

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

WEDNESDAY, JULY 23, 2008 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Ron Santos, Rami Talleh, Kimberly De Coite (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 2008-011; CONDITIONAL USE PERMIT NO. 2008-021 (SAWYER RESIDENCE – CONTINUED FROM THE JUNE 25, 2008 MEETING)

APPLICANT: Jay Golison
PROPERTY OWNER: Matt Sawyer, 16701 Peale Lane, Huntington Beach, CA 92649
REQUEST: **CDP:** To permit the demolition of an existing single-family dwelling and the construction of approximately 4,835 sq. ft., 33.5 ft. tall single-family dwelling with a 602 sq. ft. attached garage; **CUP:** To allow (a) approximately 1,010 sq. ft of habitable space above the 2nd story and; (b) an overall building height exceeding 30 ft. The request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/ privacy issues, such as window alignments, building pad height, and floor plan layout.
LOCATION: 16701 Peale Lane, 92649 (west side of Peale Lane, north of Gilbert Drive – Huntington Harbour)
PROJECT PLANNER: Ron Santos

Ron Santos, 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 of approval as presented in the executive summary.

Mr. Santos reported that three letters were received in opposition to the project, two from neighboring residents and one from the Huntington Harbour Property Owner's Association (HHPOA). Staff left voice messages and responded with email messages to the authors of the letters, reminding them of the scheduled hearing date.

Mr. Santos stated that the Public Works Department recommended a condition of approval requiring the applicant to submit written approval from Time Warner indicating that the cable box may remain at its current location.

After reviewing the letters and staff's response, Mr. Ramos inquired if the infill requirements had been met. Mr. Santos confirmed that they had.

THE PUBLIC HEARING WAS OPENED.

Jay Golison, applicant, stated that he had no questions.

Mike Palikan, Westport Drive, gave Mr. Ramos photos of the site and asked that they be attached to the record. He read excerpts of the suggested findings for approval and indicated that he did not agree that the proposed structure and existing structure would have substantially the same capacity. Mr. Palikan also stated that the surrounding dwellings are smaller than the proposed dwelling and that the requested modifications are not comparable to the nearby dwellings. He indicated that the request was not essential or desirable to the community.

Janet Littlejohn, from the HHPOA Board of Directors, stated that the HHPOA was strongly opposed to the project due to its mass and height and asked that the request be denied.

Mr. Golison stated that the area standing above 30 feet is a small section at the very center of the property and that the design eliminated a great deal of potential mass.

Matt Sawyer, property owner, noted that while the homes located directly next to the property in question are not above 30 feet, there are numerous homes on surrounding streets that are.

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

Mr. Ramos noted that the request is typical for houses in Huntington Harbour and that the city has a history of approving similar requests. The design is consistent with the city's third story requirements. Mr. Ramos stated that, based on the information presented, the request was approved as recommended by staff.

COASTAL DEVELOPMENT PERMIT NO. 2008-011; CONDITIONAL USE PERMIT NO. 2008-021 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 15302 of the CEQA Guidelines, because the project consists of the replacement of an existing structure where the new structure will have substantially the same purpose and capacity as the structure replaced.

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

1. Coastal Development Permit No. 2008-011 to permit the demolition of an existing single-family dwelling and the construction of an approximately 4,835 sq. ft., 33.5 ft. tall single-family dwelling with a 602 sq. ft. attached garage, as proposed, conforms with the General Plan, including the Local Coastal Program land use designation of Residential Low-Density. The project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage development within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a previously developed site, contiguous to existing residential development.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The project complies with all applicable development regulations including maximum building height and lot coverage, minimum yard setbacks and on-site parking, and third story design criteria.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project will be constructed in an urbanized area with direct access from an existing public street and with all necessary services and infrastructure available including water, sewer and electricity.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access or impact public views to coastal resources. In addition, the project is subject to payment of required park fees, to be used for acquiring and maintaining public parkland for recreational use.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-021

1. Conditional Use Permit No. 2008-021 to allow (a) approximately 1,010 sq. ft of habitable space above the 2nd story and; (b) an overall building height exceeding 30 ft. will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed habitable area will be located within the confines of the second-story roof volume as required by the Zoning & Subdivision Ordinance (HBZSO), thus minimizing mass and bulk of the structure. In addition, the dwelling features a variety of roof lines and will exceed 30 ft. in height at the roof peaks/ridgelines only, thereby ensuring that the proposed building height will not be detrimental to surrounding properties.
2. The conditional use permit will be compatible with surrounding uses because the design, building materials, height, size and massing of the proposed dwelling is comparable with other dwellings existing in the surrounding neighborhood.
3. The proposed project will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The project complies with the maximum building height, maximum lot coverage, and minimum building setbacks. Habitable area above the second story is allowed in the base zoning district with approval of a conditional use permit. The proposed

third story deck will be setback a minimum of five feet from the second-story façade as required by the HBZSO.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL-7 (Low Density Residential – 7 units per acre) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

LU 9.2.1: Require that all new residential development within existing neighborhoods be compatible with existing structures, including the:

LU 9.2.1b: Use of building heights, grade elevations, orientation, and bulk that are compatible with surrounding development;

LU 9.2.1c: Maintenance of privacy on abutting residences.

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

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

1. The site plan, floor plans, and elevations received and dated July 14, 2008 shall be the conceptually approved design with the following modification: Roof dormers on the north and south sides of the house shall be fitted with view obscuring glass block.
2. Prior to issuance of grading permits, the existing Time Warner cable TV pull box shall be relocated out of the proposed driveway approach or written approval from Time Warner to allow the pull box to remain in its current location shall be submitted to the Public Works Department. (PW)
3. Prior to submittal for building permits, zoning entitlement conditions of approval and code requirements identified in separately transmitted memorandum from the Departments of Building & Safety, Fire, Planning and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
4. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

THE MEETING WAS ADJOURNED AT 1:49 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, AUGUST 6, 2008 AT 1:30 PM.

R Ramos

Ricky Ramos
Zoning Administrator

:kdc