



## Legislation Details (With Text)

**File #:** 20-1402 **Version:** 2  
**Type:** Public Hearing **Status:** Agenda Ready  
**File created:** 2/5/2020 **In control:** Planning Commission  
**On agenda:** 2/25/2020 **Final action:**  
**Title:** APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF TENTATIVE PARCEL MAP NO. 19-129/CONDITIONAL USE PERMIT NO. 19-021 (ROTH CONDOS)

**REQUEST:**

To permit a one-lot subdivision of a 9,108 sq. ft. lot for condominium purposes and allow the demolition of three residential units to construct three, three-story condominium homes at an overall height of 34 ft.-9 in.

**LOCATION:**

7852 Ronald Drive, 92648 (near the southwest corner of Ronald Dr. and Beach Blvd.)

**Attachments:** 1. ATT#1 - FINDINGS AND CONDITIONS TPM 19-129\_CUP 19-021 (ROTH CONDOS), 2. ATT#2 - PLANS, 3. ATT#3 - NARRATIVE, 4. ATT#4 - Appeal Letter 1.22.20\_2.11.20\_2.18.20, 5. ATT#5 - ZANO, 6. ATT#6 - SHADOW EX., 7. ATT#7 - CODE REQUIREMENTS

Date	Ver.	Action By	Action	Result
2/25/2020	2	Planning Commission		

### PLANNING COMMISSION STAFF REPORT

**TO:** Planning Commission  
**FROM:** Ursula Luna Reynosa, Director of Community Development  
**BY:** Joanna Cortez, Associate Planner

**SUBJECT:**  
**APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF TENTATIVE PARCEL MAP NO. 19-129/CONDITIONAL USE PERMIT NO. 19-021 (ROTH CONDOS)**

**REQUEST:**

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**LOCATION:**

7852 Ronald Drive, 92648 (near the southwest corner of Ronald Dr. and Beach Blvd.)

**APPELLANT:**

Jerome and Doreen Bame, 10061 Talbert Ave., Ste. 200, Fountain Valley, CA 92708

**APPLICANT/  
PROPERTY**

**OWNER:**

Jasmine Roth, 7950 Yorktown Ave., Unit 1, Huntington Beach, CA 92648

**BUSINESS**

**OWNER:**

Brett Roth, 7950 Yorktown Ave., Unit 1, Huntington Beach, CA 92648

**STATEMENT OF ISSUE:**

1. Is the project proposal consistent with the City of Huntington Beach's adopted land use regulations (i.e. General Plan, 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 Tentative Parcel Map and Conditional Use Permit?
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 15315, Class 15 and Section 15303, Class 3.
- B) Approve Tentative Parcel Map No. 19-129 and Conditional Use Permit No. 19-021 with suggested findings and conditions of approval (Attachment No.1)

**ALTERNATIVE ACTION(S):**

- A) Don't make the suggested findings for Conditional Use Permit No. 19-021, which will result in a mandatory denial per Section 241.10(c) of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO).
- B) Continue Tentative Parcel Map No. 19-129 and Conditional Use Permit No. 19-021 and direct staff accordingly.

**PROJECT PROPOSAL:**

The applicant proposes to demolish an existing single-story triplex and construct three attached condominium units. Each proposed unit is designed to have the appearance of a three-story single family home with an attached two-car garage. The three units will be connected by a trellis that will be placed over a portion of two open parking spaces. The unit sizes will range between approximately 1,818 sq. ft. and 2,197 sq. ft. with an overall height of 34 ft.-9 in. Private open space for each unit will be provided by a combination of ground floor yards, balconies, and a third-floor deck. All access will occur onsite and a new six ft. high perimeter block wall is proposed with the development.

### **Background:**

#### **Zoning Administrator Action:**

A public hearing before the Zoning Administrator (ZA) was held on January 15, 2020. The applicant, Jasmine Roth, and architect, Keith Palmer, were present and answered questions. The appellant's representative, Richard Harlow, cited noise and shadow concerns relating to the fact the project would change from a single-story triplex to a three-story triplex and that the project would affect the common walkway the two properties shared. Staff explained that the project was in compliance with the maximum height allowed by the zoning code and compatible with surrounding neighborhoods. Additionally, increased noise impacts are not anticipated as the number of units would not change. The applicant addressed shadow concerns by providing a shadow exhibit (Attachment No. 6), which demonstrated that shadow impacts would not be created on the adjacent properties by the new development. Finally, the majority of the common walkway is located on the applicant's property; however, the plans contain a notation that the applicant will work with the adjacent property owner to replace the walkway. Within the neighborhood, other similar shared walkways have been removed and replaced on individual sites. Therefore, the ZA took action and approved the project with staff's suggested findings and conditions of approval (Attachment No. 5).

#### **Appeal:**

Following the ZA's action, the project was appealed by the adjacent property owners, Jerome and Doreen Bame, for reasons summarized below:

- The proposed project is not compatible with their property, nor the properties along Ronald Dr.;
- The project does not meet the required CUP findings;
- The project has implications for affordable housing Citywide;
- The environmental review is not accurate;
- There are noise and shadow concerns;
- The project should be subject to condo conversion requirements; and
- The project should be reviewed by the Planning Commission

All written correspondence from the appellant, including the appeal letter, dated January 25, 2020, can be found in Attachment No. 4.

### **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)	RM (Residential Medium Density)	Residential
North, South, East, and West of Subject Property:	RM (Residential Medium Density)	RM (Residential Medium Density)	Residential

#### **General Plan Conformance:**

The General Plan Land Use Map designation on the subject property is currently RM (Residential Medium Density). In addition, the project is consistent with the following goals and policies of the

General Plan:

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 A: Ensure that the 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.

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.

Policy A: Encourage a mix of residential types to accommodate people with diverse housing needs.

The proposed three unit development is consistent with the existing multi-family residential neighborhood. The new homes will be developed in a manner that is consistent with the zoning district regulations and compatible with the immediate area in terms of design, density, and allowable building height. The project will provide entry-level home ownership opportunities, a product type that is often referred to as “missing middle” housing and lacking in supply in Huntington Beach and Orange County, generally. Additionally, the project will pay affordable housing in-lieu fees which will help facilitate new housing opportunities for low and very low income households.

Zoning Compliance:

The proposed project complies with the provisions in Titles 20-25 of the HBZSO including setbacks, building height, minimum landscape, open space, and parking requirements. The new development will create sufficient onsite parking to accommodate the new units, as demonstrated in the table below:

USE	PARKING RATIO	REQUIRED PARKING	PROPOSED
Multi-family residential - 3 or more bedrooms	2.5 spaces (1 enclosed) per unit	3 units X 2.5 = 7.5 spaces (min. 3 enclosed)	6 enclosed
Guest	0.5 spaces per unit	3 units X 0.5 = 1.5 spaces	3 open
<b>TOTAL</b>		<b>9 SPACES REQUIRED</b>	<b>9 PROPOSED</b>

The proposed condominium map and three-story units are consistent with similarly approved residential developments that have been built elsewhere in the City within the same zoning district. Although the units will change from single-story to three-story, the allowable height for residential properties in the RM zone has been three stories at a maximum height of 35 ft. for the last several decades. As many older properties are remodeled, the sites are typically developed to the fullest extent allowed by the HBZSO. The new units will be developed in a manner that is consistent with the zoning district and compatible with the immediate area. No impacts, such as additional noise, are anticipated as the number of units will not change and based on the shadow exhibit, no shadow impacts are anticipated. The project creates entry-level home ownership opportunities for first-time homebuyers or move-up opportunities for those living in traditional condominiums. The proposed

units also contribute to new affordable housing opportunities as the project is required to pay affordable housing in-lieu fees that will apply towards the provision of housing for low and very-low income households.

It should be noted that the proposed project includes demolition of existing apartments and construction of new for-sale condominiums. It is not subject to the provisions of the condominium conversion ordinance, which applies when existing rentals housing is converted to ownership units.

**Urban Design Guidelines Conformance:**

The proposed units are designed to convey a high level of quality and a character that incorporates quality materials and design such as wood siding, stucco and varied roof lines that are consistent with the City of Huntington Beach Urban Design Guidelines. Although the applicant is proposing three-stories, the third story is quite smaller in comparison to the rest of the homes and will only house a room with an open air deck. Therefore, the articulation of the upper portions of the units provide interest and help to alleviate visual mass.

**Environmental Status:**

The proposed 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 and 15303 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 because it involves the construction of three residential units within a residential area, in an urbanized area.

With respect to the appellant's contentions that the project does not qualify for the cited CEQA exemption pursuant to Section 15300.2 of the CEQA Guidelines, none of the conditions described in Section 15300.2 exist. The project would not adversely impact an officially designated or mapped environmental resource of hazardous or critical concern and no substantial evidence has been submitted by the appellant to support that it does. The project does not result in any potentially significant impacts and therefore, does not have the potential to contribute to a cumulatively significant impact. In addition, the cumulative impact of successive projects of the same type in the same place cannot be analyzed as no such projects are proposed or contemplated. As such, it is not reasonably foreseeable to assume that the proposed project would cause more projects of the same type and in the same place, and that those projects would cause significant adverse environmental impacts. Finally, there is no reasonable possibility that the project will result in significant environmental impacts due to unusual circumstances because no unusual circumstances exist and the appellant has not provided substantial evidence of any.

**Other Departments Concerns and Requirements:**

The Departments of Community Development, Fire, and Public Works have reviewed the project and identified a list of code requirements (Attachment No. 7) applicable to the project.

**Public Notification:**

Legal notice was published in the Huntington Beach Wave on February 13, 2020, and notices were sent to property owners of record and tenants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Division's Notification Matrix), applicant, and interested parties. As of February 18, 2020, staff has received one written statement against the project, which is part of the Appeal Letter (Attachment No. 4).

**Application Processing Dates:**

DATE OF COMPLETE APPLICATION: MANDATORY PROCESSING DATE(S):

December 20, 2019

February 20, 2020

The item was originally presented to the ZA on January 15, 2020.

**SUMMARY:**

Staff recommends approval based on the following:

- Consistent with the requirements of the base zoning district, as well as other applicable provisions of the Municipal Code;
- Complies with the General Plan;
- Compatible with the existing surrounding uses in proportion, scale, and character;
- Incorporates quality materials and design such as wood siding, stucco and varied roof lines; and
- Provides affordable housing in-lieu fees that will go towards the provision of housing for lower to moderate income households.

**ATTACHMENTS:**

1. Suggested Findings and Conditions of Approval
2. Plans received and dated November 27, 2019 and colored elevations received and dated December 24, 2019.
3. Narrative received July 22, 2019
4. Appeal Letter and supplemental correspondence received and dated January 25, 2020, February 11, 2020, and February 18, 2020
5. ZA Notice of Action dated January 15, 2020
6. Shadow Exhibits received and dated January 15, 2020
7. Code Requirements