

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

**WEDNESDAY, NOVEMBER 2 , 2011 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Tess Nguyen, Jill Arabe, Andrew Gonzales, Judy Demers  
(recording secretary)

**MINUTES:** November 3, 2010  
May 4, 2011

**APPROVED AS SUBMITTED**

**ORAL COMMUNICATION:** **NONE**

**ITEM 1: CONDITIONAL USE PERMIT NO. 11-020 (DOGGY DAY CARE)**

**APPLICANT:** Sherri Loomer  
**PROPERTY OWNER:** Bill Schopp, 15392 Assembly Lane, Unit A, Huntington Beach, CA  
92649  
**REQUEST:** To permit the establishment of a 2,975 sq. ft. animal boarding  
facility consisting of day and overnight care services within an  
existing industrial building.  
**LOCATION:** 15392 Assembly Lane, Suite A, 92649 (east side of Assembly  
Lane, north of McFadden Avenue)  
**PROJECT PLANNER:** Tess Nguyen

Tess Nguyen, Associate Planner, displayed project plans and photographs 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.

**THE PUBLIC HEARING WAS OPENED.**

Sherri Loomer, applicant, stated that she has no comments or concerns with staff's recommended conditions of approval.

**THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff.

**CONDITIONAL USE PERMIT NO. 11-020 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 15301 of the CEQA Guidelines, because the project consists of the operation and minor alteration of an existing industrial structure involving negligible or no expansion of use beyond that previously existing.

## **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-020:**

1. Conditional Use Permit No. 11-020 for the establishment of a 2,975 sq. ft. animal boarding facility consisting of day and overnight care services within an existing industrial building 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 proposed use will not generate traffic or other impacts detrimental to surrounding properties and inconsistent with the adjacent property's industrial zoning. The project site will be separated from nearby residential developments to the east by a distance of approximately 1,000 ft., which provides an adequate buffer from potential negative impacts associated with the use. A covenant restricting the occupancy of future uses within other suites of the building is required as condition of approval to ensure that adequate onsite parking is provided to accommodate the animal boarding facility.
2. The conditional use permit will be compatible with surrounding uses because the animal boarding facility will be located within an existing industrial building surrounded by industrial uses such as manufacturing and storage uses. The proposed use will be located in a fully enclosed suite located approximately 1,000 ft. from the nearest sensitive land use (i.e. residential), thereby limiting any associated detrimental impacts with the use and ensuring compatibility with the surrounding area.
3. The proposed conditional use permit 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 (HBZSO) and any specific condition required for the proposed use in the district in which it would be located. Animal boarding facilities are permitted in the IL (Industrial Limited) zone, subject to the approval of conditional use permit. The project is located within an existing industrial building and will not alter existing landscaping, setbacks or overall building height. In addition, a covenant restricting future uses within the other suites of the building is required as a condition of approval to ensure that adequate onsite parking is provided to accommodate the use.
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 Industrial on the subject property. In addition, it is consistent with the following goal and policies of the General Plan:

Policy LU 7.1.1: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Goal LU 12: Achieve the development of industrial uses that provide job opportunities for existing and future residents, as well as the surrounding subregion, and generate revenues for the City.

Policy LU 12.1.1: Accommodate the continuation of existing and development of new manufacturing, research and development, professional offices, supporting retail commercial (including, but not limited to, sales areas for manufacturers and photocopy

stores), restaurants, financial institutions, and similar uses in areas designated on the Land Use Plan Map in accordance with Policy LU 7.1.1.

The requested conditional use permit will accommodate new development by allowing the establishment of an animal boarding facility. The proposed use will provide new job opportunities for existing and future residents, including those located within the surrounding region. The proposed use will be located in an existing industrial building, which includes manufacturing and storage uses consistent with the Land Use and Density Schedules in the General Plan.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 11-020:**

1. The site plan, floor plans, and elevations received and dated September 1, 2011 shall be the conceptually approved design.
2. The Certificate of Occupancy cannot be issued and the proposed animal boarding facility cannot be occupied until the following have been completed:
  - a. The property owner shall sign, notarize, and record with the County Recorder a covenant agreement restricting the use of suites "C" and "D" to warehouse/storage uses.
  - b. A copy of the recorded Covenant shall be provided to the Planning Division for inclusion in the entitlement file.
3. All activities associated with the proposed use shall be conducted entirely indoors.
4. Conditional Use Permit No. 11-020 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 and Building Department a minimum 30 days prior to the expiration date.
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.

**ITEM 2: CONDITIONAL USE PERMIT NO. 11-013 (POLHAMUS APARTMENTS)**

APPLICANT/  
PROPERTY OWNER: Rick Polhamus, 19802 Sea Canyon Circle, Huntington Beach, CA 92648

REQUEST: To permit the construction of an approximately 4,200 sq. ft., three-story triplex with (a) an overall building height of 32 ft. 8 in. and (b) approximately 260 sq. ft. of private open space within the third story decks. The multiple family development will have a total of four onsite residential units.

LOCATION: 904 Palm Avenue, 92648 (northeast side of Palm Avenue, between 9<sup>th</sup> and 10<sup>th</sup> Streets)

PROJECT PLANNER: Jill Arabe

Jill Arabe, Assistant Planner, displayed project plans and photographs 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. Arabe stated that she had received a few calls regarding the height of the project and the number of proposed units. She also received one written comment opposing the project citing concerns with traffic and the blockage of sunlight.

**THE PUBLIC HEARING WAS OPENED.**

Mr. Ramos verified with staff that the applicant is aware of the affordable housing requirements and the required alley dedications. Mr. Ramos confirmed with staff that the open space requirement was being met.

Rick Polhamus, applicant, stated that he has no comments or concerns with staff's recommended conditions of approval.

Theresa Rogers, 906 Palm Avenue, spoke in opposition to the proposed project. She stated that she is concerned with the loss of sunlight, ventilation, privacy and potential negative traffic impacts.

Mr. Ramos explained that the application addresses the proposed request to add height to the structure. He noted that, currently, the code allows a structure in this location to have a height of 25 feet without a public hearing and that the residential infill ordinance does not apply to multi-family residential. He further explained that the application was reviewed by the Public Works Department who did not determine that the project would negatively impact traffic.

Kevin Silva, 914 Acacia Street, spoke in opposition to the proposed project. He cited concerns with population density, the appearance of the location being rezoned to allow this project, and potential parking and traffic impacts..

Mr. Ramos explained that the area has not been rezoned and does currently allow for this type of project.

Linda Sorrell, 735 Main Street, inquired about the dedication process for the alley behind the proposed project. She also inquired about the location of the garages at the proposed project, the appeal process, and the length of time the proposed project would take to construct.

Mr. Ramos explained the dedication requirements and the appeal process. He indicated the location of the proposed garages on the plans and asked the applicant to address the estimated construction time for the project.

Mr. Polhamus stated that he anticipated the project would take approximately one year to complete.

**THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff.

**CONDITIONAL USE PERMIT NO. 11-013 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 involves the construction of three additional dwelling units for a total of four units onsite.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-013:**

1. Conditional Use Permit No. 11-013 for construction of an approximately 4,200 sq. ft., three-story triplex with (a) an overall building height of 32 ft. 8 in. and (b) approximately 260 sq. ft. of private open space within the third story decks 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 proposed detached three-story triplex building will be located approximately 70 ft. from the front property line, behind an existing single family structure. The design of the new building will incorporate wall offsets, roof articulation, material changes in plane, and similar building materials utilized on the existing single unit structure in order to reduce the overall building mass of the new multi-story structure. The third story interior floor areas will be sufficiently setback to buffer adjacent residences from the proposed development. Furthermore, the distribution of the upper story decks is not anticipated to impact the privacy of nearby residences, as each deck is proposed not to exceed 100 sq. ft. and will be surrounded on two sides by privacy walls. 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 conditional use permit will be compatible with surrounding uses because the project involves construction of a three-story triplex within a neighborhood permitted for multi-family development. Although adjacent properties are comprised of single family residences, a

variety of duplexes and multi-unit residences in addition to three story structures exist within the vicinity. The proposed development will maintain an existing single unit structure that will continue the existing single-story streetscape along Palm Avenue. The façades of the new building will incorporate building materials similar to the existing residence and include new wall offsets, variations in rooflines, and upper story setbacks to minimize the potential visual impact of the building's overall height and third story decks. New landscaping will be incorporated to further enhance and minimize the mass and scale of the proposed development.

3. The proposed conditional use permit 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, including maximum density, height, lot coverage, building setbacks, landscaping, off-street parking, and open space requirements. Approval of a conditional use permit is required for multi-family buildings greater than 25 ft. high and to allow a maximum 50 percent of the private open space requirement to be located on open decks above the second story.
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 RMH (Residential Medium High Density) 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.

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 project will convert an existing single family residence into a multi-family development, while maintaining an existing cottage style appearance along the streetscape. The neighborhood comprises of a mixture of single story and multi-story complexes. The height of the development will appear to gradually increase from the front to the rear of the property, which is enhanced by balconies at each level and material changes in planes. The design of the building will incorporate similar features of the existing cottage and include enhanced landscaping within the front and interior yards. The third story will be sufficiently setback to increase the buffer between adjacent residences and still accommodate new views.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 11-013:**

1. The site plan, floor plans, and elevations received and dated October 11, 2011, shall be the conceptually approved design with the following modifications:
  - a. The man door at the north side of the private garage (serving Unit C) shall be depicted to swing outside of the required 9 ft. by 19 ft. parking space. **(HBZSO Section 231.14 & 231.16.B)**
  - b. The building area of the cottage unit shall be revised for consistency with the area shown in the zoning conformance matrix.
  - c. Provide dimensions of all setbacks on the site plan, including front and side yard setbacks to the existing structure and rear setbacks from the new structure to the ultimate right-of-way.
  - d. The new property lines along the alley shall be identified on the site plan by identifying the required 2 ft. 6 in. alley dedication.
  - e. The common open space area shall be recalculated to include common areas with no dimension less than 10 ft. **(HBZSO Section 210.06 (O.3))**
  - f. The dimensions of all common open space areas shall be provided on the site plan.
  - g. The height of fencing and hedges separating the private open space areas from the common areas (exceeding 42 inches in height) shall be depicted on the site plan. **(HBZSO Section 210.06 (O.2C))**
  - h. The height of the railing for the third floor lofts of all the units shall be depicted on Sheet A-3.
  - i. The third floor windows for Unit B and C on Sheet A-3 shall match the windows on the right and left elevation of Sheet A-4.
2. Prior to submittal for building permits, the following shall be completed:
  - a. One set of project plans, revised pursuant to Condition No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Division.
  - b. 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.
  - c. An address assignment application including applicable submittal fees shall be submitted for the new residential units.
  - d. Contact the United States Postal Service for approval of mailbox locations.

- e. A Lot Line Adjustment application shall be submitted to the Planning and Building Department with applicable fee and submittal requirements.
3. Prior to framing inspection, the lot line adjustment form shall be submitted to the Public Works Department for final review and modified as necessary pursuant to the requirements of the Public Works Department.
4. Prior to final of building permits, the following shall be completed:
  - a. The existing front cottage shall be inspected for compliance as a two bedroom unit as shown on the site plan and floor plan received and dated October 11, 2011.
  - b. Building permits for the existing front cottage shall be obtained and finalized, as necessary, for compliance as a two bedroom unit.
  - c. The Lot Line Adjustment shall be recorded with the County of Orange.
5. CUP No. 11-013 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 & Building Department a minimum 30 days prior to the expiration date.
6. 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.

**THE MEETING WAS ADJOURNED AT 2:36 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, NOVEMBER 16, 2011, AT 1:30 PM.**



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Ricky Ramos  
Zoning Administrator

RR:jd