

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

**WEDNESDAY, JANUARY 12, 2005 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Herb Fauland, Acting

**STAFF MEMBER:** Paul Da Veiga, Ron Santos, Ramona Kohlmann (recording secretary)

**MINUTES:** **NONE**

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

**ITEM 1: CONDITIONAL USE PERMIT NO. 04-27 (MENALDI RESIDENCE – CONTINUED FROM THE DECEMBER 22, 2004, MEETING WITH THE PUBLIC HEARING OPEN)**

APPLICANT: Art Kent, 325 2<sup>nd</sup> Street, Huntington Beach, CA 92648  
PROPERTY OWNER: Domenic Menaldi, 9001 Bermuda Drive, Huntington Beach, CA 92646  
REQUEST: To permit the construction of a 110 square foot rooftop deck above the second story top plate line in conjunction with an existing 4,532 square foot, two-story single-family residence.  
LOCATION: 9001 Bermuda Drive (northeast corner of Magnolia Street and Bermuda Drive)  
PROJECT PLANNER: Paul Da Veiga

Paul Da Veiga, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff stated that at the December 22, 2004, meeting the Zoning Administrator expressed concern for the potential that the roof deck could be used for recreational purposes in the future, should the solar energy equipment be removed. Staff stated that the Zoning Administrator continued the item in order to allow the applicant time to revise and resubmit plan. Staff stated that the item was re-advertised as a proposed rooftop deck in lieu of a mechanical equipment deck.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as outlined in the executive summary. Staff stated that the exterior and siding of the proposed rooftop deck is consistent with the existing residence.

Herb Fauland, Acting Zoning Administrator, stated that he spoke with Mary Beth Broeren, Zoning Administrator, concerning issues surrounding the proposed project as raised during the December 22, 2004, meeting. Mr. Fauland stated that he has reviewed the project plans and that he would take action on the proposed project today.

Mr. Fauland and staff engaged in a discussion concerning suggested Condition of Approval No. 3. Staff advised that access to the deck is shown in the conceptual plans but not in the plans for submittal to the Building Department.

**THE PUBLIC HEARING WAS CONTINUED OPEN.**

Mike Adams, P.O. Box 382, Huntington Beach, representing the applicant, stated that the plans have been submitted to the Building Department and are consistent with the requirements of the conditional use permit.

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

**CONDITIONAL USE PERMIT NO. 04-27 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN 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 a negligible expansion to an existing single family home.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 04-27:**

1. Conditional Use Permit No. 04-27 for the establishment, maintenance and operation of a 110 square foot rooftop deck above the second story top plate line in conjunction with an existing 4,532 square foot, two-story 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. The subject deck has been designed to be architecturally consistent with the remainder of the house and complies with the minimum setback of five feet from the exterior walls of the existing residence.
2. The conditional use permit will be compatible with surrounding uses consisting of single-family homes because the proposed deck is within the height and setback limitations identified in the zoning code. In addition the parapet walls around the deck will incorporate the same horizontal siding as the rest of the house, which will be compatible with surrounding residences.
3. The proposed 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. The proposal complies with the applicable development standards (building height, front and side setbacks, and lot coverage).
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 Residential Low Density on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

- a. L.U. 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character as appropriate.
- b. LU 9.2.1b: Use of building heights, grade elevations, orientation, and bulk that are compatible with the surrounding development.

The proposed rooftop deck will be designed and constructed to be consistent with the character of the neighborhood and compatible with the adjacent single-family homes. The deck will be constructed with high quality materials such as horizontal wood siding and waterproof decking materials. The use of horizontal siding will minimize the bulk of structure by creating a visual connection between the deck and the house. In addition, the deck will be setback a minimum of five (5) feet from the exterior walls of the house in compliance with the zoning code.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 04-27:**

1. The site plan, floor plans, and elevations received and dated August 20, 2004, 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. Prior to submittal for building permits, the final design shall be submitted for review and approval by the Planning Department and determined consistent with this conditional use permit.

**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 1:35 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, JANUARY 19, 2005 AT 1:30 PM.**

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Herb Fauland, Acting  
Zoning Administrator

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