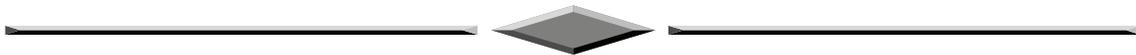


**HUNTINGTON BEACH  
OFFICE OF THE ZONING ADMINISTRATOR  
EXECUTIVE SUMMARY**

**TO:** Zoning Administrator  
**FROM:** Tess Nguyen, Associate Planner  
**DATE:** December 3, 2008

**SUBJECT:** **CONDITIONAL USE PERMIT NO. 2007-031 (JENNINGS RESIDENCE – CONTINUED FROM OCTOBER 29, 2008 MEETING)**

**LOCATION:** 17238 Sandra Lee Lane, 92649 (east side of Sandra Lee Lane, north of Los Patos Avenue)



**Applicant:** Warren Pitt, 8907 Warner Avenue, Suite 232, Huntington Beach, CA 92647

**Property Owner:** Jennings Trust, 17238 Sandra Lee Lane, Huntington Beach, CA 92649

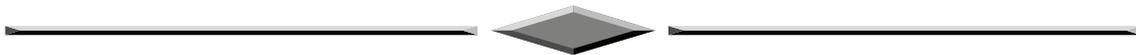
**Request:** To permit the construction of an approximately 1,040 sq. ft. second story addition and an approximately 130 sq. ft. rooftop deck above the second story to an existing single family residence with an overall height of 33.5 feet.

**Environmental Status:** This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

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

**General Plan:** RL – 7 (Residential Low Density – 7 units/acre max.)

**Existing Use:** Single-family residential



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

**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 involves an addition not resulting in an increase of more than 50 percent of the existing single family dwelling.

**SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2007-031:**

1. Conditional Use Permit No. 2007-031 to permit the construction of an approximately 130 sq. ft. rooftop deck above the second story in conjunction with a second story addition to an existing single family residence with an overall height of 33.5 ft. will not be detrimental to the general welfare of persons working or residing in the vicinity and detrimental to the value of the property and improvements in the neighborhood. The rooftop deck will be located at the front of the house and oriented toward the public right-of-way (Sandra Lee Lane) to insure privacy for the adjacent residential properties. The proposed rooftop deck is setback 20 ft. from the south property line, 25 ft. from the north property line, and 5 ft. from the building exterior. The mass and scale of the proposed project will not impact the visual character of the neighborhood because it is designed to provide the appearance of a two-story structure. Furthermore, the portion of the roof exceeding 30 ft. is limited to the peak/ridgeline of the roof and an enclosed staircase.
2. The conditional use permit will be compatible with surrounding uses consisting of single-family homes because the two-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 rooftop deck above the second story which is within the height and setback limitations identified in the Zoning Code. The rooftop deck is setback five feet 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 the maximum building height, maximum lot coverage, and minimum building setbacks. Rooftop decks above the second story 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 development will comply with maximum building height permitted in the RL zone. The proposed rooftop deck above the second story will be setback five feet from the building exterior as required by the HBZSO, thus minimizing the building massing. The privacy of the abutting residences will be maintained in that the rooftop deck is oriented towards the public right-of-way.

**SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2007-031:**

The site plan, floor plans, and elevations received and dated November 21, 2008 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.