

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

TO: Zoning Administrator
FROM: John Ramirez, Project Planner
DATE: March 2, 2016

SUBJECT: CONDITIONAL USE PERMIT NO. 15-060/ COASTAL DEVELOPMENT PERMIT NO. 15-031 (FABRICANT RESIDENCE)

LOCATION: 16777 Bolero Lane, 92649 (west side of Bolero Ln., between Nalu Cir. and S. Finisterre Dr. – Huntington Harbour)

Applicant: James Caldwell, Harbour Bay Homes, 1614 Warwick Lane, Newport Beach CA 92660

Property Owner: Robert Fabricant, 16531 Peale Lane, Huntington Beach CA 92648

Request: **CDP:** To permit the demolition of an existing 2,700 sq. ft. single family residence and construct a new two-story, 4,972 sq. ft. single family residence with a 615 sq. ft. attached garage. **CUP:** To permit a new single-family residence with a 560 sq. ft. third floor deck at an overall building height of 33 feet, 7 inches. The entitlement request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/privacy issues, such as, window alignments, building pad height, and floor plan layout.

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

Coastal Status: Appealable

Zone: Residential Low Density – Coastal Zone Overlay (RL-CZ)

General Plan: Residential Low Density – (RL-7)

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 a single family residence within a residential zone.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 15-031:

1. Coastal Development Permit No. 15-031 to permit the demolition of an existing 2,700 sq. ft. single family residence and construct a new two-story, 4,972 sq. ft. single family residence with a 615 sq. ft. attached garage, conforms to 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 developed site, contiguous to existing single-family residential developments.
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. The project, as conditioned, complies with all applicable development regulations, including minimum setbacks and on-site parking, the Infill Lot Ordinance, and maximum building height and site coverage.
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 project will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roads.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access, recreation, or views to coastal resources.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 15-060:

1. Conditional Use Permit No. 15-060 to permit a new single-family residence with a 560 sq. ft. third floor deck, at an overall building height of 33 feet, 7 inches, 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. Although the third floor deck is a vertical projection above the roof volume, it is set back five feet from the building exterior and is oriented toward the channel. Moreover, the deck does not exceed the height limit and will be accessible only from the interior of the building, thus minimizing mass and bulk of the structure. The overall building height for the single family residence is 33 feet, 7 inches, however, most of the proposed residence is only 24 feet, 10 inches in height, with only an enclosed stairway and elevator extending above 30 feet in height. Both the elevator and enclosed stairway structures are set back from the exterior wall elevations between 10 and 19 feet, thus minimizing the perceived height and impact to adjacent and surrounding properties. In addition, the residence features a variety of roof lines, thereby ensuring that the proposed building height will not be detrimental to surrounding properties.

2. The proposed single-family residence will be compatible with surrounding uses because most of the proposed residence is only 24 feet, 10 inches in height, with only an enclosed stairway and elevator extending above 30 feet in height. With most of the residence at less than 25 feet in height, the new residence will resemble the two-story homes in the neighborhood. Although the overall building height is 33 feet, 7 inches, only a very small portion of the structure (elevator and enclosed stairway) would extend above 30 feet in height. The overall mass and height of the structure is consistent with, and will match adjacent and nearby existing two-story, single-family residences in the area that have similar building heights.
3. The proposed single-family residence 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 conditioned, complies with minimum onsite parking and building setbacks, maximum lot coverage, and building height. An overall height of 35 feet and a third floor deck is allowed within the Residential Low Density zoning district with approval of a conditional use permit. The proposed third floor deck will be setback a minimum of five feet from the second-story façade and oriented toward the channel as required by the HBZSO.
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 RL-7 (Residential Low Density – 7 units per acre) on the subject property. In addition, it is consistent with the following policy and objective of the General Plan:

A. Land Use Element

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 (d) maintenance of privacy on abutting residences.

B. Coastal Element

Objective – C 1.1: Ensure that adverse impacts associated with coastal zone development are mitigated or minimized to the greatest extent feasible.

The construction of a new single-family residence with a 560 sq. ft. third floor deck, at an overall building height of 33 feet, 7 inches is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other provisions of the Municipal Code including maximum site coverage, maximum building height, Infill Lot Ordinance, and minimum on-site parking. The proposed rooftop deck will be setback a minimum of five feet from the second-story façade and oriented toward the right of way.

SUGGESTED CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 15-031/ CONDITIONAL USE PERMIT NO. 15-060:

1. The site plan, floor plans, and elevations received and dated February 22, 2016, shall be the conceptually approved design with the following modifications:
 - a. Provide one 36-inch box tree within the front setback area. **(HBZSO Section 232.08)**
2. Prior to submittal of building permits, the following shall be completed:

- a. One set of project plans (full size) and one 8 ½ inch by 11 inch set of plans, revised pursuant to Condition of Approval No. 1, shall be submitted to the Planning Division for review, approval and inclusion in the entitlement file.
 - b. Zoning entitlement conditions of approval, code requirements identified herein 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 structure(s) cannot be occupied and the final building permit(s) cannot be approved until the following have been completed:
 - a. All improvements shall 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
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. Coastal Development Permit No. 15-031 and Conditional Use Permit No. 15-060 shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval by the City or by the Coastal Commission if the Coastal Development Permit is appealed, 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 (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.

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 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.