HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY

TO: Zoning Administrator
FROM: Andrew Gonzales, Associate Planner
DATE: December 9, 2009

SUBJECT: **COASTAL DEVELOPMENT PERMIT NO. 2009-006/ CONDITIONAL USE PERMIT NO. 2009-027 (BESHAI RESIDENCE)**

LOCATION: 16245 Tisbury Circle, 92649 (terminus of Tisbury Circle – Humboldt Island)

Applicant/ Property Owner: Georgina and Youssef Beshai, 801 N. Harbor Boulevard, Anaheim, CA 92805

Request: **CDP:** To permit the partial demolition of an existing single-family dwelling and the construction of an approximately 5,665 sq. ft., 33 ft. 3 in. tall single-family dwelling with a 485 sq. ft. attached garage; **CUP:** To allow (a) approximately 350 sq. ft. of 3rd floor habitable area; (b) an approximately 142 sq. ft. 3rd floor 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, California Environmental Quality Act.

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

General Plan: RL-7 (Residential Low Density – Maximum 7 dwelling units per acre)

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

within an urbanized residential zone and involves the reconstruction of a new single-family dwelling.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2009-006:

1. Coastal Development Permit No. 2009-006 for the partial demolition of an existing single-family dwelling and the construction of an approximately 5,665 sq. ft., 33 ft. 3 in. tall single-family dwelling within an attached 485 sq. ft. 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 Policy C 1.1.1 to encourage development within, or 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 project complies with the minimum onsite parking, minimum building setbacks, maximum lot coverage, and maximum building height.

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 residence will be constructed on a previously developed site in an urbanized area with all the necessary services and infrastructure available, including water, sewer, and roadways.

4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed residence will not impede public access, recreation, or views to coastal resources.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2009-027 :

1. Conditional Use Permit No. 2009-027 to permit (a) approximately 350 sq. ft. of 3rd floor habitable area; (b) approximately 142 sq. ft. 3rd floor deck; and (c) an overall building height of 33 ft. 3 in. 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 3rd floor habitable area will be located within the confines of the 2nd floor roof volume. The 3rd floor will be accessible only from the interior of the building. All windows within the 3rd floor will face the harbor thereby protecting direct views onto adjacent residences. Nearby residences will be shielded from the 3rd floor deck by the 2nd floor roof and a minimum 20 ft. setback. The overall building height is not anticipated to impact surrounding properties because the project is adjacent to existing two-story, single-family residences with similar building heights.

2. The conditional use permit will be compatible with the surrounding neighborhood because the three-story residence is designed to resemble the two-story homes in the adjacent neighborhood. The portions of the building that exceed 30 ft. will be to accommodate a portion of the roof which is centrally located on the building and setback more than 15 ft. from the outer perimeter of the building. The 3rd floor habitable area and rooftop deck are integrated within the confines of the 2nd floor roof volume which is compatible to the mass and scale of surrounding homes. The orientation of the deck and living area will face the

Midway Channel and be sufficiently setback from the building exterior to protect the privacy of adjacent properties.

3. The 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 minimum onsite parking, minimum building setbacks, maximum lot coverage, and maximum building height. An overall building height of 33 ft. 3 in., 3rd floor habitable area, and 3rd floor deck are allowed within the RL (Residential Low Density) 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. *Land Use Element*

   Policy – 9.21.: Require that all new residential development within the existing residential neighborhoods (i.e., infill) be compatible with existing structures, including the:

   a. Maintenance of the predominant or median existing front yard setbacks;

   b. Use of building heights, grade elevations, orientation and bulk that is compatible with the surrounding development.

   c. Use of complementary building materials, colors and forms, while allowing flexibility for unique design solutions.

   d. Maintenance of privacy on abutting residences.

   The proposed project complies with the following General Plan policies because the project employs variations in form such as variable rooflines and building pop-outs, contrasting exterior finishes, building details such decorative doors and windows, and building siting in order to create visual interest. The architectural elements of the residence which includes windows, doors, balconies, and roof eaves create a rhythmic composition, taking into consideration scale, style and proportion of architectural elements. Furthermore, the proposed project, as conditioned, is designed to minimize privacy impacts by not aligning windows with adjacent residences and orientating balconies and decks toward the public right-of-way. The design of the residence will be compatible with existing developments in the neighborhood which are comprised of two-story residences because the project will convey the appearance of a two-story home.

   B. *Coastal Element*

   Objectives – C 1.1: Ensure that adverse impacts associated with coastal zone development area mitigated or minimized to the greatest extend feasible.

   Implementation Program – I-C 2: The principal method for implementing of the Coastal Element is the HBZSO, and the design and development standards contained therein. Accordingly, projects that comply with HBZSO standards area consistent with the Coastal Element of the General Plan.

The project will comply with the goals and policies of the Coastal Element the General Plan and the standards of the HBZSO. No adverse impacts will occur as a result of the proposed development. The project will not impact public access, recreation, or views to coastal resources. The proposed construction will occur on a previously developed site, contiguous to existing residential development.

SUGGESTED CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2009-006 /CONDITIONAL USE PERMIT NO. 2009-027:

1. The site plan, floor plans, and elevations received and dated November 13, 2009, shall be the conceptually approved design with the following modifications:

    a. On Sheet No. A-1, depict the doors so that they do not swing into the 9 ft. wide and 19 ft. deep garage parking spaces.

    b. On Sheet No. A-2, the 2nd floor balcony located adjacent to "Bedroom No. 3" shall be omitted in order to protect the privacy of the adjoining easterly neighbor.

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.