

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

**WEDNESDAY, NOVEMBER 28, 2007 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Mary Beth Broeren

**STAFF MEMBER:** Andrew Gonzales, Ron Santos, Rami Talleh, Pamela Avila (recording secretary)

**MINUTES:** October 31, 2007  
**APPROVED AS SUBMITTED**

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

**ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 2007-013 (TADDEO RESIDENCE)**

**APPLICANT:** Greg Howell, 20561 Suburbia Lane, Huntington Beach, CA 92646

**PROPERTY OWNER:** Robert Taddeo, 18204 3<sup>rd</sup> Street, Fountain Valley, CA 92708

**REQUEST:** To permit the demolition of an existing single family dwelling and construction of an approximately 4,194 sq. ft., two story, single family dwelling. 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:** 16251 Typhoon Lane, 92649 (west side of Typhoon Lane, between Sagamore and Venture Drives – Trinidad Island, Huntington Harbor)

**PROJECT PLANNER:** Andrew Gonzales

Andrew Gonzales, Assistant 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, specifically Condition #2 which covers the first floor window alignments which were not shown on the plans. This condition calls for the submittal of exhibits prior to receiving building permits verifying that the first floor kitchen and laundry room windows do not align with first floor windows of the adjoining property to the north.

Staff received three letters of opposition. One was from the Huntington Harbor Property Owners' Association indicating that they had not approved the plans prior to submittal to the City. They recommended continuance until they review the plans.

The second letter was from Don Evans, who felt that the proposed structure infringes on the established five foot wide, 50 ft. long easement along the shared property line and recommended denial of the project or continuance.

The third letter was from Paul and Donna Salmon, Typhoon Lane, who are opposed to the request due to the size of the residence, orientation of windows, and incompatibility with the neighborhood.

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

Mary Beth Broeren, Zoning Administrator, confirmed with staff that the proposed project did not require any variances or deviations for height and complies with all of the standard setbacks. The overall building height is 26 ft., 9 in. and is allowed to go up to 30 ft. Ms. Broeren stated that she had reviewed the letters dated 11/21/07, 11/26/07, and 11/27/07 from Mr. Don Evans, the letter from the Huntington Harbor Property Owners' Association, and the letter from Paul and Donna Salmon.

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

Victor Cohn, neighbor at 16281 Typhoon Lane, is in opposition of this proposed project. He stated that each property has an easement for the exclusive use of the abutting property. He is concerned that if the project were approved for a fence, it would set a precedent that any neighbor could alter and enclose the easement as they choose.

Donna Hakala, representing Mrs. Mary Taddeo, stated that there were no current plans to build a fence or any other structure within the easement in question.

Kathy Halsey, neighbor at 16261 Typhoon Lane, stated her concerns and opposition to the proposed project. Ms. Halsey stated that the applicant will not have access to her easement during construction of the house. She anticipates that they will be under construction for at least a year. She is concerned with the size of the structure, the location of the windows, and overhanging of eaves into the easement. She wants to sell her home and is concerned that the proposed project will hinder her prospects. Mrs. Halsey has stated she will litigate these issues if necessary.

Mary Taddeo, applicant, confirmed that no permanent structure will be built on the easement. She claimed that the neighbor on the south has built structures within the easement in violation of the CC&Rs.

Dan Carlton, representing Mrs. Kathy Halsey and Don Evans, spoke in opposition to the proposed project. He said that his clients have exclusive rights to the easement on the south side of the subject site. He mentioned that the applicant has not received approval from the Architectural Review Board of the Huntington Harbor Property Owners' Association.

Linda Davis, friend of Mrs. Halsey, spoke in opposition of the proposed project.

Mr. Todd Swain, neighbor at 16271 Typhoon Lane, shared similar concerns as other neighbors and is opposed to this project.

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

Ms. Broeren confirmed with Staff that the 5 ft. easement coincides with the required 5 ft. setback and that the proposed structure does not extend into the neighbor's easement. Staff confirmed that this was accurate. Ms. Broeren reviewed all the correspondence and information regarding the easement.

Ms. Broeren stated that in the Huntington Harbor area there are many two story structures. Private views are not protected in the Coastal Zone and public views are. Ms. Broeren stated that this house is notably smaller than the average for this area. She stated that the exclusive use of the easement has to be discussed between the homeowners. The City is not a party to nor does it enforce the CC&Rs. The plans fully conform to the City's codes. Mrs. Halsey's concern is a civil matter and it would be hoped that it could be worked out amicably.

**COASTAL DEVELOPMENT PERMIT NO. 2007-013 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) 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 15303 of the CEQA Guidelines, because the project is located within an urbanized residential zone and involves the construction of a new single family dwelling.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2007-013:**

1. Coastal Development Permit No. 2007-013 for the demolition of an existing single family dwelling and construction of an approximately 4,194 sq. ft., two story, single family dwelling 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, including maximum site coverage, maximum building height, minimum yard setbacks, 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 project 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 project will not impede public access or impact public views to coastal resources.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2007-013:**

1. The site plan, floor plans, and elevations received and dated October 9, 2007, shall be the conceptually approved design.
2. Prior to submittal of building permits, an exhibit shall be provided to the Planning Department verifying that the proposed first floor nook, kitchen, and laundry room windows will not align with first floor windows of the adjacent residence to the north. Any windows on the new residence that line up with those on the adjacent residence shall be moved so as not to align with existing windows.
3. 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.

**ITEM 2: CONDITIONAL USE PERMIT NO. 2007-030 (SASSOUNIAN OFFICE BUILDING)**

**APPLICANT/**

**PROPERTY OWNER:** Bijan Sassounian, 21190 Beach Boulevard, Huntington Beach, CA 92646

**REQUEST:** To permit an approximately 1,750 sq. ft. 1<sup>st</sup> and 2<sup>nd</sup> floor addition to an existing medical office building.

**LOCATION:** 18819 Delaware Street, 92648 (west side of Delaware St., south of Main St.)

**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.

Staff stated that the proposed project was presented to the Design Review Board (DRB) and that the board recommended approval to the Zoning Administrator.

**THE PUBLIC HEARING WAS OPENED.**

Bijan Sassounian, the applicant, spoke highly of Staff, and was very appreciative of their work. Mr. Sassounian concurred with conditions of approval regarding landscaping and is willing to comply.

Peter Haddad, architect for the project, stated that he is willing to meet the conditions of approval to comply with the City's standards.

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

**CONDITIONAL USE PERMIT NO. 2007-030 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 an addition to an existing structure of less than 10,000 sq. ft.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2007-030:**

1. Conditional Use Permit No. 2007-030 to permit an approximately 1,750 sq. ft. 1<sup>st</sup> and 2<sup>nd</sup> floor addition to an existing medical office building 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.

2. The conditional use permit will be compatible with surrounding uses because the project consists of the expansion of an existing medical office building in a specific plan zoning district designated for and developed with professional office uses.
3. The proposed conditional use permit, as modified by conditions of approval, 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. Conditions of approval require revisions to the project to comply with applicable parking and landscaping requirements. The project, as proposed, complies with applicable building height, setback, floor area ratio and other development standards.
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 MH-F3/30-sp (Mixed Use Horizontal – 1.0 max. FAR/30 units/acre – specific plan) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

ED 2.4 Revitalize, renovate and expand the existing Huntington Beach commercial facilities while attracting commercial uses.

ED 2.4.1 Encourage and assist existing and potential commercial owners to modernize and expand their commercial properties.

Conditional Use Permit No. 07-022 provides for the expansion, renovation and modernization of an existing commercial building. The project will significantly improve the appearance and functionality of the existing building and will assist in attracting commercial tenants to Huntington Beach.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO.2007-030 :**

1. The site plan, floor plans, and elevations received and dated August 27, 2007 shall be the conceptually approved design with the following modifications:
  - a. The site plan shall be revised to accurately depict proposed modifications to the existing site conditions, including removal of existing, previously approved planters along the street frontage at either side of the driveway.
  - b. The Site Data table and floor area figures noted in the building data table (Sheet 1) shall be revised for accuracy and consistency with the dimensioned floor plans.
  - c. The total building floor area shall be reduced as necessary to achieve compliance with applicable parking requirements. Parking spaces shall be provided at a ratio of one parking space per 175 sq. ft. of gross floor area for medical office use.
  - d. A dimension for the width of the westerly parking lot drive aisle shall be provided on the site plan.
  - e. A minimum of six percent site landscaping shall be provided. The site plan shall include dimensions and area calculations for all on-site landscaping. Landscaping

provided at the head of parking stalls shall be omitted from landscape area calculations.

- f. A three-ft. separation shall be provided between the proposed trash enclosure and parking stall number 16.
  - g. Existing mature trees to be removed must be replaced two for one. Existing trees to be removed and proposed replacement trees shall be identified on the site plan.
2. 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 2: 20 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, DECEMBER 5, 2007 AT 1:30 PM.**



Mary Beth Brogren  
Zoning Administrator

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