# MINUTES
## HUNTINGTON BEACH PLANNING COMMISSION

**TUESDAY, SEPTEMBER 9, 2008**
**HUNTINGTON BEACH CIVIC CENTER**
**2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648**

**5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)**

**CALL PLANNING COMMISSION MEETING TO ORDER**

| | A | P | P | P | P | A | P |
|---|---|---|---|---|---|---|---|
| **ROLL CALL:** | *Farley,* | *Dwyer,* | *Shier-Burnett,* | *Livengood,* | *Shaw,* | *Speaker,* | *Scandura* |

Commissioner Speaker was absent, Commissioner Farley arrived at 5:35 PM.

**AGENDA APPROVAL**

**A MOTION WAS MADE BY SCANDURA, SECONDED BY DWYER, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF SEPTEMBER 9, 2008, BY THE FOLLOWING VOTE:**

| | |
|---|---|
| **AYES:** | **Dwyer, Shier-Burnett, Livengood, Shaw, Scandura** |
| **NOES:** | **None** |
| **ABSENT:** | **Farley, Speaker** |
| **ABSTAIN:** | **None** |

**MOTION APPROVED**

**A. PROJECT REVIEW (FUTURE AGENDA ITEMS)**

**A-1. ENVIRONMENTAL IMPACT REPORT NO. 07-004/GENERAL PLAN AMENDMENT NO. 07-003/ZONING MAP AMENDMENT NO. 07-001/ZONING TEXT AMENDMENT NO 07-004/CONDITIONAL USE PERMIT NO. 07-043 (THE RIPCURL - STATUS UPDATE) – Tess Nguyen, Associate Planner**

Tess Nguyen, Associate Planner, gave an overview of the project and noted that staff has provided two Late Communications on this item.

Commissioner Scandura inquired regarding the staff recommendation and total size of The Ripcurl. Planning Manager Herb Fauland indicated that the staff recommendation (including square footage) is in place and will be presented to the Planning Commission at the meeting scheduled for September 23, 2008. Fauland also said that the preliminary staff recommendation has been shared with the applicant (Red Oak Investments).

Commissioner Dwyer asked if the Planning Commission is expected to make a final decision on this project at the September 23, 2008 meeting and Planning Manager Herb Fauland said that it is the Planning Commission's purview to make a decision or decide to continue the project.

Commissioner Scandura asked if there was a possibility of reducing the amount of square footage dedicated to commercial usage and staff said no, that this project has been designed as mixed-use.

Chair Livengood asked if the project would cause increased bus traffic in the immediate area and Transportation Manager Bob Stachelski said that the traffic analysis proposal includes the addition or widening of traffic lanes along Gothard Street.

Planning Director Scott Hess noted that in one of the late communications, in attachment 2.8, staff is now recommending the deletion of the proposed tandem parking spaces.

Planning Manager Herb Fauland advised the Planning Commission that when this project comes before them on September 23, 2008, there will be three separate staff reports (Environmental Impact Report, Zoning Text Amendment, and General Plan Amendment/Zoning Map Amendment/Conditional Use Permit). Fauland said that there will be three separate motions for the Planning Commission to vote on.

**A-2. GENERAL PLAN AMENDMENT NO. 07-001/ZONING TEXT AMENDMENT NO. 07-002 (VILLAGE AT BELLA TERRA) – Jane James, Senior Planner**

Senior Planner Jane James gave an overview of the project and noted that the Environmental Impact Report for this project will come before the Planning Commission at a Study Session on September 23, 2008.

Chair Livengood discussed the floor heights in the proposed parking structure.

Director of Planning Scott Hess noted that it is the Planning Commission's purview to review and vote on this project and then forward to the City Council.

**A-3. COASTAL DEVELOPMENT PERMIT NO. 08-005/CONDITIONAL USE PERMIT NO. 08-011 WITH SPECIAL PERMIT NO. 08-002/ VARIANCE NO. 08-006/MITIGATED NEGATIVE DECLARATION NO. 08-011 (MIXED USE BUILDING AT 620 PACIFIC COAST HIGHWAY) – Rami Talleh, Senior Planner**

Senior Planner Rami Talleh presented an overview of the project and noted that the project site is located on the northeast corner of Pacific Coast Highway and 6th Street.

Commissioner Dwyer asked if a design precedent had been set for this type of mixed-use building and staff indicated that the proposed Pacific View building is similar in design to the existing building at Plaza Almeria on Main Street.

Commissioner Scandura requested that staff provide 11 x 17 plans when this item comes before the Planning Commission on September 23, 2008; staff noted that these would be black and white plans.

Commissioner Farley commented that he would like to see a full alley view diagram of the site on September 23, 2008.

## B. STUDY SESSION ITEMS

### B-1. PLANNING COMMISSION RULES – Chair Tom Livengood

Chair Livengood recommended moving Study Session Item No. B-1 after Public Comments.

Chair Livengood gave a brief overview of the Planning Commission Rules dated January 10, 2006 (approved and adopted May 15, 2006).

## C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Herb Fauland, Planning Manager, advised that there are no Late Communications for Items B-1 and B-2.

## D. PLANNING COMMISSION COMMITTEE REPORTS

Vice Chair Shier-Burnett reported on the upcoming Green Committee meeting.

Commissioner Farley reported on his attendance at the Circulation Element Committee meeting on September 8, 2008.

## E. PUBLIC COMMENTS

Karen Otis of Otis Architecture spoke in favor of Item #SS-A3.

Lindsay Parton of DJM Capital Partners spoke in favor of Item # SS-A2.

## F. PLANNING COMMISSION COMMENTS - NONE

**6:28 PM – RECESS FOR DINNER**

**7:00 P.M. – COUNCIL CHAMBERS**

**CALL PLANNING COMMISSION MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE** – Led by Commissioner Farley

| | P | P | P | P | P | A | P |
|---|---|---|---|---|---|---|---|
| **ROLL CALL:** | ***Farley,*** | ***Dwyer,*** | ***Shier-Burnett,*** | ***Livengood,*** | ***Shaw,*** | ***Speaker,*** | ***Scandura*** |

Commissioner Speaker was absent.

**AGENDA APPROVAL**

**A MOTION WAS MADE BY SCANDURA, SECONDED BY SHAW, TO REOPEN THE PUBLIC HEARING ON ITEM NO. B-1 AND TO APPROVE THE PLANNING COMMISSION AGENDA OF SEPTEMBER 9, 2008, BY THE FOLLOWING VOTE:**

**AYES:** **Farley, Livengood, Shaw, Scandura**
**NOES:** **Dwyer, Shier-Burnett**
**ABSENT:** **Speaker**
**ABSTAIN:** **None**

**MOTION APPROVED**

## A. ORAL COMMUNICATIONS

Alicia Dose, resident of Huntington Harbour, spoke in opposition to Items #B-1 and #B-2.

## B. PUBLIC HEARING ITEMS

**B-1. APPEAL OF ZONING ADMINISTRATOR'S APPROVAL OF COASTAL DEVELOPMENT PERMIT NO. 07-018 AND CONDITIONAL USE PERMIT NO. 07-044 (HERMAN RESIDENCE - CONTINUED FROM THE JUNE 24, 2008 MEETING)** **Applicant:** Greg Howell **Appellant:** Commissioner John Scandura **Request:** CDP: To permit the demolition of an existing single-family dwelling and the construction of an approximately 5,196 sq. ft., 34 ft. tall single-family dwelling with a 640 sq. ft. attached garage; CUP: To allow a) approximately 646 sq. ft. of 3rd floor habitable area; (b) an approximately 48 sq. ft. third story deck; and (c) an overall building height exceeding 30 ft. 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:** 3292 Falkland Circle, 92649 (terminus of Falkland Circle, east of Channel Lane – Huntington Harbour) **Project Planner:** Andrew Gonzales

**STAFF RECOMMENDATION:** Motion to: "Approve Coastal Development Permit No. 07-018 and Conditional Use Permit No. 07-044 with findings and suggested conditions of approval."

The Commission made the following disclosures:

- Commissioner Farley attended the Study Session on August 28, 2008 and has no disclosures since the June 24, 2008 meeting.
- Commissioner Dwyer attended the Study Session on August 28, 2008 and has no disclosures since the June 24, 2008 meeting.
- Vice Chair Shier-Burnett attended the Study Session on August 28, 2008 and visited the site since the June 24, 2008 meeting.
- Commissioner Shaw attended the Study Session on August 28, 2008 and has no disclosures since the June 24, 2008 meeting.
- Commissioner Scandura attended the Study Session on August 28, 2008 and has no disclosures since the June 24, 2008 meeting.
- Chair Livengood has visited the site, attended the Study Session on August 28, 2008 and has no disclosures since the June 24, 2008 meeting.

Andrew Gonzales, Assistant Planner, gave an overview of the project.

**THE PUBLIC HEARING WAS OPENED.**

Greg Howell, applicant, stated that he was present and available to answer the Planning Commission's questions.

Stephen Herman, property owner, spoke in favor of Item No. B-1 and stated that the requested changes to the plans have been made.

Steve Wild, resident, spoke against Item No. B-1, citing concerns with parking.

Dorothy Ralphs, president of the Huntington Harbour Property Owners Association (HHPOA), spoke against Item No. B-1, saying that she believes there should be a 30' limit on the building height.

Dorris Moore, resident, spoke against Item No. B-1, citing concerns with possible obstruction of neighboring views and setting a precendent for single family houses of this size in Huntington Harbour.

Alicia Dose, resident, spoke in opposition to Item No. B-1.

Mike Palikin, Huntington Harbour Property Owners Association, spoke against Item No. B-1, citing issues with traffic, parking and said that the proposed home is oversized for the neighborhood.

Elizabeth Ament Howell, of Sky View Designs, spoke in favor of Item No. B-1, and said that changes have been made to the plans and the proposed height has been reduced.

**WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.**

Commissioner Scandura noted that the new project plans include more articulation, 1,000 sq. ft. less floor area and a 30%-40% reduction in third floor area. He indicated that he was satisfied with the revised plans and would vote in favor of the project.

Commissioner Shaw said that he concurs with Commissioner Scandura and indicated that the applicant did a good job in revising their project plans.

Vice Chair Shier-Burnett said that the zoning code is not 100% black and white, and is subject to individual judgment. She also said that she has visited the site and viewed the eleven homes on Falkland Circle and was surprised that the Planning Commission has not heard from more of the neighbors on Falkland Circle. She said that she feels that the proposed building height is still too high and will be voting against the item.

Commissioner Dwyer said that he concurs with Shier-Burnett and stated that he would be in favor of the project, with the revisions to the plans.

**A MOTION WAS MADE BY SCANDURA, SECONDED BY SHAW, TO APPROVE COASTAL DEVELOPMENT PERMIT NO. 07-018 AND CONDITIONAL USE PERMIT NO. 07-044 WITH REVISED FINDINGS AND MODIFIED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:**

| | |
|---|---|
| **AYES:** | **Farley, Dwyer, Livengood, Shaw, Scandura** |
| **NOES:** | **Shier-Burnett** |
| **ABSENT:** | **Speaker** |
| **ABSTAIN:** | **None** |

**MOTION APPROVED**

## FINDINGS AND CONDITIONS OF APPROVAL

## COASTAL DEVELOPMENT PERMIT NO. 2007-018/ CONDITIONAL USE PERMIT NO. 2007-044

### FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission 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 residential zone and involves the construction of a new single family dwelling.

### FINDINGS FOR APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 2007-018:

1. Coastal Development Permit No. 2007-018 for the demolition and construction of an approximately 5,196 sq. ft. single-family dwelling with a 640 sq. ft. attached garage conforms with the General Plan, including the Local Coastal Program land use designation of Residential Low-Density. The project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage development within, 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 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. The development complies with the maximum site coverage, maximum building height, minimum yard setbacks, minimum onsite parking, and third story design criteria. A concurrent application for a conditional use permit is under review to permit a third floor habitable area, third floor deck, and an overall building height of 34 ft.

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 addition will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.

4. The development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed addition will not impede public access or impact public views to coastal resources.

**FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 2007-044:**

1. Conditional Use Permit No. 2007-044 to permit an approximately 646 sq. ft. third floor living area and an approximately 48 sq. ft. third story deck with an overall building height of 34 ft. will not be detrimental to the general welfare of person working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed habitable area will be located within the confines of the second story roof volume, thus minimizing mass and bulk of the structure. The overall building height is not anticipated to impact surrounding properties because the project is mainly adjacent to two-story single family residences. The proposed rooftop deck will be located at the rear of the house and oriented toward the public right-of-way to insure privacy for adjacent properties. The proposed rooftop deck is setback more than 20 ft. from adjacent residential properties, and more than five ft. from the building exterior.

2. The conditional use permit will be compatible with surrounding uses consisting of single-family homes because the three-story residence is designed to be comparable to other two-story homes in the vicinity. The home is designed as a two-story residence with the third floor habitable area and rooftop deck integrated within the confines of the second story roof. The habitable area and rooftop deck is contained within the second floor roof volume with the orientation of the deck toward the Shelter Channel and sufficiently setback from the building exterior to insure privacy for adjacent properties.

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). The project complies with maximum lot coverage, minimum building setbacks, and maximum building height. An overall building height of 34 ft., third floor habitable area, and third floor deck are allowed in the base 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 RL-7 (Low Density Residential—7 units per acre) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

   *Policy 9.2.1:* Require that all new residential development within the existing residential neighborhoods (i.e., infill) be compatible with existing structures, including the:

   a. Maintenance of the predominant or median existing front yard setbacks;
   b. Use of building heights, grade elevations, orientation and bulk that is compatible with the surrounding development.
   c. Use of complementary building materials, colors and forms, while allowing flexibility for unique design solutions.
   d. Maintenance of privacy on abutting residences.

   The proposed project complies with the following General Plan policies because the project employs variations in form such as variable rooflines and building pop-outs, contrasting exterior finishes, building details such decorative doors and windows, and building siting in order to create visual interest. The architectural elements of the residence which includes windows, doors, balconies, and roof eaves create a rhythmic composition, taking into consideration scale, style and proportion of architectural elements. Furthermore, the proposed project is designed to minimize privacy impacts by not aligning windows with adjacent residences and orientating balconies and decks toward the public right-of-way.

The design of the residence will be compatible with existing developments in the neighborhood which are comprised of one- to two-story residences because the project will convey the appearance of a two-story home.

*Objectives C 1.1:* Ensure that adverse impacts associated with coastal zone development area mitigated or minimized to the greatest extend feasible.

*Implementation Program I-C 2:*

The principal method for implementing of the Coastal Element is the HBZSO, and the design and development standards contained therein. Accordingly, projects that comply with HBZSO standards area consistent with the Coastal Element of the General Plan.

The project will comply with the goals and policies of the Coastal Element the General Plan and the standards of the HBZSO. No adverse impacts will occur as a result of the proposed development. The project will not impact coastal access or coastal resources. The proposed construction will occur on a previously developed site, contiguous to existing residential development.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2007-018/CONDITIONAL USE PERMIT NO. 2007-044:**

1. The site plan, floor plans, and elevations received and dated August 14, 2008 shall be the conceptually approved design.

2. 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/index.cfm?fuseaction=guidelines).

**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.

**B-2. APPEAL OF ZONING ADMINISTRATOR'S APPROVAL OF COASTAL DEVELOPMENT PERMIT NO. 08-011 AND CONDITIONAL USE PERMIT NO. 08-021 (SAWYER RESIDENCE) Applicant:** Jay Golison **Appellant:** Mayor Pro Tem Keith Bohr **Request:** CDP: To permit the demolition of an existing single-family dwelling and the construction of an approximately 4,835 sq. ft., 33.5 ft. tall single-family dwelling with a 602 sq. ft. attached garage; CUP: To allow (a) approximately 1,010 sq. ft of 3rd floor habitable area; and (b) an overall building height exceeding 30 ft. 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:** 16701 Peale Lane, 92649 (west side of Peale Lane, north of Gilbert Drive – Huntington Harbour) **Project Planner:** Ron Santos

**STAFF RECOMMENDATION:** Motion to: "Approve Coastal Development Permit No. 08-011 and Conditional Use Permit No. 08-021 with findings and suggested conditions of approval."

The Commission made the following disclosures:

- Commissioner Scandura visited the site and attended the Study Session on August 26, 2008.
- Commissioner Shaw attended the Study Session on August 26, 2008.
- Vice Chair Shier-Burnett attended the Study Session on August 26, 2008, visited the site and spoke to staff.
- Commissioner Dwyer visited the site and attended the Study Session on August 26, 2008.
- Commissioner Farley spoke to staff, visited the site and attended the Study Session on August 26, 2008.
- Chair Livengood visited the site, spoke with staff and attended the Study Session on August 26, 2008.

Ron Santos, Associate Planner, gave an overview of the project.

Chair Livengood asked staff about the total square footage of the proposed project and staff indicated that it would be a 4,835 sq. ft. building with a 602 sq. ft. attached garage, with a height of 33.5'.

**THE PUBLIC HEARING WAS OPENED.**

Jay Golison, applicant, spoke in favor of Item No. B-2 and indicated that he would be available to answer questions from the Planning Commission.

Dorothy Ralphs, President of the Huntington Harbour Property Owners Association, spoke in opposition to Item No. B-2 and recommended that the building height be limited to 30'.

Alicia Dose, resident, spoke in opposition to Item No. B-2.

Mike Palikin, Huntington Harbour Property Owners Association, spoke against Item No. B-1, citing issues with traffic and parking. He said that he is in support

of larger garage areas to accommodate the parking demands of larger residences.

**WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.**

Commissioner Dwyer recommended hoist parking be added to the garage plans, which would provide two additional parking spaces.

Commissioner Scandura said that he is not in favor of the project as it is currently designed, saying that the structure would be too bulky.

Commissioner Shaw said that he concurs with Commissioner Scandura.

Commissioner Dwyer said that he disagrees with Commissions Scandura and Shaw.

Vice-Chair Shier-Burnett says that while she concurs with Commissioner Scandura and Shaw, she does not feel that this project would set a precedent for the neighborhood, as each design is unique. She asked staff if there are any existing three story homes on Peale Lane and staff said that there is one three story home with a height of 34'.

Chair Livengood asked about the driveway length and staff indicated that the distance from the garage to the sidewalk is 20'. Chair Livengood also asked about lot coverage and staff said that the proposed building would have approximately 50% lot coverage.

Commissioner Scandura stated that he would recommend denial and indicated the items in the suggested findings for approval that he disagreed with, such as conformance with The General Plan and Local Coastal Program, impeding public access, exceeding building height, and being detrimental to the welfare of persons working or residing in the vicinity.

Senior Deputy City Attorney noted that each of Commissioner Scandura's proposed strike-outs to the existing findings for approval must be supported by specific facts.

**STRAW VOTE**

**A Straw Vote motion was made by Scandura, seconded by Shaw, to support denial of the project with revised findings and strike-outs.**

| | |
|---|---|
| **AYES:** | **Shaw, Scandura** |
| **NOES:** | **Farley, Dwyer, Shier-Burnett, Livengood** |
| **ABSENT:** | **Speaker** |
| **ABSTAIN:** | **None** |

**MOTION FAILED**

**A MOTION WAS MADE BY DWYER, SECONDED BY FARLEY, TO APPROVE COASTAL DEVELOPMENT PERMIT NO. 08-011 AND CONDITIONAL USE PERMIT NO. 08-021 WITH REVISED FINDINGS AND MODIFIED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:**

| | |
|---|---|
| **AYES:** | **Farley, Dwyer, Shier-Burnett, Livengood** |
| **NOES:** | **Shaw, Scandura** |
| **ABSENT:** | **Speaker** |
| **ABSTAIN:** | **None** |

**MOTION APPROVED**

## FINDINGS AND CONDITIONS OF APPROVAL

## COASTAL DEVELOPMENT PERMIT NO. 2008-011/ CONDITIONAL USE PERMIT NO. 2008-021

### 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 15302 of the CEQA Guidelines, because the project consists of the replacement of an existing structure (a single-family dwelling) where the new structure (a single-family dwelling) will have substantially the same purpose and capacity as the structure replaced.

### FINDINGS FOR APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 2008-011:

1. Coastal Development Permit No. 2008-011 to permit the demolition of an existing single-family dwelling and the construction of an approximately 4,835 sq. ft., 33.5 ft. tall single-family dwelling with a 602 sq. ft. attached garage, as proposed, conforms with the General Plan, including the Local Coastal Program land use designation of Residential Low-Density. The project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage development within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a previously developed site, contiguous to existing 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. The project complies with all applicable development regulations including maximum building height and lot coverage, minimum yard setbacks and on-site parking, and third story design criteria.

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 project will be constructed in an urbanized area with direct access from an existing public street and with all necessary services and infrastructure available including water, sewer and electricity.

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 or impact public views to coastal resources. In addition, the project is subject to payment of required park fees, to be used for acquiring and maintaining public parkland for recreational use.

**FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 2008-021:**

1. Conditional Use Permit No. 2008-021 to allow (a) approximately 1,010 sq. ft of habitable space above the 2nd story and; (b) an overall building height exceeding 30 ft. 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 habitable area will be located within the confines of the second-story roof volume as required by the Zoning & Subdivision Ordinance (HBZSO), thus minimizing mass and bulk of the structure. In addition, the dwelling features a variety of roof lines and will exceed 30 ft. in height at the roof peaks/ridgelines only, thereby ensuring that the proposed building height will not be detrimental to surrounding properties.

2. The conditional use permit will be compatible with surrounding uses because the design, building materials, height, size and massing of the proposed dwelling is comparable with other dwellings existing in the surrounding neighborhood.

3. The proposed project 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 complies with the maximum building height, maximum lot coverage, and minimum building setbacks. Habitable area above the second story is allowed in the base zoning district with approval of a conditional use permit. The proposed third story deck will be setback a minimum of five feet from the second-story façade 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 (Low Density Residential – 7 units per acre) on the subject property. In addition, it is consistent with the following goals, policies and objectives of the General Plan:

   A. *Land Use Element*

      *Policy 9.2.1:* Require that all new residential development within the existing residential neighborhoods (i.e., infill) be compatible with existing structures, including the:

      a. Maintenance of the predominant or median existing front yard setbacks;

      b. Use of building heights, grade elevations, orientation and bulk that is compatible with the surrounding development.

      c. Use of complementary building materials, colors and forms, while allowing flexibility for unique design solutions.

      d. Maintenance of privacy on abutting residences.

   The proposed dwelling will comply with maximum building height permitted in the RL zone with a conditional use permit. The proposed third-story is designed within the confines of the second-story roof volume as required by HBZSO design standards for the RL zone, thus minimizing the building massing. No third-story view windows or deck areas are oriented toward adjoining properties and all windows on the first and second floors will offset from windows on existing adjacent dwellings or will be fitted with obscure glass (bathroom windows), in order to maintain privacy on abutting properties.

   B. *Coastal Element*

      *Objectives C 1.1*: Ensure that adverse impacts associated with coastal zone development area mitigated or minimized to the greatest extend feasible.

*Implementation Program I-C 2*:

The principal method for implementing of the Coastal Element is the HBZSO, and the design and development standards contained therein. Accordingly, projects that comply with HBZSO standards area consistent with the Coastal Element of the General Plan.

The project will comply with the goals and policies of the Coastal Element the General Plan and the standards of the HBZSO. No adverse impacts will occur as a result of the proposed development. The project will not impact coastal access or coastal resources. The proposed construction will occur on a previously developed site, contiguous to existing residential development.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-011/ CONDITIONAL USE PERMIT NO. 2008-021:**

1. The site plan, floor plans, and elevations received and dated July 14, 2008 shall be the conceptually approved design with the following modification: Roof dormers on the north and south sides of the house shall be fitted with view-obscuring glass block.

2. Prior to issuance of grading permits, the existing Time Warner cable TV pull box shall be relocated out of the proposed driveway approach or written approval from Time Warner to allow the pull box to remain in its current location shall be submitted to the Public Works Department. **(PW)**

3. Prior to submittal for building permits, zoning entitlement conditions of approval and code requirements identified in separately transmitted memorandum from the Departments of Building & Safety, Fire, Planning 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.

4. 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/index.cfm?fuseaction=guidelines).

**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.

**C. CONSENT CALENDAR - NONE**

**D. NON-PUBLIC HEARING ITEMS - NONE**

**E. PLANNING ITEMS**

**E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING**
**Scott Hess, Director of Planning - reported on the items from the previous City Council meeting.**

**E-2. CITY COUNCIL ITEMS FOR NEXT MEETING**
**Scott Hess, Director of Planning – reported on the items scheduled for the next City Council meeting.**

**E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING**
**Herb Fauland, Planning Manager– reported on the items scheduled for the next Planning Commission meeting**

**F. PLANNING COMMISSION ITEMS**

**F-1. PLANNING COMMISSION REQUEST ITEMS – NONE**

**F-2. PLANNING COMMISSION COMMENTS**

Chair Livengood reported on the Planning Commission Field Trip, which is scheduled for September 11, 2008.

**ADJOURNMENT: Adjourned at 8:40 PM to the Planning Commission Field Trip on September 11, 2008, and then to the next regularly scheduled meeting of September 23, 2008.**

APPROVED BY:

Scott Hess, Secretary

Elizabeth Shier-Burnett, Chair