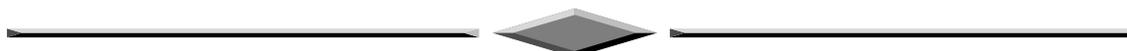


**OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Andrew Gonzales, Assistant Planner
DATE: April 2, 2008

**SUBJECT: CONDITIONAL USE PERMIT NO. 2007-044; COASTAL DEVELOPMENT
 PERMIT NO. 2007-018 (HERMAN RESIDENCE)**

LOCATION: 3292 Falkland Circle, 92649 (terminus of Falkland Circle, east of Channel Lane)



Applicant: Greg Howell, 20561 Suburbia Lane, Huntington Beach, CA 92646

**Property
Owner:** Stephen Herman – Falkland Investment Trust, 3292 Falkland Circle, Huntington
 Beach, CA 92649

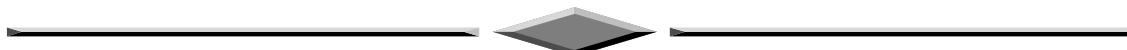
Request: **CDP:** To permit the demolition of an existing dwelling and construction of an
 approximately 6,208 sq. ft., 35 ft. tall single-family dwelling with a 602 sq. ft.
 attached garage; **CUP:** To permit a single-family dwelling with (a) an approximately
 1,107 sq. ft. 3rd floor habitable area, (b) an approximately 148 sq. ft. third story deck,
 and (c) 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.

Environmental Status: This request is covered by Categorical Exemption, Section 15303, Class 3,
 of the California Environmental Quality Act.

Zone: RL-CZ (Residential Low Density – Coastal Zone)

General Plan: RL-7 (Residential Low Density – 7 Dwelling Units Per Acre Maximum)

Existing Use: Single family residence



RECOMMENDATION: Staff recommends approval of the proposed project based upon the
following findings:

SUGGESTED 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 in an urbanized residential zone and involves the construction of a new single family dwelling.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2007-018:

1. Coastal Development Permit No. 2007-018 for the demolition and construction of an approximately 6,208 sq. ft. single-family dwelling with a 602 sq. ft. attached garage 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 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 development complies with the maximum site coverage, maximum building height, minimum yard setbacks, minimum onsite parking, and third story design criteria. A concurrent application for a conditional use permit is under review to permit a 3rd floor habitable area, 3rd floor deck, and an overall building height of 35 ft.
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 roadways.
4. The development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed addition will not impede public access or impact public views to coastal resources.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2007-044:

1. Conditional Use Permit No. 2007-044 to permit an approximately 1,107 sq. ft. 3rd floor living area and an approximately 148 sq. ft. 3rd story deck with an overall building height of 35 ft. will not be detrimental to the general welfare of person 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, thus minimizing mass and bulk of the structure. The overall building height is not anticipated to impact surrounding properties because the project is mainly adjacent to two-story single family residences. The proposed rooftop deck will be located at the rear of the house and oriented toward the public right-of-way to insure privacy for adjacent properties. The proposed rooftop deck is setback more than 13 ft. from adjacent residential properties, and at least five ft. from the building exterior.
2. The conditional use permit will be compatible with surrounding uses consisting of single-family homes because the three-story residence is designed to be comparable to other two-story homes in the vicinity. The home is designed as a two-story residence with the 3rd floor habitable area and rooftop deck integrated within the confines of the 2nd story roof. The habitable area and rooftop deck is contained within the 2nd floor roof volume and orientated toward the Shelter Channel with sufficient setbacks from the building exterior to insure privacy for adjacent properties.

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 (HBZSO). The project complies with maximum lot coverage, minimum building setbacks, and maximum building height. An overall building height of 35 ft., 3rd floor habitable area, and 3rd floor deck 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:
 - LU 9.2.1b: Use of building heights, grade elevations, orientation, and bulk that are compatible with the surrounding development;
 - LU 9.2.1d: Maintenance of privacy on abutting residences.
5. The development will comply with maximum building height permitted in the RL zone. The proposed 3rd floor habitable area and rooftop deck are designed within the confines of the 2nd story roof volume and located in the approximate center of the lot with sufficient setbacks from the building exterior. The addition is designed to minimize mass and bulk and impacts to privacy on adjoining properties. The proposed deck will be architecturally integrated into the design of the house, screened from view on three sides by the second-story roof, and not visible from the surrounding properties.

SUGGESTED CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2007-018/CONDITIONAL USE PERMIT NO. 2007-044:

1. The site plan, floor plans, and elevations received and dated February 7, 2008 shall be the conceptually approved design.
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.