

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

WEDNESDAY, MARCH 16, 2005 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBER: Rami Talleh, Jason Kelley , Ramona Kohlmann (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 04-13/CONDITIONAL USE PERMIT NO. 04-40/VARIANCE NO. 04-07 (EDMONDS ADDITION – CONTINUED FROM THE MARCH 2, 2005 MEETING WITH THE PUBLIC HEARING CLOSED)

APPLICANT/

PROPERTY OWNER: Joseph Edmonds, 3201 Remora Drive,Huntington Beach, CA 92649

REQUEST: **CDP:** To permit a 603 sq. ft. first, second, and third story addition to an existing 1856 sq. ft. single-family home. **CUP:** To permit the construction of (a) a 495 sq. ft third story addition, (b) a 68 sq. ft. third story deck, and (c) an addition exceeding an overall height of 30 ft. (approximately 33'-2"). **VAR:** To allow a 12 ft. front yard setback in lieu of the minimum required 15 ft. front yard setback.

LOCATION: 3201 Remora Drive (northwest knuckle of Remora Drive and Intrepid Lane, Huntington Harbour)

PROJECT PLANNER: Rami Talleh

Rami Talleh, Staff Planner, displayed project plans and stated that the request was continued from the March 2, 2005, meeting at the request of the Zoning Administrator (ZA). Staff stated that the applicant and staff met, as instructed by the ZA, and reached a compromise design to minimize the flat roof.

Staff stated support of the revised roof plan and elevation presented by the applicant. Staff recommended approval of the request based upon the suggested findings and subject to the

suggested conditions as outlined in the executive summary and with the following modification to suggested Conditions Of Approval No. 1:

- a. The site plan, floor plans, and elevations received and dated January 11, 2005, shall be the conceptually approved design with the following modifications:

~~a.b. _____~~ The roof plan and elevations shall be consistent with Exhibit AB received and dated ~~February 18, 2005, with the following modifications:~~March 10, 2005.

~~i. The minimum roof pitch for the portion of the roof above the third story addition shall be 5/12.~~

~~ii. The cupola shall be reduced in size so that it is less prominent than the proposed staircase tower. Final design of the cupola shall be reviewed and approved by the Planning Department.~~

AS THIS ITEM WAS CONTINUED WITH THE PUBLIC HEARING CLOSED, THE PUBLIC HEARING WAS NOT OPENED.

Mary Beth Broeren, Zoning Administrator, stated that she was going to approve the request. Ms. Broeren stated appreciation to the applicant for his efforts in working with staff.

**COASTAL DEVELOPMENT PERMIT NO. 04-13/CONDITIONAL USE PERMIT NO. 04-40/
VARIANCE NO. 04-07 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE
FOLLOWING FINDINGS AND MODIFIED 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) 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 resulting in an increase in floor area of more than 50 percent to an existing single-family dwelling. The project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15305 of the CEQA Guidelines, because the project consists of a minor alteration in land use limitation for a front yard setback variance and does not result in the creation of any new parcels.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 04-13:

1. Coastal Development Permit No. 04-13 for the construction of a 603 sq. ft. first, second, and third story addition to an existing 1,856 sq. ft. single-family home, as modified by conditions of approval, 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 site developed with a single-family home, 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, except for any variances approved concurrently. The project complies with all applicable development regulations, including maximum building height, maximum site coverage and minimum on-site parking.
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 addition 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 proposed dwelling will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer and roads.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 04-40:

1. Conditional Use Permit No. 04-40 for the construction of a 495 sq. ft third story addition, a 68 sq. ft. third story deck at an overall height of approximately 33'-2" 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 story addition is conditioned to be concealed within the second story roof volume and setback 5 ft. from the first and second story façade to minimize building mass and bulk. In addition, the third story windows are oriented away from the adjacent residences to preserve their privacy. The third story deck is conditioned to be setback 5 ft. from the building exterior and is oriented toward the public right-of-ways only and screened from abutting residences. Access to the third story deck is provided from within the dwelling.
2. The conditional use permit to construct a third story addition to a single family home will be compatible with surrounding uses because the proposed three story home is designed to appear as a two-story home with dormer windows. Furthermore, the third story addition is similar in design, materials, and massing as other dwellings existing in the surrounding neighborhood. In addition, several other single-family homes with similar designs have been constructed within the neighborhood. Furthermore, the third story deck is conditioned to be setback five feet from the building exterior and is located below the highest point of the second story roof.
3. The proposed conditional use permit 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 except for any variances approved concurrently. The project complies with the maximum building height, maximum lot coverage, and third-story design criteria.
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 (Residential Low Density) 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 addition will comply with maximum building height permitted in the RL zone with a conditional use permit. The proposed third-story and third-story deck will be setback from the first and second-story façade as required by the HBZSO, thus minimizing the building massing, and is designed in compliance with the City's third-story design standards. No third-story windows or deck areas are oriented toward adjoining properties.

FINDINGS FOR APPROVAL - VARIANCE NO. 04-07:

1. The granting of Variance No. 04-07 to allow a 12 ft. front yard setback in lieu of the minimum required 15 ft. front yard setback will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The proposed variance will allow for only a minor encroachment (less than 43 s.f.) into a portion of the required front yard area. The proposed encroachment consists of a new entry and interior staircase which encroaches a maximum of 3'-0" into the front yard setback. The proposed 12 ft. front yard setback exceeds the front yard setback of the adjacent abutting residences to the east and west.
2. Because of special circumstances applicable to the subject property, such as shape and size, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. Development on the subject property is uniquely constrained by the irregularly shaped lot. The location of the lot, at the knuckle of Remora Drive and Intrepid Lane, results in a wide narrow lot with a curvature along the front property line, which presents circumstances that deprives the subject property of the privilege to construct an addition. If not for irregular shape, the proposed addition would meet the minimum required 15-foot front yard setback.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The requested variance is necessary to allow the construction of a more efficient entry and interior staircase. Strict compliance with the required setback would constitute an unnecessary hardship to the property owner, due to the depth of the lot and the curvature of the front property line, since it would require that a substantial portion of the existing floor area to be demolished to construct a functional entry way and staircase.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The reduced front yard setback will not impact the surrounding properties or circulation of adjacent streets. The proposed minor encroachment of the entry way and staircase at a minimum 12-foot front yard setback is consistent with several properties located in the surrounding neighborhood. Removal of the existing entryway will facilitate a wider driveway and provide safer ingress/egress to the existing garage.
5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL (Residential Low-Density – Coastal Zone) on the subject property, including the following General Plan policy:

LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character as appropriate.

The requested variance accounts for the somewhat unique attributes of the site at its location at the knuckle of Remora Drive and Intrepid Lane and the resulting depth and curvature of the front property line. The proposed entryway and interior staircase will provide more efficient interior circulation and facilitate a wider driveway and provide safer ingress/egress to the existing garage.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT
NO. 04-13/CONDITIONAL USE PERMIT NO. 04-40/VARIANCE NO. 04-07:**

1. The site plan, floor plans, and elevations received and dated January 11, 2005, shall be the conceptually approved design with the following modifications:
 - a. The roof plan and elevations shall be consistent with Exhibit B received and dated March 10, 2005.
 - b. The third story deck shall be setback 5 ft. from the building exterior or removed.
 - c. The patio cover shall be setback a minimum of 5 ft. from the rear property line and shall be open on at least 2 sides.
2. Prior to submittal for building permits, the following shall be completed:
 - a. Submit a copy of the revised site plan, floor plans and elevations pursuant to Condition No. 1 for review and approval and inclusion in the entitlement file to the Planning Department.
 - b. Zoning entitlement conditions of approval and applicable 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.

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: CONDITIONAL USE PERMIT NO. 04-46 (JENNER RESIDENCE):

APPLICANT/

PROPERTY OWNER: Floyd Jenner, 313 19th Street, Huntington Beach, CA 92648
REQUEST: To permit development of a single-family residence on a lot with a grade differential of more than three feet between the front of the parcel and the rear. 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: 319 21st Street (north side of 21st Street, west of Orange Avenue)
PROJECT PLANNER: Jason Kelley

Jason Kelley, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented a review of the proposed project and the suggested findings and conditions of approval as outlined in the executive summary.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as outlined in the executive summary.

Mary Beth Broeren, Zoning Administrator, asked staff if any inquiries were made into the proposed project. Staff stated that a neighboring property owner reviewed the plans with staff and expressed no concerns.

Ms. Broeren confirmed with staff that no comments were received from the Public Works (PW) Department. Staff confirmed and stated that PW communicated that they had no concern with the proposed grading.

THE PUBLIC HEARING WAS OPENED.

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

CONDITIONAL USE PERMIT NO. 04-46 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 15303 of the CEQA Guidelines, because the project involves the construction of a single-family residence in an urbanized area. The home will not have any adverse individual or cumulative impacts on the environment.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 04-46:

1. Conditional Use Permit No. 04-46 for the development of a single-family residence on a lot with a grade differential of more than three feet between the front of the parcel and the rear 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 site's existing grade differential is approximately four-feet, with the lowest point at the front property line and the highest at the rear. In addition, the west side of the property is approximately three-feet higher than the east. The topographical condition within the area is a tiering transition where the westerly properties step up in grade and the easterly properties step down in grade. A change in grade is proposed in order to level the lot, resulting in lowering the west side and raising the east side. Additionally, the first four-feet at the front of the lot will be approximately three-feet higher than the sidewalk. The proposed lot grade and building pad height approximately matches that of the adjacent properties taking into consideration the tiering of the lots. No significant fill or raising of the pad is proposed except that necessary to level the lot and provide for proper drainage. Construction of the single-family home will be an improvement to the vacant lot and will potentially add value to the neighborhood.
2. The conditional use permit will be compatible with surrounding uses because the residential medium-high density neighborhood is primarily developed with single family and multi-family residential units developed at a similar grade, taking into consideration the tiering of the lots. The proposed three-story residences will be harmonious with other residential structures in the area in that the proposed building massing, height, and grade will be comparable with existing multi-story homes in the immediate vicinity.
3. The proposed conditional use permit 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, as proposed, complies with all applicable development regulations, including maximum building height, minimum yard setbacks, maximum site coverage and minimum on-site parking.
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 Medium High Density on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - a. Policy LU 9.1.2: Require that single family residential units be designed to convey a high level of quality and character.
 - b. Policy LU 9.2.1: Require that all new residential development within existing residential neighborhoods (i.e., infill) be compatible with existing structures.

- c. Policy LU 9.2.1: Require that the use of building heights, grade elevations, orientation, and bulk are compatible with the surrounding developments.

The proposed residence incorporates distinct architecture and uses a variety of quality materials including the use of stucco, tile roofing, columns and decorative window treatments. The grade elevations, building orientation, and bulk will be compatible with surrounding residential properties.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 04-46:

1. The site plan, floor plans, elevations and grading plan received and dated November 23, 2004 shall be the conceptually approved design.

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 1:40 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, MARCH 23, 2005 AT 1:30 PM.

Mary Beth Broeren
Zoning Administrator

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