The applicant shall satisfy the minimum ten percent Inclusionary Affordable Housing requirements by paying the applicable in-lieu fees.
 - b. An interim parking and building materials storage plan shall be submitted to the Community Development Department to assure adequate parking and restroom facilities are available for employees, customers and contractors during the project's construction phase and that adjacent properties will not be impacted by their location. The plan shall also be reviewed and approved by the Fire Department and Public Works Department. The applicant shall obtain any necessary encroachment permits from the Department of Public Works.
5. At least 90 days before the City Engineer's approval of 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:
 - a. 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.
 - b. Best Management Practices (BMP's as per the approved Water Quality Management Plan (WQMP).
 - c. Appropriate language shall be included to prohibit garages from being converted to or used for living quarters, workshops, or storage that will preclude the parking of vehicles. A minimum 9 ft. by 38 ft. clear interior garage space in each garage shall be maintained to allow parking of two vehicles.
 - d. 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 from being parked in or stored in any open parking spaces. Towing of vehicles violating the parking restrictions shall be included.
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 have 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.
 - d. Parkland dedication in-lieu fees (Quimby Fees) shall be paid to the Community Development Department.

- e. The Downtown Specific Plan fee shall be paid to the Community Development Department.
7. 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.
8. Tentative Parcel Map No. 19-164, Coastal Development Permit No. 19-017, and Special Permit No. 19-001 shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval by the City or by the Coastal Commission if the Coastal Development Permit is appealed, 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.
9. The Development Services Departments (Fire, Community Development, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development 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.

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: CONDITIONAL USE PERMIT NO. 20-016 (FERRARI WALL):

APPLICANT/:	Fred Ferrari, Ferrari Family Trust, 510 11th St., Huntington Beach
PROPERTY OWNER:	CA 92648
REQUEST:	To permit the construction of an approximately 36 in. high wall with 44 in. high pilasters along the front property line (50 linear feet) in lieu of the minimum required setback of three ft. within the front yard setback.
ENVIRONMENTAL STATUS:	This request is covered by Categorical Exemption Section 15303, Class 03, California Environmental Quality Act.
LOCATION:	510 11th Street, 92648 (East side of 11th Street, midblock between Pecan Avenue and Acacia Avenue)
CITY CONTACT:	Joanna Cortez

Joanna Cortez, Associate Planner, displayed project plans 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. Ms. Cortez noted staff received one letter. The letter from Ralph and Lori Hupka was read aloud and supported the proposed project.

THE PUBLIC HEARING WAS OPENED.

Fred Ferrari, applicant, stated that he had no comments or concerns with the staff's recommendations.

THERE WAS NO ONE ELSE PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos stated that he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 20-016 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 consists of the construction of a wall, ancillary to a single-family residence.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 20-016

1. Conditional Use Permit No. 20-016 to permit the construction of an approximately 36 in. high wall with 44 in. high pilasters along the front property line in lieu of the required setback of three ft. within the front yard setback 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 although the wall exceeds the maximum allowed height in the front yard setback, the proposed height will not pose a safety/traffic hazard because the subject site is an interior lot. The visual character of the neighborhood will not be negatively impacted because proposed landscaping behind the wall will be visible between the wrought iron double gate (walkway) and will soften the appearance of the wall. The wall is consistent with other legally established walls or fences located along the front property line in the vicinity. It is comprised of a combination of stone veneer pilasters, smooth stucco base, concrete cap, and wrought iron, which creates an attractive appearance.
2. The granting of the Conditional Use Permit No. 20-016 to permit the construction of an approximately 36 in. high wall with 44 in. high pilasters along the front property line in lieu of the required setback of three ft. within the front yard setback will not adversely affect the General Plan because it is consistent with the Land Use Element designation RMH (Residential Medium High Density). 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 that the land use pattern is consistent with the overall goals and needs of the community.

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

The overall height of the wall will match the surrounding properties because the neighborhood is developed with single-family residences with similar wall heights and the proposed wall consists of a combination of stone veneer pilasters, smooth stucco base, concrete cap, and wrought iron, which creates an attractive appearance. The visual character of the neighborhood will not be negatively impacted because the proposed wall is consistent with other legally established walls located along property lines in the vicinity.

3. Conditional Use Permit No. 20-016 to permit the construction of an approximately 36 in. high wall with 44 in. high pilasters along the front property line in lieu of the required setback of three ft. within the front yard setback will comply with the provisions of the applicable base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, because it allows walls to exceed the maximum height within the front yard setback upon approval of a Conditional Use Permit.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 20-016

1. The site plan and elevations received and dated September 18, 2020 shall be the conceptually approved layout.
2. The final building permit(s) cannot be approved until the following have been completed:
 - a. All improvements must be completed in accordance with approved plans.
 - b. Compliance with all conditions of approval specified herein shall be 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.
3. 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.
4. Conditional Use Permit No. 20-016 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 Community Development Department a minimum 30 days prior to the expiration date.
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 Community Development 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.

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 1:58 P.M. TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, DECEMBER 2, 2020, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:is