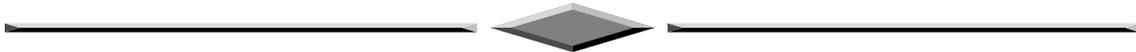


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Nicolle Bourgeois, Planning Aide
DATE: July 20, 2016

SUBJECT: CONDITIONAL USE PERMIT NO. 15-065 (AJ1 DEVELOPMENT GRADE DIFFERENTIAL)

LOCATION: 609 and 611 17th Street, 92648 (west side of 17th Street, between Acacia Ave. and Palm Ave.)



Applicant: Louie Hernandez, The Louie Group, 19092 Callaway Circle, Huntington Beach, CA 92648

Property Owner: Ayad Jaber and Chi Vu, 9402 Shannon Avenue, Garden Grove, CA 92841

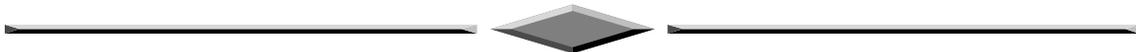
Request: To construct one three-story single-family dwelling on each of two contiguous lots with a grade differential greater than three feet between the high and low points. The proposed dwellings are approximately 2,875 sq. ft. with an overall maximum height of 35 ft. and include third floor decks oriented toward 17th Street and the alley.

Environmental Status: This request is covered by Categorical Exemption, Section 15303, Class 3, California Environmental Quality Act.

Zone: RMH-A (Residential Medium High Density – Small Lot Subdistrict)

General Plan: RMH-25-d (Residential Medium High Density – 25 units per acre – design overlay)

Existing Use: Residential



RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED 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 two single-family residences on each of two adjacent lots in a residential zone, in an urbanized area.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 15-065:

1. Conditional Use Permit No. 15-065 to permit the development of two single-family dwellings on each of two adjacent lots with a grade differential exceeding three feet between the high and low points 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. The project will be developed without significantly altering the existing grade of the subject property. The finished surface is within one foot of the existing grade and the finished floor is within two feet of the finished surface. From the top of the curb, the maximum height of the building is 34.55 feet.
2. Conditional Use Permit No. 15-065 to permit the development of two single-family dwellings on each of two adjacent lots with a grade differential exceeding three feet between the high and low points will be compatible with surrounding uses because the neighborhood is developed with single family and multi-family residential units developed at comparable grades. The proposed development will be compatible with other residential structures in the area taking into account the proposed building massing, height, and grade of existing properties in the immediate vicinity.
3. Conditional Use Permit No. 15-065 to permit the development of two single-family dwellings on each of two adjacent lots with a grade differential exceeding three feet between the high and low points will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The project, as proposed, complies with all applicable development standards and code requirements, including maximum building height, minimum yard setbacks, maximum site coverage and minimum onsite parking. The HBZSO allows development on parcels with a grade differential exceeding three feet between the high and low points of the lot with approval of a conditional use permit and terracing the development consistent with the natural grade.
4. The granting of Conditional Use Permit No. 15-065 for the development of two single-family dwellings on each of two adjacent lots with a grade differential exceeding three feet between the high and low points will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RMH-25-d (Residential Medium High Density – 25 units/acre maximum – Design Overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - A. Land Use Element
Policy LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character.

Policy LU 9.1.2: Require that single family residential units be designed to convey a high level of quality and character.

Policy LU 9.2.1: Require that all new residential development within existing residential neighborhoods (i.e., infill) be compatible with existing structures including the use of building heights, grade elevations, orientation, and bulk that are compatible with the surrounding development.

The conditional use permit accounts for the unique characteristics of the project site, by allowing for development on a lot with a grade differential, based on plans which propose minimal alteration of the existing site grades. The proposed project incorporates quality materials and design that demonstrate compatibility with the surrounding properties and residential neighborhood. The grade elevations, building orientation, and massing will be compatible with other residential properties existing in the neighborhood.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 15-065:

1. The site plan, floor plans, grading plan, and elevations received and dated May 18, 2016, shall be the conceptually approved design with the following modification: a revised plan demonstrating compliance with Residential Infill shall be submitted to the Department of Community Development. The public notification process for Residential Infill shall be completed prior to plan check approval (**HBZSO 230.22**).
2. Prior to submittal for plan check, the following shall be completed:
 - a. One set of revised site plan, floor plan and elevations in accordance with Condition No. 1 shall be submitted to the Planning Division for review and approval and inclusion in the entitlement file.
 - b. 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.
3. 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.
4. The final building permit cannot be approved until the following has been completed: 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.

5. 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.
6. CUP No. 15-065 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.
7. The Development Services Departments and divisions (Community Development, Fire, 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.
8. Incorporating 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/green-building-guidelines-rating>).

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.