

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

**WEDNESDAY, DECEMBER 9, 2009 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Andrew Gonzales, Kimberly De Coite (recording secretary)

**MINUTES:** **NONE**

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

**ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 2009-006/ CONDITIONAL USE PERMIT NO. 2009-027 (BESHAH RESIDENCE)**

APPLICANT/

PROPERTY OWNER: Georgina and Youssef Beshai

REQUEST: **CDP:** To permit the partial demolition of an existing single-family dwelling and the construction of an approximately 5,665 sq. ft., 33 ft. 3 in. tall single-family dwelling with a 485 sq. ft. attached garage; **CUP:** To allow (a) approximately 350 sq. ft. of 3<sup>rd</sup> floor habitable area; (b) an approximately 142 sq. ft. 3<sup>rd</sup> floor 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: 16245 Tisbury Circle, 92649 (terminus of Tisbury Circle – Humboldt Island)

PROJECT PLANNER: Andrew Gonzales

Andrew Gonzales, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

Mr. Gonzales stated that staff had received two public comments, including a letter from the Huntington Harbour Home Owner's Association (HOA) recommending the project be denied based upon it not obtaining proper authorization for revised plans which depict the residence at a height exceeding 30 ft. The second letter was from an adjoining neighbor who is opposed to the request due to inaccuracies with the project plans which depict non-compliant building setbacks, property line discrepancies, and privacy impacts. Mr. Gonzales stated that staff had received one verbal comment from another neighboring resident expressing concern with the orientation of the second floor balcony adjacent to the master suite.

Mr. Ramos asked if Condition No. 1d allowed for the master suite bathroom window to be opaque. Mr. Gonzales stated that it was an option but that an opaque window was not illustrated as such on the plans.

Mr. Ramos asked staff to confirm that there are a total of four bedrooms. Mr. Gonzales stated that the applicant had modified the wall of one of the rooms to be more than 50 percent open to an adjacent room in order to comply with the minimum onsite parking requirement. Mr. Ramos asked if the plan checker was in agreement with staff's assessment and Mr. Gonzales confirmed this.

#### **THE PUBLIC HEARING WAS OPENED.**

George Benham, representative for the applicant, submitted a survey certifying that the perimeter walls are within the property. He stated that the master suite bathroom windows would be opaque. Mr. Ramos asked Mr. Benham if he objected to any of the recommended conditions of approval and Mr. Benham stated that he did not. Mr. Benham stated that the windows in the bonus room would also be opaque and Mr. Ramos stated that the bonus room window would need to be relocated. Mr. Benham indicated that the window would be removed.

Georgina Beshai, property owner, asked if the window might be maintained as long as the balcony was removed. She noted that it was an existing window. Mr. Ramos indicated that the window alignment was a code requirement and would be addressed during plan check.

Mr. Benham stated that many of the suggested conditions, including the garage door opening, have already been resolved.

Ms. Beshai stated that she recently contacted the HOA and will submit the new plans for review. She stated that the CC&Rs state that overall height is determined by the midpoint of the structure which is restricted at 30 ft. She states that the structure's midpoint will be 27 ft.

Connie Mandic, 16242 Tisbury Circle, expressed concern with the proposed orientation of the master bedroom balcony and supports its elimination. She noted that potential private views associated with the site would be eliminated by any future development of her site. Mr. Ramos noted that private views are not protected. Ms. Mandic asked if the intention was to locate a window in place of the balcony. Mr. Ramos indicated that there are several options, including a non-functional balcony. He stated that the plan checker would make sure that the windows would not align with Ms. Mandic's residence and the inspector would confirm this. Ms. Mandic stated that her side of the common perimeter wall is unfinished. She asked if she could receive notification over the placement of the pool equipment. Mr. Ramos stated that if the placement complies with code a permit would be issued without notification to neighboring residents. Ms. Mandic asked if neighbors would receive a notice of demolition and Mr. Ramos stated that notice was not required but indicated that he would request that the applicant consider notifying neighbors

Jim Dockstader, representing the residents at 16251 Tisbury Circle, stated that he had submitted a letter to the Planning Department. Mr. Ramos noted that he had received and reviewed the letter. Mr. Dockstader noted that many of his concerns had been addressed. He asked to obtain a copy of the property survey and asked if the property lines would be marked

prior to the commencement of construction. Mr. Gonzales stated that the Building Department would require a survey should there be no onsite markers for the building inspector.

Mr. Dockstader asked if an existing perimeter wall would be completed and Mr. Ramos stated that the wall is a matter between both property owners. Mr. Dockstader stated that the wall is lower than the 6 ft. height on the plans, and that there are line of sight issues between the properties. He asked if the window alignments take into consideration the placement of existing perimeter walls. Mr. Gonzales stated that the window alignments do not take into account the location and height of perimeter walls.

Mr. Dockstader noted that the residents have a glass and wood fence that projects beyond the project's property lines to the dock. He asked if it would remain. Mr. Ramos asked if the residents had wharfage rights and stated that the applicant would only be entitled to remove the fence if it is within their property and/or wharfage area.

Mr. Dockstader asked if the landscape plans could be shared with neighboring residents.

Mr. Benham stated that the applicant is willing to add eight inches to the dividing wall and allow the neighboring residents to plaster their portion of the wall. He stated that the applicant is willing to inform neighboring residents of the planned locations for the air conditioning unit and pool equipment and that the landscape plans would be public record. Mr. Ramos stated that he would not require the applicant to extend the dividing wall.

Ms. Mandic asked if the HOA would appeal the request. Mr. Gonzales stated that a request could be appealed by any private party or by an elected or appointed city official.

**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 with the modified conditions provided by staff.

**COASTAL DEVELOPMENT PERMIT NO. 2009-006/ CONDITIONAL USE PERMIT NO. 2009-027 WERE 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) WORKING 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 is located within an urbanized residential zone and involves the reconstruction of a new single-family dwelling.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2009-006:**

1. Coastal Development Permit No. 2009-006 for the partial demolition of an existing single-family dwelling and the construction of an approximately 5,665 sq. ft., 33 ft. 3 in. tall single-

family dwelling within an attached 485 sq. ft. 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 Policy C 1.1.1 to encourage 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 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 the minimum onsite parking, minimum building setbacks, maximum lot coverage, and maximum building height.
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 residence will be constructed on a previously developed site in an urbanized area with all the 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 residence will not impede public access, recreation, or views to coastal resources.

#### **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2009-027 :**

1. Conditional Use Permit No. 2009-027 to permit (a) approximately 350 sq. ft. of 3<sup>rd</sup> floor habitable area; (b) approximately 142 sq. ft. 3<sup>rd</sup> floor deck; and (c) an overall building height of 33 ft. 3 in. 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 3<sup>rd</sup> floor habitable area will be located within the confines of the 2<sup>nd</sup> floor roof volume. The 3<sup>rd</sup> floor will be accessible only from the interior of the building. All windows within the 3<sup>rd</sup> floor will face the harbor thereby protecting direct views onto adjacent residences. Nearby residences will be shielded from the 3<sup>rd</sup> floor deck by the 2<sup>nd</sup> floor roof and a minimum 20 ft. setback. The overall building height is not anticipated to impact surrounding properties because the project is adjacent to existing two-story, single-family residences with similar building heights.
2. The conditional use permit will be compatible with the surrounding neighborhood because the three-story residence is designed to resemble the two-story homes in the adjacent neighborhood. The portions of the building that exceed 30 ft. will be to accommodate a portion of the roof which is centrally located on the building and setback more than 15 ft. from the outer perimeter of the building. The 3<sup>rd</sup> floor habitable area and rooftop deck are integrated within the confines of the 2<sup>nd</sup> floor roof volume which is compatible to the mass and scale of surrounding homes. The orientation of the deck and living area will face the Midway Channel and be sufficiently setback from the building exterior to protect the privacy of adjacent properties.
3. The 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 minimum onsite parking, minimum building setbacks, maximum lot coverage, and maximum building height. An overall building height

of 33 ft. 3 in., 3<sup>rd</sup> floor habitable area, and 3<sup>rd</sup> floor deck are allowed within the RL (Residential Low Density) 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:

A. Land Use Element

Policy – 9.2.1: Require that all new residential development within 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 are compatible with the surrounding development.
- c. Use of complimentary building materials, colors and forms, while allowing flexibility for unique design solutions.
- d. Maintenance of privacy on abutting residences.

The proposed project complies with these 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 include windows, doors, balconies, and roof eaves create a rhythmic composition, taking into consideration scale, style and proportion of architectural elements. Furthermore, the proposed project, as conditioned, 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 two-story residences because the project will convey the appearance of a two-story home.

B. Coastal Element

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

Implementation Program – I-C 2: The principal method for implementing the Coastal Element is the HBZSO, and the design and development standards contained therein. Accordingly, projects that comply with HBZSO standards are 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 public access, recreation, or views to coastal resources. The proposed construction will occur on a previously developed site, contiguous to existing residential development.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2009-006**  
**/CONDITIONAL USE PERMIT NO. 2009-027:**

1. The site plan, floor plans, and elevations received and dated November 13, 2009, shall be the conceptually approved design with the following modifications:
  - a. On Sheet No. 1 (SP), depict the building so that the southwest corner does not reflect an encroachment into the required 10 ft. rear yard setback.
  - b. On Sheet No. A-1, depict the doors so that they do not swing into the 9 ft. wide and 19 ft. deep garage parking spaces.
  - c. On Sheet No. A-2, the 2<sup>nd</sup> floor balcony located adjacent to "Bedroom No. 3" shall be omitted in order to protect the privacy of the adjoining easterly neighbor.
  - d. On Sheet No. A-2, omit or relocate the 2<sup>nd</sup> floor windows in the bathroom of "Bedroom No. 3", the window in the "Bonus" room, and the window in the bathroom of the "Master Suite" so that they do not directly align with the 2<sup>nd</sup> floor windows of the easterly and westerly adjacent homes.
  - e. The exact location of the fireplace shall be reflected on all corresponding site and floor plans.
  
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.

**THE MEETING WAS ADJOURNED AT 2:15 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, DECEMBER 16, 2009, AT 1:30 PM.**

  
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Ricky Ramos  
Zoning Administrator

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