

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

WEDNESDAY, AUGUST 16, 2017 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos
STAFF MEMBER: Jessica Bui, Kimo Burden, Joanna Cortez, Tania Moore
MINUTES: May 16, 2016
January 18, 2017
February 15, 2017
APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1 : CONDITIONAL USE PERMIT NO. 17-020 (CLANTON RESIDENCE ROOF TOP DECK):

APPLICANT: Craig Smith, 1041 W. 18th Street, Suite A-208, Costa Mesa, CA 92627
PROPERTY OWNER: Mary Ann Clanton, 7789 Bacon Road, Whittier, CA 90602 #207, Huntington Beach CA 92648
REQUEST: To permit an approximately 404 sq. ft. roof top deck above the second story top plate of an existing single family residence.
ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption. Section 15301, Class 1, California Environmental Quality Act.
LOCATION: 21851 Kiowa Lane, 92646 (west side of Kiowa Ln. at the terminus of Mahalo Dr.)
COASTAL STATUS: Exempt
CITY CONTACT: Jessica Bui

Jessica Bui, Assistant 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.

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

THE PUBLIC HEARING WAS OPENED.

Craig Smith, applicant, stated that he 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 reviewed a written communication from an adjacent neighbor expressing concerns with the proposed height of the project. Mr. Ramos asked the applicant if there was any

objection to extending the north wall of the deck to alleviate any privacy concerns. Mr Smith agreed to that proposal.

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff with a modified condition to raise the north deck wall to 5 ½ to 6' in height.

CONDITIONAL USE PERMIT NO. 17-020 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR 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 15301 of the CEQA Guidelines, because the proposed project involves the addition of an approximately 404 sq. ft. roof top deck above the second story top plate of an existing single family residence.

FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 17-020:

1. Conditional Use Permit No. 17-020 for the construction of an approximately 404 sq. ft. roof top deck above the second story top plate of an existing single family residence 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 as the roof top deck will maintain a five foot setback around the perimeter and is oriented toward the public right-of-way to ensure privacy is provided for abutting neighbors. Furthermore, the roof top deck is designed to be integrated with the roof and is under the maximum height requirement of 35 ft. for the single family residence; and therefore, is architecturally compatible with the existing dwellings in the neighborhood and will not be detrimental to the value of the property or neighborhood.
2. Conditional Use Permit No. 17-020 for the construction of an approximately 404 sq. ft. roof top deck above the second story top plate of an existing single family residence will be compatible with surrounding uses because the roof top deck is an ancillary addition to an existing single family residence and the use will be maintained as a single family residence, consistent with the surrounding residential uses. The roof top deck is designed to be architecturally compatible with the existing single family residence and is approximately 24 ft. in height, which is under the maximum height of 35 ft. in the RL (low density residential) zone; therefore, the peak of the roof top deck will be consistent with the height of the surrounding dwellings within the neighborhood. Furthermore, the roof top deck shall maintain a five foot setback around the perimeter of the roof top deck space in order to provide privacy for abutting neighbors.
3. Conditional Use Permit No. 17-020 for the construction of an approximately 404 sq. ft. roof top deck above the second story top plate of an existing single family residence will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The HBZSO allows for roof top decks above the second story top plate of a residence subject to approval of a

conditional use permit. The roof top deck shall provide the minimum code requirement of a five foot setback along the perimeter of the deck and is approximately 24 ft. in height which is below the maximum height of 35 ft. in the RL zone.

4. The granting of the Conditional Use Permit No. 17-020 for the construction of an approximately 404 sq. ft. roof top deck above the second story top plate of an existing single family residence will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL (Residential Low Density) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Objective LU 9.2: Provide for the preservation of existing residential neighborhoods.

Policy - LU 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; and
- d) Maintenance of privacy on abutting residences

The 404 sq. ft. roof top deck above the second story top plate will enhance and preserve the existing residential neighborhood and will be compatible with the existing structures within the neighborhood and is proposed at a height consistent to adjacent structures. In addition, the roof top deck is designed with building materials that are consistent with the surrounding neighborhood and will maintain a required five foot setback along the perimeter of the deck to maintain privacy for abutting residences.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 17-020:

1. The site plan, floor plans, and elevations received and dated July 13, 2017 shall be the conceptually approved design with the following modification: the wall on the north side of the roof top deck shall be 6 ft. high for one-half of the length of the deck and 5.5 ft. high for the remaining length.
2. CUP No. 17-020 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Community Development Department pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
3. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18

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/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. 17-007 (SILVERMAN RESIDENCE):

APPLICANT: Jim Caldwell, 1614 Warwick Lane, Newport Beach, CA 92660
PROPERTY OWNER: Neil and Erica Silverman, 3911 Finisterre Drive, Huntington Beach, CA 92649
REQUEST: To permit the demolition of an existing 2,450 sq. ft. single-family residence to construct a new 5,139 sq. ft. single-family residence with a 626 sq. ft. garage and 115 sq. ft. of second floor decks. This includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/privacy issues, such as window alignments, building pad height, and floor plan layout.
ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption, Section 15303, Class 3, California Environmental Quality Act.
COASTAL STATUS: Appealable
LOCATION: 16777 Bolero Lane, 92649 (north of Finisterre Dr., west of Bolero Ln.)
CITY CONTACT: Kimo Burden

Kimo Burden, Planning Aide, displayed project plans 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.

THE PUBLIC HEARING WAS OPENED.

Jim Caldwell, applicant, stated that he no comment 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. 17-007 WAS 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 a single-family residence within a residential zone.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 17-007:

1. Coastal Development Permit No. 17-007 to permit the demolition of an existing 2,450 sq. ft. single-family residence to construct a new 5,139 sq. ft. single-family residence with a 626 sq. ft. garage and 115 sq. ft. of second floor decks conforms with the General Plan, including the Local Coastal Program. The project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage new development to locate 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 request to demolish an existing 2,450 sq. ft. single-family residence to construct a new 5,139 sq. ft. single-family residence with a 626 sq. ft. garage and 115 sq. ft. of second floor decks is consistent with the requirements of the Coastal Zone Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The project will comply with all applicable development regulations, including maximum building height, lot coverage, and minimum yard setbacks.
3. At the time of occupancy, the proposed development to demolish an existing 2,450 sq. ft. single-family residence to construct a new 5,139 sq. ft. single-family residence with a 626 sq. ft. garage and 115 sq. ft. of second floor decks 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 request to permit the demolition of an existing 2,450 sq. ft. single-family residence to construct a new 5,139 sq. ft. single-family residence with a 626 sq. ft. garage and 115 sq. ft. of second floor decks 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.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 17-007:

1. The site plan, floor plans, and elevations received and dated July 10, 2017, shall be the conceptually approved design.
2. Prior to submittal for plan check, zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire, Community Development, and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and

plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.

3. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - c. Truck idling shall be prohibited for periods longer than 10 minutes.
 - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.
 - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/grading activity.
4. Final building permit(s) cannot be approved until the following have been completed:
 - a. All improvements shall be completed in accordance with approved plans.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Community Development Department.
 - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
5. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
6. Coastal Development Permit No. 17-007 shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval by the City or by the Coastal Commission if the Coastal Development Permit is appealed, or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
7. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
8. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but 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 3: CONDITIONAL USE PERMIT NO. 17-023 (MCGUIRE RESIDENCE ADDITION)

APPLICANT:	Earl Knowlton, 6612 Wrenfield Dr., Huntington Beach, CA 92647
PROPERTY OWNER:	Renee McGuire, 8222 Snowbird Dr., Huntington Beach, CA 92646
REQUEST:	To permit an approximately 418 sq. ft. addition above the second story top plate of a two-story single family residence with an accessory dwelling unit.
ENVIRONMENTAL STATUS:	This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.
LOCATION:	8222 Snowbird Drive, 92646 (southeast corner of Snowbird Dr. and Schooner Ln.)
CITY CONTACT:	Joanna Cortez

Joanna Cortez, Acting 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.

THE PUBLIC HEARING WAS OPENED.

Earl Knowlton, applicant, stated that he 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.

CONDITIONAL USE PERMIT NO. 17-023 (MCGUIRE RESIDENCE ADDITION) WAS 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) CALENDAR 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 15301 of the CEQA Guidelines, because the project consists of an addition to an existing single-family residence within a residential zone.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 17-023:

1. Conditional Use Permit No. 17-023 to permit an approximately 418 sq. ft. addition above the second story top plate of a two-story single family residence with an accessory dwelling unit 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 third floor addition, which includes a loft, bathroom, and bedroom, will expand a previously approved accessory dwelling unit (Administrative Permit No. 14-010). In accordance with the Huntington Beach Zoning and Subdivision Ordinance (HBZSO), the habitable area above the second story plate line is designed to be within the confines of the roof volume, with exception of a window dormer, which will minimize the visual mass and bulk of the residence. Additionally, the proposed addition will be accessible only from the interior of the building and all windows will be orientated towards Schooner Ln. and public alley, thereby protecting the privacy of adjacent residences and creating a design that will be consistent with the surrounding properties.
2. The conditional use permit to permit an approximately 418 sq. ft. addition above the second story top plate of a two-story single family residence with an accessory dwelling unit will be compatible with surrounding uses. This habitable area above the second story plate line, which includes a loft, bathroom, and bedroom, is designed to be a part of the roof volume, with exception of a window dormer. This facilitates the structures resemblance as a two-story home with mass and scale that is similar to homes in the neighborhood. In addition, the overall building height (29 ft.-5 in.) will be consistent with the height of existing two-story homes in the neighborhood. All windows will also be oriented towards Schooner Ln. and the public alley, which will protect direct views onto adjacent residences. Lastly, the proposed window dormer is setback five feet from the building exterior, further preserving views onto adjacent residences.
3. The proposed conditional use permit to permit an approximately 418 sq. ft. addition above the second story top plate of a two-story single family residence with an accessory dwelling unit 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 minimum on-site parking and building setbacks, as well as maximum lot coverage and building height. The habitable area above the second story plate line is allowed for all single-family dwellings in the RL (Residential Low Density), with approval of a Conditional Use Permit.
4. The granting of the conditional use permit to permit an approximately 418 sq. ft. addition above the second story top plate of a two-story single family residence with an accessory dwelling unit will not adversely affect the General Plan. It is consistent with the Land Use Element designation 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 LU 9.2.1: Require that all new residential development within existing residential neighborhoods be compatible with existing structures, including (b) use of building heights, grade elevations, orientation and bulk that are compatible with the surrounding development; and (d) maintenance of privacy on abutting residences.

The proposed request to permit an approximately 418 sq. ft. addition above the second story top plate of a two-story single family residence with an accessory dwelling unit is consistent with

the requirements of the base zoning district, as well as other provisions of the Municipal Code including setbacks, maximum building height, and minimum on-site parking. The overall building height will match the surrounding properties because the neighborhood is developed with two-story, single-family residences with similar building heights. The proposed third floor habitable area will be integrated within the confines of the second story roof volume. All windows will also be oriented towards Schooner Ln. and the public alley, which will protect direct views onto adjacent residences. Additionally, the proposed window dormer is setback five feet from the building exterior, further preserving views onto adjacent residences.

CONDITIONS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 17-023:

1. The site plan, floor plans, and elevations received and dated August 7, 2017 shall be the conceptually approved design.
2. 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.
3. Conditional Use Permit No. 17-023 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
4. The Development Services Departments and divisions (Building & Safety, Fire, Planning, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
5. 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 <https://www.builditgreen.org/greenpoint-rated>.

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 1:44 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, SEPTEMBER 6, 2017, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:JC:tm