

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

**WEDNESDAY, JUNE 3, 2015 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Joanna Cortez, Ethan Edwards, Judy Demers

**MINUTES:** **NONE**

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

**ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 15-004/ ADMINISTRATIVE PERMIT NO. 15-005 (SCHAMEL RESIDENCE- CONTINUED FROM THE MAY 20, 2015, MEETING)**

APPLICANT: Karen Otis, 909 Electric Ave. Suite 207, Seal Beach, CA 90740  
PROPERTY OWNER: Duke and Mitzie Schamel, 16835 Algonquin Street, Huntington Beach, CA 92649  
REQUEST: To permit an approximately 1,277 sq. ft. addition to an existing one-story single family dwelling with lot coverage of 51.4% in lieu of the maximum 50%.  
LOCATION: 4081 Diablo Circle, 92649 (Near the northwest corner of Diablo Cir. and Edgewater Ln., Huntington Harbour).  
CITY CONTACT: Joanna Cortez

Joanna Cortez, 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. Ms. Cortez noted that staff received one comment inquiring about the proposed project.

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

**THE PUBLIC HEARING WAS OPENED.**

Karen Otis, applicant, stated that she had no comments or concerns with staff's recommendations.

**THERE WERE NO PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

Mr. Ramos stated he would approve the request as recommended by staff.

**COASTAL DEVELOPMENT PERMIT NO. 15-004/ ADMINISTRATIVE PERMIT NO. 15-005 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 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 - COASTAL DEVELOPMENT PERMIT NO. 15-004:**

1. Coastal Development Permit No. 15-004 for the 1,277 sq. ft. addition to an existing one-story single family residence conforms to the General Plan and 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 addition will occur within an existing single family dwelling located within an established residential neighborhood.
2. The project, with the exception of the request to exceed maximum lot coverage, is consistent with the requirements of the Coastal Zone (CZ) Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code, including maximum height, minimum yard setbacks, and required onsite parking. The proposed 1,277 sq. ft. addition will primarily be located within the existing building foot print; however, a portion of it will expand the building footprint by approximately 126.26 sq. ft., causing the building to cover 51.4% of the lot in lieu of the maximum allowance of 50%. The Huntington Beach Zoning and Subdivision Ordinance (HBZSO) allows for a waiver of development standards with approval of an Administrative Permit. As such, the applicant is seeking approval of an Administrative Permit in conjunction with the Coastal Development Permit.
3. At the time of occupancy, the proposed addition 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 roadways.
4. The addition conforms to 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 - ADMINISTRATIVE PERMIT NO. 15-005:**

1. The proposed lot coverage of 51.4% does not exceed a 10% deviation from the maximum allowed lot coverage of 50% applicable in the RL (Residential Low Density) zoning district, pursuant to Section 210.06 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO).
2. The waiver of development standards to exceed maximum lot coverage improves the design by pushing the front entry door approximately 15 ft. closer to the street and in turn, eliminates the dark "tunnel" effect the 15 ft. long entryway currently has. Granting the waiver also allows for a design that provides additional security as the front door will be closer and more visible to the street. As proposed, the project meets desired design objectives and maintains neighborhood compatibility.

3. The proposed project will not degrade the environment, and will not result in any changes to land use or density. With the exception of the proposed 51.4% lot coverage, the proposed project, as conditioned, conforms to all applicable development standards, including maximum height, minimum yard setbacks, and required onsite parking.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 15-004/  
ADMINISTRATIVE PERMIT NO. 15-005:**

1. The site plan, floor plans, and elevations received and dated April 13, 2015 shall be the conceptually approved design.
2. Prior to submittal for building permits, zoning entitlement conditions of approval and code requirements 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. 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.
  - b. Compliance with all conditions of approval specified herein shall be verified by the Planning & 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.
4. CDP No. 15-004 and AP No. 15-005 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 Division a minimum 30 days prior to the expiration date.
5. The applicant and/or applicant's representative shall be responsible for ensuring that accuracy of all plans and information submitted to the City for review and approval.
6. 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.

7. 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: VARIANCE NO. 15-002 (JACKSON RESIDENCE)**

APPLICANT: Ron Wikstrom, 2027 Ross St., Santa Ana, CA 92648  
PROPERTY OWNER: Charles and Corrine Jackson, 6901 Lawn Haven Dr., Huntington Beach, CA 92648  
REQUEST: To permit an approximately 2,211 sq. ft. first and second floor addition to an existing 912 sq. ft. non-conforming single family residence in lieu of the maximum increase of 450 sq. ft. (50% addition).  
LOCATION: 824 Geneva Avenue, 92648 (east side of Geneva Ave., between Indianapolis Ave. and Hill St.)  
CITY CONTACT: Joanna Cortez

Joanna Cortez, 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. Ms. Cortez noted that staff received one phone call inquiring of the project.

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

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

Ron Wikstrom, applicant, stated that he had no comments or concerns with staff's recommendations. Mr. Wikstrom asked if staff would verify the meaning of Condition No. 5. Staff verified that a building final could not be completed unless all of the conditions were complete.

#### **THERE WERE NO PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

There was a lengthy discussion regarding the variance requests for the proposed project. Mr. Ramos indicated that the challenge is being unable to distinguish the property from other properties as having a unique situation.

**VARIANCE NO. 15-002 WAS DENIED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS FOR DENIAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.**

**FINDINGS FOR DENIAL - VARIANCE NO. 15-002:**

1. No special circumstance that is applicable to the subject property has been identified such that the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other nonconforming properties in the vicinity and under identical zoning classification. Chapter 236 of the Huntington Beach Zoning and Subdivision Ordinance applies to nonconforming uses and structures. Relying on the nonconformance of the structure itself as a special circumstance in approving the variance request would mean that most, if not all, nonconforming structures would qualify for approval of the same variance. A variance is intended to be the exception and not the rule.
2. The granting of Variance No. 15-002 to permit an approximately 2,211 sq. ft. first and second floor addition to a nonconforming structure in lieu of the maximum allowed square footage of 456 sq. ft. (50% addition) will constitute a grant of special privilege inconsistent with limitations upon other nonconforming structures under an identical zone classification. No special circumstance applicable to the subject property that does not exist in other nonconforming properties in an identical zone classification has been identified to support the variance. Approval of a variance without a special circumstance constitutes a grant of special privilege.

**ITEM 3: CONDITIONAL USE PERMIT NO. 15-007 (NGUYEN RESIDENCE)**

APPLICANT:	Dat Vu, 8822 Treva Circle, Garden Grove, CA 92844
PROPERTY OWNER:	Dan Nguyen, 22191 Malibu Lane, Huntington Beach, CA 92646
REQUEST:	To permit the demolition of an existing 2,428 sq. ft. single family residence and construct a 5,230 sq. ft., two-story single-family dwelling with a 684 sq. ft. attached garage, and a 490 sq. ft. rooftop deck above the 2nd story. 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:	22191 Malibu Lane, 92646 (west side of Malibu Ln., between Tahiti Cir. and Leilani 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.

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

**THE PUBLIC HEARING WAS OPENED.**

Dat Vu, applicant, inquired if the window on the second story could stay in the proposed plan as the window is going to be set at a height that would make it difficult for a person to look out of. Mr. Edwards explained that the proposed window does not meet the code requirements.

Dan Nguyen, property owner, stated that a resident on the same street has the windows as part of their residence. He asked if there is any way to allow the window. Mr. Ramos explained that the code does not allow it and he does not have the authority to override the code. However, Mr. Nguyen may talk to a plan checker to see if there is a possible solution.

Jim Wallace, resident, spoke in support of the proposed project. Mr. Wallace did note he is concerned about losing his mountain views. Mr. Ramos explained that the City of Huntington Beach does not have codes protecting views.

Sue Walls, resident, inquired of the size of the proposed project. Mr. Ramos explained that the size of structures is regulated in the code. He further explained that there are setbacks in place that must be adhered to.

**THERE WERE NO PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

Mr. Ramos stated he would approve the request as recommended by staff.

**CONDITIONAL USE PERMIT NO. 15-007 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) 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 15303 of the CEQA Guidelines, because the project consists of the construction of one single-family residence within a residential zone.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 15-007:**

1. Conditional Use Permit No. 15-007 to permit the demolition of an existing 2,428 sq. ft. single family residence and construction of a 5,230 sq. ft., two-story single-family dwelling with a 684 sq. ft. attached garage, and a 490 sq. ft. rooftop deck above the 2nd story 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 rooftop deck will be accessible only from the interior of the building and will face the Talbert Channel thereby protecting privacy of adjacent residences. Based on code requirements, the proposed rooftop deck will be setback a minimum of five feet from the building exterior which will minimize the visual mass and bulk of the residence.
2. The proposed demolition of an existing 2,428 sq. ft. single family residence and construction of a 5,230 sq. ft., two-story single-family dwelling with a 684 sq. ft. attached garage, and a 490 sq. ft. rooftop deck above the 2nd story will be compatible with surrounding uses because the rooftop deck 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 rooftop deck will be oriented towards

the Talbert Channel which will protect direct views onto adjacent residences. Furthermore, the proposed deck will be setback five feet 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 demolition of an existing 2,428 sf. ft. single family residence and construction of a 5,230 sq. ft., two-story single-family dwelling with a 684 sq. ft. attached garage, and a 490 sq. ft. rooftop deck above the 2nd story 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 and 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 490 sq. ft. rooftop deck above the second story 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 objective and policies of the General Plan:

A. Land Use Element

Objective LU 9.1: Provide for the development of single- and multi-family residential neighborhoods.

Policy LU 9.1.1: Accommodate the development of single- and multi-family residential units in areas designated by the Land Use Plan Map, as stipulated by the Land Use and Density Schedules.

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 (c) use of complimentary building materials, colors, and forms, while allowing flexibility for unique design solutions.

The demolition of an existing 2,428 sf. ft. single family residence and construction of a 5,230 sq. ft., two-story single-family dwelling with a 684 sq. ft. attached garage, and a 490 sq. ft. rooftop deck above the 2nd story is consistent with the requirements of 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 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 rooftop deck will be oriented toward the Talbert Channel, minimizing impact to privacy on adjoining properties. The deck will also be setback five feet from the building exterior to reduce the mass and bulk of the structure.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 15-007:**

1. The site plan, floor plans, and elevations received and dated April 1, 2015 shall be the conceptually approved design with the following modifications:

- a. An onsite 36 inch box tree or the palm equivalent shall be depicted in the front yard, and a 24 inch box tree shall be depicted in the parkway. (HBZSO Section 232.08, Resolution 4545, HBMC 13.50)
  - b. Windows above the second story plate line shall orient toward public rights-of-way only. The clerestory windows within the rooftop stair enclosure facing the side yards shall be removed. (HBZSO Section 210.06.M.d.2)
  - c. A minimum 40% landscaping shall be depicted within the front yard. (HBZSO Section 210.06.S.1)
2. Prior to submittal of building permits, the following shall be completed:
  - a. One set of revised site plan and elevations in accordance with Condition No. 1 shall be submitted to the Planning Division for review and approval and inclusion in the entitlement 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.
  - 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. Conditional Use Permit No. 15-007 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.
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 2:03 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, JUNE 17, 2015, AT 1:30 P. M.**



Ricky Ramos  
Zoning Administrator

RR:EE:jd