

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

WEDNESDAY, MAY 7, 2014 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Kristi Rojas, Ethan Edwards, Judy Demers (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 13-023/ CONDITIONAL USE PERMIT 13-034 (MAI RESIDENCE)

APPLICANT: Jeffrey Jonsson, 946 Calle Amanecer #C, San Clemente, CA 92673

PROPERTY OWNER: David Mai, 11730 Seaboard Circle, Stanton, CA 90680

REQUEST: **CDP:** To permit the demolition of an existing approximately 2,879 sq. ft. residence and to construct a new approximately 4,173 sq. ft. single-family dwelling with an 812 sq. ft. attached garage and an 805 sq. ft. covered entry. **CUP:** To permit a third story of approximately 1,090 sq. ft. and a 407 sq. ft. deck. This 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: 16375 Ardsley Circle, 92649 (south side of Ardsley Cir. east of Humboldt Dr.)

CITY CONTACT: Kristi Rojas

Kristi Rojas, Project Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary. Ms. Rojas noted that a neighbor did discuss the proposed project with staff citing concerns with the window placements.

Mr. Ramos verified the depth of the proposed garage and the setbacks.

THE PUBLIC HEARING WAS OPENED.

Jeffrey Jonsson, stated that he had not reviewed the staff recommended conditions or findings but is willing to relocate windows to avoid alignment with the neighboring residences.

Mike Webster, resident, cited concerns with privacy issues. He noted that he had spoken with the property owner who stated that the windows would not align with his residence. He also

noted a concern with the deck location citing concerns with privacy. A brief discussion took place regarding the deck and railing.

Cheryl Orr, resident, stated that she was concerned with the potential location of the windows on the first floor. Mr. Ramos stated that the windows are not allowed to overlap.

Mr. Ramos inquired if the applicant had an opportunity to review the staff recommendations. Mr. Jonsson stated that he did review the recommended conditions and has no comments or concerns with them.

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 and will add conditions verifying the compliance of the side setbacks, window alignments, garage depth and the proposed dormers.

COASTAL DEVELOPMENT PERMIT NO. 13-023/ CONDITIONAL USE PERMIT 13-034 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 consists of the construction of one single-family residence within a residential zone.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 13-023:

1. Coastal Development Permit No. 13-023 to permit the demolition of an existing approximately 2,879 sq. ft. residence and to construct a new approximately 4,173 sq. ft. single-family dwelling with an 812 sq. ft. attached garage and an 805 sq. ft. covered entry 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 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 complies with all applicable development regulations, including minimum setbacks and on-site parking, 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.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 13-023:

1. Conditional Use Permit No. 13-034 to permit a third story of approximately 1,090 sq. ft. and a 407 sq. ft. deck 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 third floor habitable area at an overall height of 30 ft. will be located within the confines of the second story roof volume. The proposed third floor will be accessible only from the interior of the building. The deck above the second story top plate line will face the harbor thereby protecting privacy of adjacent residences. Based on code requirements, the proposed balcony will be setback a minimum of 5 ft. from the building exterior which will minimize the visual mass and bulk of the residence.
2. The proposed single-family dwelling with a third story of approximately 1,090 sq. ft. and 407 sq. ft. deck, will be compatible with surrounding uses because the third floor habitable area will be integrated into the design of the residence in order to resemble the two-story homes in the neighborhood. The overall building height will match the surrounding properties because the project is adjacent to existing two-story, single-family residences with similar building heights. The third story balcony will be oriented towards the harbor which will protect direct views onto adjacent residences. Furthermore, the proposed balcony will be setback 5 ft. from the building exterior which allows the residence to be compatible with the mass and scale of structures in the surrounding neighborhood.
3. The proposed single-family dwelling with a third story of approximately 1,090 sq. ft. and 407 sq. ft. deck 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. In addition, any specific condition required for the proposed use in the district in which it would be located. The project complies with minimum onsite parking and building setbacks, and maximum lot coverage and building height. The third floor habitable area and 407 sq. ft. 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 (Residential Low Density—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 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

Objectives – 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 dwelling, including a 407 sq. ft. deck on the third floor 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, and minimum on-site parking. The proposed third floor habitable area will be integrated within the confines of the second story roof

volume. The third story balcony will be oriented toward the harbor, minimizing impact to privacy on adjoining properties. The balcony will also be setback 5 feet from the building exterior to reduce the mass and bulk of the structure.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 13-023
/CONDITIONAL USE PERMIT NO. 13-034:

1. The site plan, floor plans, and elevations received and dated March 14, 2014 shall be the conceptually approved design with the following modifications:
 - a. The side yard setbacks shall be clearly identified and must meet the minimum setback requirement, as set in Section 210.06 of the Huntington Beach Zoning and Subdivision Ordinance.
 - b. The garage depth shall be at minimum 19 feet as set in Section 231 of the Huntington Beach Zoning and Subdivision Ordinance.
 - c. The proposed dwelling and the neighbors' residences shall be accurately drawn to ensure that the Infill Lot Ordinance is properly met.
2. Prior to submittal of building permits:
 - a. The applicant shall submit revised plans pursuant to Condition No. 1 to the Planning Division for review, approval and inclusion in the file.
 - b. Zoning entitlement conditions of approval and code requirements identified in separately transmitted memorandum from the Departments of Fire, Planning and Building, 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, except as modified by conditions of approval.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Planning and Building 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. Coastal Development Permit No. 13-023 and Conditional Use Permit No. 13-034 and shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning & Building 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 Planning and Building 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 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>).

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.

ITEM 2: COASTAL DEVELOPMENT PERMIT NO. 14-004/ CONDITIONAL USE PERMIT NO. 14-004 (NGUYEN RESIDENCE):

APPLICANT: Brad Smith, Architect, 425 30th Street, Suite 22, Newport Beach, CA 92663

PROPERTY OWNER: Darren Nguyen, 14072 Magnolia Street, Suite 200, Westminster, CA 92683

REQUEST: **CDP:** To permit the construction of a new approximately 5,363 sq. ft. single-family dwelling with a 737 sq. ft. attached garage. **CUP:** To permit (a) a third story of approximately 402 sq. ft and a 109 sq. ft. deck; and (b) an overall building height of approximately 32 ft. 6 in. This 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: 16541 Channel Lane, 92649 (west side of Channel Ln., between Bounty Cir. and Admiralty Dr.)

CITY CONTACT: Ethan Edwards

Ethan Edwards, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary. He noted that staff received one letter from the Huntington Harbour Property Owners Association opposing the project citing the noncompliance with the Associations CC & R's, maximum height requirement.

Ricky Ramos, Zoning Administrator, stated that he had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Brad Smith, applicant, stated that he had no comments or concerns with staff's recommendations.

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.

COASTAL DEVELOPMENT PERMIT NO. 14-004/ CONDITIONAL USE PERMIT NO. 14-004 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED 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 consists of the construction of one single-family residence within a residential zone.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 14-004:

1. Coastal Development Permit No. 14-004 to permit the construction of a new approximately 5,363 sq. ft. single-family dwelling with a 737 sq. ft. attached garage, 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 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 complies with all applicable development regulations, including minimum setbacks and on-site parking, 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.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 14-004:

1. Conditional Use Permit No. 14-004 to permit a new single-family dwelling with a third story of approximately 402 sq. ft. and a 109 sq. ft. deck, and an overall building height of approximately 32 ft. 6 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 third floor habitable area will be located within the confines of the second story roof volume and will be accessible only from the interior of the building. The deck above the second story top plate line will face the harbor thereby protecting privacy of adjacent residences. Based on code requirements, the proposed balcony will be setback a minimum of 5 ft. from the building exterior which will minimize the visual mass and bulk of the residence.
2. The proposed single-family dwelling with a third story of approximately 402 sq. ft. and a 109 sq. ft. deck, and an overall building height of approximately 32 ft. 6 in. will be compatible with surrounding uses because the third floor habitable area will be integrated into the design of the residence in order to resemble the two-story homes in the neighborhood. The overall building height will match the surrounding properties because the project is adjacent to existing two-story, single-family residences with similar building heights. The third story deck will be oriented towards the harbor which will protect direct views onto adjacent residences. Furthermore, the proposed deck will be setback 5 ft. from the rear building exterior and 18 ft. from the side building exteriors which allows the residence to be compatible with the mass and scale of structures in the surrounding neighborhood.
3. The proposed single-family dwelling with a third story of approximately 402 sq. ft. and a 109 sq. ft. deck, and an overall building height of approximately 32 ft. 6 in. 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. In addition, any specific condition required for the proposed use in the district in which it would be located. The project complies with minimum onsite parking and building setbacks, and maximum lot coverage and building height. The third floor habitable area with an approximately overall building height of 32 ft. 6 in. and 109 sq. ft. deck is 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 (Residential Low Density—7 units per acre) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

B. Land Use Element

Policy – 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.

C. Coastal Element

Objectives – 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 dwelling, including a third story of approximately 402 sq. ft. and a 109 sq. ft. deck with an overall building height of approximately 32 ft. 6 in., 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, and minimum on-site parking. The proposed third floor habitable area will be integrated within the confines of the second story roof volume. The third story balcony will be oriented toward the harbor, minimizing impact to privacy on adjoining properties. The balcony will also be setback from the building exterior to reduce the mass and bulk of the structure.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 14-004 /CONDITIONAL USE PERMIT NO. 14-004:

1. The site plan, floor plans, and elevations received and dated March 13, 2014 shall be the conceptually approved design.
2. Prior to submittal of building permits:
 - a. Zoning entitlement conditions of approval and code requirements identified in separately transmitted memorandum from the Departments of Fire, Planning and Building, 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, except as modified by conditions of approval.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Planning and Building 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. 14-004 and Conditional Use Permit No. 14-004 and shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning & Building 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 Planning and Building 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 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>).

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 1:57 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, MAY 21, 2014, AT 1:30 P. M.

Ricky Ramos
Zoning Administrator

RR:jd