

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

TO: Zoning Administrator
FROM: Hayden Beckman, Assistant Planner
DATE: December 17, 2014
SUBJECT: **CONDITIONAL USE PERMIT NO. 14-015 (LE RESIDENCES)**
LOCATION: 7761 Garfield Avenue, 92648 (northeast corner of Garfield Ave. at Delaware St.)

**Applicant/
Property**

Owner: Hung M. Le, 17810 Candelo Street, Fountain Valley, CA 92708

Request: To permit the construction of two two-story attached multi-family residential apartment units on a vacant property that abuts an arterial highway (Garfield Ave.) and includes buildings exceeding 25 ft. in height.

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

Zone: RM (Residential Medium Density)

General Plan: RM – 15 (Residential Medium Density – Max. 15 du/ac)

Existing Use: Vacant site

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 is located in an urbanized area and involves the construction of less than six dwelling units on the subject site.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 14-015:

1. Conditional Use Permit No. 14-015 for the construction of two two-story attached multi-family residential apartment units on a vacant property abutting an arterial highway including buildings exceeding 25 ft. in height 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 two story residences will be constructed on a vacant property located at the northeast corner of a highly visible intersection surrounded by an existing multi-family residential neighborhood. The design of the two proposed detached residential units will incorporate roof articulation, material changes, and bay window projections to reduce the visual mass, bulk, and height of the new buildings. The new residences will be sufficiently setback to buffer adjacent residences from the proposed development. The project will not generate additional noise, traffic, odors or other impacts at levels inconsistent with the residential character of the existing neighborhood.

2. The project will be compatible with surrounding uses because it involves construction of two two-story attached multifamily residential apartment units within a neighborhood permitted for multi-family development. A variety of duplexes and multi-unit residences exist within the immediate vicinity, and the overall building height of the project will match the building heights of surrounding properties. Since the subject site has not been previously developed, the proposed project will result in an improvement of the streetscape along both Garfield Avenue and Delaware Street. The facades of the new buildings incorporate new variations in rooflines and material changes minimize the mass and bulk of the two-story buildings. New landscaping will be incorporated to further enhance and minimize the mass, scale, and height of the proposed development.
3. The proposed construction of two two-story attached multi-family residential apartment units on a vacant property abutting an arterial highway 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 and any specific condition required for the proposed use in the district in which it is located. The project complies with minimum onsite parking, open space, building setbacks, and maximum lot coverage and building height. Construction of new residential units on a property abutting an arterial highway including buildings exceeding 25 ft. in height is allowed within a Residential zoning district with approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RM-15 (Residential Medium Density – Max. 15 du/ac) on the subject property. In addition, it is consistent with the following objectives and policies of the General Plan:

A. Land Use Element

Objective LU 9.1: Provide for the development of single- and multi-family residential neighborhoods.

Policy LU 9.1.1: Accommodate the development of single- and multi-family residential units in areas designated by the Land Use Plan Map, as stipulated by the Land Use and Density Schedules.

Policy LU 9.2.1: Require that all new residential development within existing residential neighborhoods be compatible with existing structures, including (b) use of building heights, grade elevations, orientation, and bulk that are compatible with the surrounding development; and (c) use of complimentary building materials, colors, and forms, while allowing flexibility for unique design solutions.

B. Urban Design Element

Objective UD 1.1: Identify and reinforce a distinctive architectural and environmental image for each district in Huntington Beach.

Policy UD 1.1.1: Coordinate streetscape and landscape design in all residential neighborhoods to strengthen their identities.

The design of the proposed project conveys a visual character comparable to multi-family residential development and features articulation of building elevations and masses, including roofline variations, changes in wall planes with upper story setbacks, and a variety of window and door arrangements. All dwellings feature attached integrated garages and covered porch entries.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 14-015:

1. The site plan, floor plans, and elevations received and dated December 2, 2014 shall be the conceptually approved design.
2. Prior to submittal for building permits, the following shall be completed:
 - a. Zoning entitlement conditions of approval and code requirements identified in separately transmitted memorandum from the Departments of Fire, Public Works, and Planning & Building shall be printed verbatim on one of the first three pages of all 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.
 - b. An address assignment application including applicable submittal fees shall be submitted for the new residential units.
 - c. Contact the United Postal Service for approval of mailbox locations.
3. CUP No. 14-015 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 Planning Department a minimum 30 days prior to the expiration date.
4. 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 Planning and Building 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.

5. 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..