

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

WEDNESDAY, OCTOBER 12, 2005 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBER: Rami Talleh, Ron Santos, Ramona Kohlmann (recording secretary)

MINUTES: August 17 and 31, 2005
September 14, 2005

APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 05-24 (SOELEY THIRD-STORY DECK – CONTINUED FROM THE OCTOBER 5, 2005, MEETING WITH THE PUBLIC HEARING OPEN)

APPLICANT/
PROPERTY OWNER: Gary Soeley, 17022 Bolero Lane, Huntington Beach, CA 92649
REQUEST: To permit the construction of a third-story deck in conjunction with a second story addition to an existing single-story, single-family home.
LOCATION: 17022 Bolero Lane (east side of Bolero Lane, north of Sirius Drive)
PROJECT PLANNER: Rami Talleh

Rami Talleh, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as outlined in the executive summary.

Staff recommended modifying the 5 ft. tall parapet wall as stated in the suggested condition of approval to 4 ft. 6 inches.

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 suggested modification. Several telephone calls and counter inquiries were received with questions in general. Staff stated that a letter of approval has been received from the homeowner's association.

Mary Beth Broeren, Zoning Administrator, reviewed the project plans and discussions ensued with staff concerning the third-story deck.

THE PUBLIC HEARING WAS OPENED.

Gary Sorely, 17022 Bolero Lane, applicant, addressed the proposed deck's easterly orientation and line-of-sight to the adjacent residence thereby requesting that the recommended parapet wall be limited to only six feet in width instead of the full width of the deck.

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

Ms. Broeren and staff engaged in discussions concerning the orientation and material of the parapet wall. Ms. Broeren emphasized that the solid, not lattice, wall is required per code. She stated that the wall may be rounded, as requested by the applicant, provided the intent of the code is met.

Ms. Broeren stated that she was going to approve the request with staff's suggested modification to the suggested condition of approval. She asked staff to modify the suggested condition of approval as follows:

a 4'-6" ft. tall parapet wall shall be provided on the east and south side of the third story deck up to and in line with the easterly side of the stairwell window and constructed with a solid material.

CONDITIONAL USE PERMIT NO. 05-24 WAS 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) 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 an addition greater than 50% to existing single-family home.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-24:

1. Conditional Use Permit No. 05-24 for the construction of a third-story deck in conjunction with a second story addition to an existing single-story, single-family home 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 deck is oriented away from adjacent properties. A five foot tall parapet wall is conditioned on the south and east elevation of the deck in order to prevent a line of sight from a person accessing the deck toward any of the surrounding residences. The deck is setback a minimum of five ft. from the building exterior and is not visible from the surrounding properties.

2. The conditional use permit will be compatible with surrounding uses because the height of the second floor and third story deck will be 29'-0" tall, which is comparable to the height of other two-story homes in the vicinity. Furthermore, the home is designed to appear like a two-story home in that the third story deck is setback five feet from the building exterior and is located within the volume 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 such as building height, setbacks, lot coverage and design criteria for third story construction. Third story decks are allowed in the base-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 (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:
 - a. LU 9.2.1b: Use of building heights, grade elevations, orientation, and bulk that are compatible with the surrounding development;
 - b. LU 9.2.1d: Maintenance of privacy on abutting residences.

The structure is oriented toward Bolero Lane consistent with other single-family homes on the same street. In addition, the structure will be built at a height similar to that of other residences in the neighborhood. The privacy of the abutting residences will be maintained in that the third story deck will not have a line of site toward any of the surrounding properties. The deck is setback a minimum of five (5) feet from the building exterior. In addition the deck is confined within the second floor roof volume.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 05-24:

The site plan, floor plans, and elevations received and dated August 16, 2005, shall be the conceptually approved design with the exception of the following: a 4'-6" ft. tall parapet wall shall be provided on the east and south side of the third story deck up to and in line with the easterly side of the stairwell window and constructed with a solid material.

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 1:45 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, OCTOBER 19, 2005 AT 1:30 PM.

Mary Beth Broeren
Zoning Administrator

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