



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

**WEDNESDAY, MAY 03, 2006, 1:30 P.M.**

**ZONING ADMINISTRATOR:** Mary Beth Broeren

**STAFF MEMBERS:** Paul Da Veiga, Rami Talleh, Ron Santos, Ramona Kohlmann

**MINUTES:** March 29, 2006  
April 5, 2006

**ORAL COMMUNICATION:** Anyone wishing to speak on an item not on the agenda may do so. No action can be taken by the Zoning Administrator on items not on the agenda.

**SCHEDULED ITEMS:**

- 1. PETITION DOCUMENT:** **COASTAL DEVELOPMENT PERMIT NO. 06-04 /  
CONDITIONAL USE PERMIT NO. 06-06 / VARIANCE  
NO. 06-01 (TEAZIS RESIDENCE – CONTINUED FROM THE  
APRIL 26, 2006 MEETING WITH THE PUBLIC HEARING  
CLOSED)**
- APPLICANT:** Jon Christner
- REQUEST:** **CDP/CUP:** To permit the construction of a new 5,053 sq. ft., three-story, single-family dwelling and attached garage with an overall building height of 32 ft. 6 inches. **VAR:** To permit the construction of a 498 sq. ft. third floor outside the confines of the second story roof volume. The 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.
- LOCATION:** 4021 Diablo Circle (terminus of Diablo Circle, west of Edgewater Lane)
- PROJECT PLANNER:** Paul Da Veiga
- STAFF RECOMMENDS:** Denial based upon suggested findings

**AGENDA  
(Continued)**

- 2. PETITION DOCUMENT:**      **VARIANCE NO. 06-02 (OLSON REMODEL)**  
APPLICANT:                      Dan and Susan Olson  
REQUEST:                        To permit a 15-ft. front yard setback for a front entry garage, in lieu of the minimum code required 20-ft. setback (for the reconfiguration of an existing side entry garage as a front entry garage).  
  
LOCATION:                         22041 Cape May Lane (south of Banning Avenue, east of Bushard Street on the east side of Cape May Lane)  
  
PROJECT PLANNER:              Rami Talleh  
STAFF RECOMMENDS:        Approval based upon suggested findings and conditions of approval

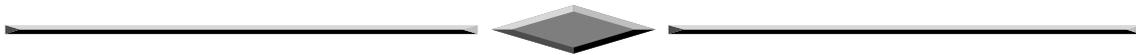
***Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator is final unless an appeal is filed to the Planning Commission by you or by an interested party. Said appeal must be in writing and must set forth in detail the action and grounds by which the applicant or interested party deems himself aggrieved. Said appeal must be accompanied by a filing fee of One Thousand Two Hundred Eighty Seven Dollars (\$1287.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and One Thousand Five Hundred Sixty Nine Dollars (\$1569.00) if the appeal is filed by any other party. The appeal shall be submitted to the Secretary of the Planning Commission within ten (10) calendar days of the date of the Zoning Administrator's action or ten (10) working days for a coastal development permit.***

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

**TO:** Zoning Administrator  
**FROM:** Paul Da Veiga, Associate Planner  
**DATE:** May 3, 2006

**SUBJECT:** **COASTAL DEVELOPMENT PERMIT NO. 06-04 / CONDITIONAL USE PERMIT NO. 06-06 / VARIANCE NO. 06-01 (TEAZIS RESIDENCE – CONTINUED FROM THE APRIL 26, 2006 MEETING WITH THE PUBLIC HEARING CLOSED)**

**LOCATION:** 4021 Diablo Circle (terminus of Diablo Circle, west of Edgewater Lane)



**Applicant:** Jon Christner, 34071 La Plaza, Ste 240, Huntington Beach, CA 92629

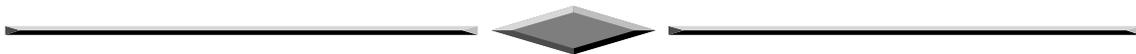
**Property Owner:** Theo Teazis, 5801 Grimsby Drive, Huntington Beach, CA 92649

**Request:** **CDP/CUP:** To permit the construction of a new 5,053 sq. ft., three-story, single-family dwelling and attached garage with an overall building height of 32 ft. 6 inches. **VAR:** To permit the construction of a 498 sq. ft. third floor outside the confines of the second story roof volume. The 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 03, California Environmental Quality Act.

**Zone:** RL-CZ (Residential Low Density-Coastal Zone) **General Plan:** RL-7 (Residential Low Density)

**Existing Use:** Residential



**RECOMMENDATION:** Staff recommends denial 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 reconstruction of one single-family residence in a residential zone, where the new structure will have substantially the same purpose and capacity as the structure replaced.

**SUGGESTED FINDINGS FOR DENIAL - COASTAL DEVELOPMENT PERMIT NO. 06-04:**

The project, as proposed, is inconsistent with the requirements of the base zoning district for the design of third-story habitable space. The proposed third-story is not designed within the confines of the second-story roof volume in accordance with the requirements of the applicable ordinance (HBZSO Section 210.06(M)).

**SUGGESTED FINDINGS FOR DENIAL - CONDITIONAL USE PERMIT NO. 06-06:**

The proposed Conditional Use Permit No. 06-06 to permit the construction of a new 5,053 sq. ft., three-story, single-family dwelling and attached garage with an overall building height of 32 ft. 6 inches does not comply with the provisions of the Huntington Beach Zoning and Subdivision Ordinance based on the design of the third-story habitable space which is not within the confines of the second-story roof volume in accordance with the requirements of the applicable ordinance (HBZSO Section 210.06(M)).

**SUGGESTED FINDINGS FOR DENIAL - VARIANCE NO. 06-01:**

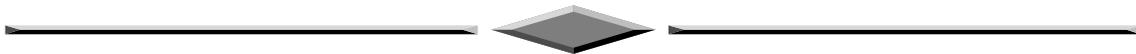
1. The granting of Variance No. 06-01 to permit the construction of a 498 sq. ft. third floor outside the confines of the second story roof volume will constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. There have been similar requests that have been denied by the City for third story construction outside the confines of the roof volume. The purpose of the requirement is for three story homes to have the appearance of two-story development. The adjacent homes on Diablo Circle are only two stories or have the appearance of two story homes. Granting of a variance for this request would constitute a grant of special privilege in light of the design of surrounding homes.
2. There are no special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The subject lot measures 6,069 square feet in size, which is similar to the majority of properties located in the surrounding neighborhood. There is no basis for the granting of a variance to allow a third story outside of the confines of the roof volume based on the size or shape of the subject lot.

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

**TO:** Zoning Administrator  
**FROM:** Rami Talleh, Associate Planner  
**DATE:** May 3, 2006

**SUBJECT:** **VARIANCE NO. 06-02 (OLSON REMODEL)**

**LOCATION:** 22041 Cape May Lane (south of Banning Avenue, east of Bushard Street on the east side of Cape May Lane)



**Applicant/  
Property**

**Owner:** Dan and Susan Olson, 22041 Cape May Lane, Huntington Beach, CA 92646

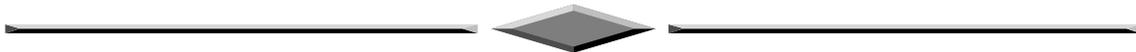
**Request:** To permit a 15-ft. front yard setback for a front entry garage, in lieu of the minimum code required 20-ft. setback (for the reconfiguration of an existing side entry garage as a front entry garage).

**Environmental Status:** This request is covered by Categorical Exemption, Section 15305, Class 5, California Environmental Quality Act.

**Zone:**  
RL (Low Density Residential)

**General Plan:**  
RL-7 (Residential Low Density – 7 seven units per acre)

**Existing Use:**  
Single-Family Home



**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 15305 of the CEQA Guidelines, because the requested variance provides for minor alterations in land use limitations that does not result in any changes in land use or density.

**SUGGESTED FINDINGS FOR APPROVAL - VARIANCE NO. 06-02:**

1. The granting of Variance No. 06-02 to permit a 15-ft. front yard setback for a front entry garage, in lieu of the minimum code required 20-ft. setback (for the reconfiguration of an existing side entry garage as a front entry garage) will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The existing structure is currently provided with a 15 ft. front yard setback. The location of the structure will not change and the front yard setback will not be reduced any further. The variance is necessary only because the code requires a greater setback for a front-entry garage (versus a side-entry garage) in order to allow for parking on the driveway between the garage and the street. The subject property will maintain conformance with applicable parking requirements after the proposed re-orientation of the garage door, since greater maneuverability will be provided to access two parking spaces within the garage in addition to the availability of two on-street parking spaces along the property's street frontage.
2. Because of special circumstances applicable to the subject property, including the 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. The subject property is configured such that inadequate clearance is provided between the garage door and the front door of the dwelling. In addition, the orientation of the garage door relative to the driveway apron makes it difficult to maneuver a vehicle in and out of the garage. The curvature in the front property line makes it difficult to shift the apron further away from the garage entrance to provide greater maneuverability to access the side entry garage. The proposed reorientation of the garage door will resolve both of these difficulties.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The requested variance is necessary to provide adequate clearance between the garage door and the front door of the dwelling and to provide practical vehicular access to the garage.
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 subject property provides the Code required parking by means of a two-car garage and two on-street parking spaces along the property's street frontage. Consequently, no detrimental impacts to surrounding properties are anticipated.
5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL-7 (Residential Low-Density – 7 units/acre) on the subject property, including the following policies:
  - LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character as appropriate.
  - LU 9.1.2(c): Minimize the amount and width of the paving of front yards for driveway and garage access.The requested variance accounts for the unique location of the existing garage door relative to the front door and the impractical access to the garage due to the current orientation of

the door relative to the driveway apron. Re-orientation of the garage door will also provide for a significant reduction in the amount of front yard paving on the subject property.

**SUGGESTED CONDITIONS OF APPROVAL VARIANCE NO. 06-02:**

The site plan, floor plans, and elevations received and dated March 17, 2006, shall be the conceptually approved design.

**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.