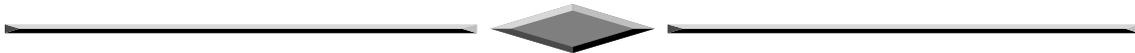


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: John Ramirez, Project Planner
DATE: January 20, 2016

**SUBJECT: COASTAL DEVELOPMENT PERMIT NO. 15-015/ VARIANCE 15-005
(ALABAMA SINGLE FAMILY RESIDENCE)**

LOCATION: 101 Alabama Street, 92648 (northwest corner of Alabama St. and Atlanta Ave.)



Applicant: Art Kent, Kent Architects, 619 16th Street, Huntington Beach CA 92648

Property Owner: Nasser Mahgerefteh, 518 Geneva Avenue, Huntington Beach CA 92648

Request: **CDP:** To permit the construction of a new 2,950 sq. ft. 3-story single family home. **VAR:** To permit a building height of 35 feet within the front and rear 25-foot setback areas in lieu of the maximum allowed height of 25 feet.

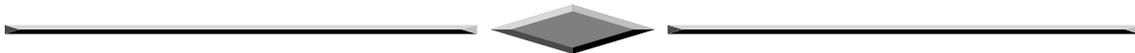
Environmental Status: This request is covered by Categorical Exemption, Section 15303, Class 3, California Environmental Quality Act.

Coastal Status: Non-Appealable

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

General Plan: RMH-25-d (Residential Medium High Density – 25 du/acre max density)

Existing Use: Vacant



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 involves the construction of a new single family home.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 15-015:

1. Coastal Development Permit No. 15-015 for the construction of a new 2,950 sq. ft. 3-story single family home conforms with the General Plan, including the Local Coastal Program. The project is consistent with Coastal Element Policy C 1.1.1, which encourages development within, or contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a vacant site, immediately contiguous to existing single-family residential development.
2. The project 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 variance for building height within the setback areas. The project complies with the minimum onsite parking, minimum front and rear setbacks, maximum floor area, and all other zoning requirements. The site's unusual shape with street frontages on all but one side and tapering of the site at the rear minimizes the amount of buildable area for the single-family dwelling at the third floor level. The requested variance provides the opportunity to remain consistent with other residences in the vicinity.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed single-family dwelling will be constructed on a site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed dwelling will not impede public access, recreation, or views to coastal resources.

SUGGESTED FINDINGS FOR APPROVAL - VARIANCE NO. 15-005:

1. The granting of Variance No. 15-005 to permit a building height of 35 feet within the front and rear 25-foot setback areas in lieu of the maximum allowed height of 25 feet will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. Due to the irregular parabolic shape of the property and the tapering of the property at the west end, the setback requirements limit the buildable area of the lot more significantly than a standard rectangular-shaped lot would be limited, especially on the third floor. A standard rectangular lot in this zone would be able to accommodate a third floor area (above 25 feet in height) approximately 1,425 sq. ft. in size, and be in compliance with the underlying zoning. Due to the irregular shape of the this property, a third floor area of only 929 sq. ft. is possible while complying with code; about 35% less than buildable areas of other lots in the vicinity and in the same zone. With the request to permit a building height of 35 feet within the front and rear 25-foot setback areas in lieu of the maximum allowed height of 25 feet, the third floor area will be increased to 1,110 sq. ft., which is still within the range of what could be accommodated by other lots in the vicinity and in the same zone. The proposed development is consistent with the development density standards applicable to the subject property (one dwelling unit per 2,500 sq. ft. of lot area). Based on the unique shape of the lot, the approval of this variance will not constitute a grant of a special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification.

2. Because of special circumstances applicable to the subject property including size, shape, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. Due to the irregular shape of the property and the tapering of the property at the west end, the setback requirements limit the buildable area of the lot more significantly than a standard rectangular-shaped lot would be limited, especially on the third floor. As a result of the unique shape of the lot, the buildable area on the third floor is significantly less than the buildable area on a standard rectangular lot. As such, this property is deprived of privileges enjoyed by other properties in the vicinity and under identical zone classification.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. Based on the applicable zoning and General Plan designation, and the existing lot size and dimensions, the subject property is afforded the right to construct one three story single-family dwelling of proportionate size to the setback, height and floor area ratio requirements of the underlying zone. Due to the irregular parabolic shape of the property and the tapering of the property at the west end, the setback requirements reduce buildable area of the lot more than a standard rectangular-shaped lot. The requested variance for the construction of the new single family home with the increased height within the front and rear 25-foot setback areas is sought to construct a larger third floor area (consistent with other properties in the area). Consequently, the granting of this variance is necessary to preserve the development rights afforded by the property's residential land use designation.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The requested variance will not result in any intensification of development impacts beyond that which is permitted under the corresponding land use regulations and development standards based on the existing (pre-dedication) lot size and width.
5. The granting of the variance will not adversely affect the General Plan. The proposed development of a one dwelling unit on a 2,961 sq. ft. lot is consistent with the Land Use Element designation of RMH-25-d (Residential Medium High Density – 25 dwelling units/acre) on the subject property. In addition, the proposed project is consistent with the following General Plan policy and objective:

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

Objective LU 15.5: Ensure that development achieves the visual and physical character intended for the district in which it is located.

The proposed three-story residence is similar in size and scale to other residences in the vicinity. The requested variance allows for the construction of the third floor area of the single family home above 25 feet in height at reduced setbacks on an irregularly-shaped property in a manner consistent with other single family residences in the vicinity.

SUGGESTED CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 15-015/ VARIANCE NO. 15-005:

1. The site plan, floor plans, and elevations received and dated January 14, 2016 shall be the conceptually approved design.
2. Prior to submittal of building permits, Zoning entitlement conditions of approval and code requirements identified in separately transmitted memorandum from the Departments of Fire, Community Development, and Public Works 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 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.
5. The structure(s) cannot be occupied and 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.
6. VAR No. 15-005 in conjunction with CDP No. 15-015 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 Community Development Department a minimum 30 days prior to the expiration date.

7. 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>
8. 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.