



City of Huntington Beach Planning Department
STUDY SESSION REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Ron Santos, Associate Planner *RS*
DATE: August 26, 2008

SUBJECT: APPEAL OF ZONING ADMINISTRATOR'S APPROVAL OF COASTAL DEVELOPMENT PERMIT NO. 08-011 AND CONDITIONAL USE PERMIT NO. 2008-021 (SAWYER RESIDENCE)

LOCATION: 16701 Peale Ln., 92649 (west side of Peale Ln., north of Gilbert Dr., Gilbert Island – Huntington Harbour)

PROJECT REQUEST AND SPECIAL CONSIDERATIONS

This item is an appeal, filed by Mayor Pro Tem Bohr, of the July 23, 2008, Zoning Administrator's approval of Coastal Development Permit (CDP) No. 08-011 and Conditional Use Permit (CUP) No. 08-021. These entitlements, as approved by the Zoning Administrator, permit the following:

- **CDP:** demolition of an existing single-family dwelling and construction of an approximately 4,835 sq. ft., 33.5 ft. tall single-family dwelling with a 602 sq. ft. attached garage and;
- **CUP:** (a) approximately 1,010 sq. ft of habitable space above the 2nd story and; (b) an overall building height exceeding 30 ft.

The project site is a 5,000 sq. ft. Huntington Harbour waterfront lot, located on the south side of Peale Ln., one lot west of Gilbert Drive, in the RL-CZ (Residential Low-Density – Coastal Zone) Zone. The site is currently developed with a 1,460 sq. ft. single-story, single-family residence with a 420 sq. ft. attached garage. The surrounding neighborhood is developed with a mixture of one, two and three-story (three) single-family homes.

The project, as proposed, complies with the applicable provisions of the General Plan, the Coastal Zone Overlay District and the RL zoning designation, including maximum lot coverage, minimum on-site parking, and minimum building setbacks. The RL zoning district permits a maximum building height of 35 ft., 3rd story habitable floor area and 3rd story decks/balconies with approval of a CUP. The HBZSO requires that 3rd stories be concealed within the confines of the 2nd story roof volume and that all 3rd story windows and decks orient toward the public right-of-way. The project is also subject to the City's Residential Infill Lot Ordinance (HBZSO Sec. 230.22), which requires that windows in the new home be offset from windows in existing adjacent homes, and that the new residences incorporate architectural features (e.g., projections, off-sets, variation in roof line) to break up massing and bulk. The proposed residence complies with these standards.

CURRENT LAND USE, ZONING AND GENERAL PLAN DESIGNATIONS

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	RL-7 (Residential Low Density – Max. 7 du/ac)	RL (Residential Low Density)	Single-Family Residential
North, East and West of Subject Property	RL-7	RL	Single-Family Residential
South of Subject Property	OS-W (Water Recreation)	OS-WR (Water Recreation Subdistrict)	Shelter Channel – waterway

APPLICATION PROCESS AND TIMELINES

DATE OF COMPLETE APPLICATION: **MANDATORY PROCESSING DATE(S):**

May 30, 2008

August 21, 2008 (includes 30 day time extension requested by the applicant)

The application for Coastal Development Permit No. 08-011/ Conditional Use Permit No. 08-021 was filed on May 2, 2008 and deemed complete on May 30, 2008. A public hearing was scheduled for June 25, 2008, at which time the applicant requested a one-time, 30-day continuance. The continuance was granted by the Zoning Administrator, thereby extending the mandatory processing deadline to August 21, 2008.

The applicant submitted revised plans on July 14, 2008. The revisions included a reduction in the overall building height, lot coverage, the size of the 3rd story dormers and the building floor area. The Zoning Administrator approved the application at the continued public hearing on July 23, 2008, in compliance with the mandatory processing timelines. An appeal was filed by Mayor Pro Tem Bohr on August 4, 2008 (Attachment No. 6). The application is tentatively scheduled for public hearing before the Planning Commission on September 9, 2008.

CEQA ANALYSIS/ REVIEW

The proposed project is Categorically Exempt, pursuant to Section 15302, Class 2 of the California Environmental Quality Act, which exempts projects consisting of the replacement of an existing structure (a single-family dwelling) where the new structure will have substantially the same purpose and capacity (i.e., single-family residential) as the structure replaced.

COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES

The Departments of Building & Safety, Fire, and Public Works have reviewed the application and identified applicable code requirements (Attachment No. 5).

PUBLIC MEETINGS, COMMENTS AND CONCERNS

Coastal Development Permit No. 08-011 and Conditional Use Permit No. 08-021 were approved by the Zoning Administrator on July 23, 2008. Prior to the public hearing, staff received a total of three letters in opposition to the project; one from the Huntington Harbor Property Owners’

Association and two from residents of Gilbert Island. The letters (Attachment No. 7) expressed concerns regarding several aspects of the project, including the height and mass of the proposed dwelling, its incompatibility with the surrounding neighborhood, the inclusion of a third story, and its potential to negatively impact the privacy and views of neighbors.

At the public hearing, two speakers, both members of the Huntington Harbour Property Owner's Association Board of Directors, opposed the project for reasons which include those cited above. The applicant and property owner also spoke in support of the project, noting that only the peak of the roof exceeds 30 ft. in height and that there are other houses in the vicinity which exceed 30 ft. in height.

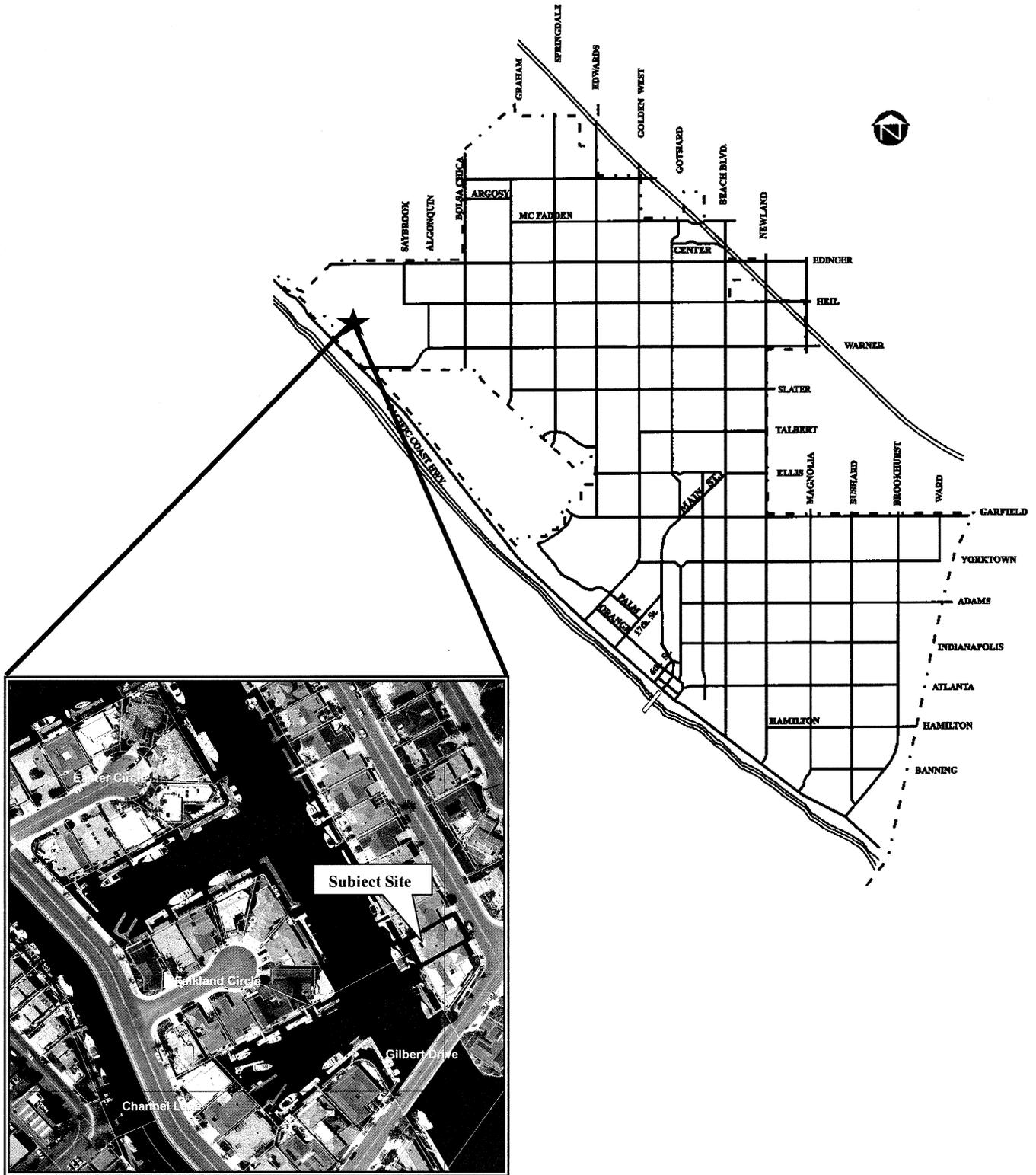
The Zoning Administrator approved the request on the basis that the project will not be detrimental to surrounding properties, will be compatible with the neighborhood and complies with applicable codes. The Zoning Administrator noted that the project is typical of requests for new houses in Huntington Harbour and that City has a long history of approving similar requests.

PLANNING ISSUES

The primary issues for the Planning Commission to consider is whether or not the proposed project is compatible with existing homes in the surrounding area, complies with the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) requirements for 3rd story construction and the Infill Lot Ordinance, and is consistent with the goals, objectives and policies of the General Plan.

ATTACHMENTS:

1. Vicinity Map
2. Site plan, floor plans, and elevations received and dated July 14, 2008
3. Zoning Administrator Notice of Action – CDP No. 08-011/ CUP 08-021, July 23, 2008
4. Draft minutes of the July 23, 2008 Zoning Administrator meeting
5. Code Requirements Letters –CDP 08-011/ CUP 08-021 (Building & Safety Dept: May 22, 2008; Fire Dept: June 9, 2008; Public Works Dept: May 29, 2008; Planning Dept: June 16, 2008).
6. Mayor Pro Tem Bohr appeal letter dated August 4, 2008
7. Letters of Opposition and/or Support

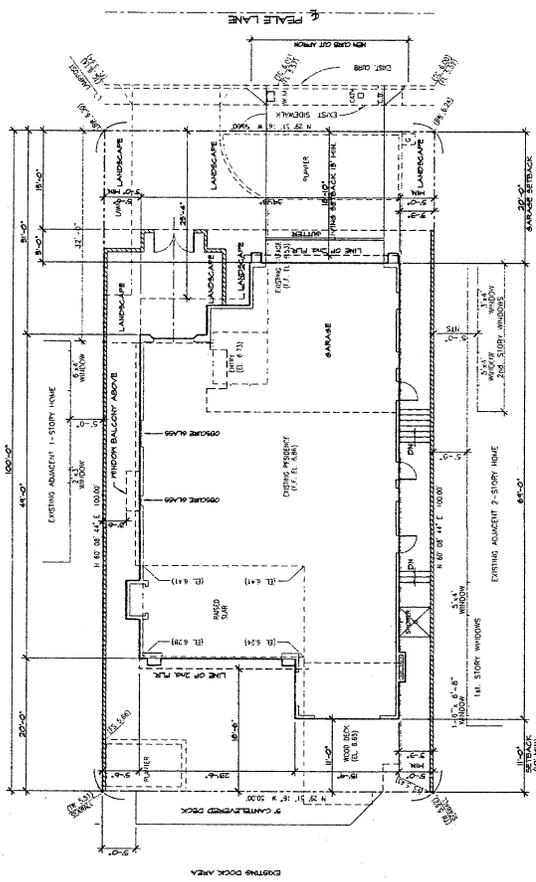


VICINITY MAP
COASTAL DEVELOPMENT PERMIT NO. 08-011/
CONDITIONAL USE PERMIT NO. 08-021
(SAWYER RESIDENCE – 16701 PEALE LANE)

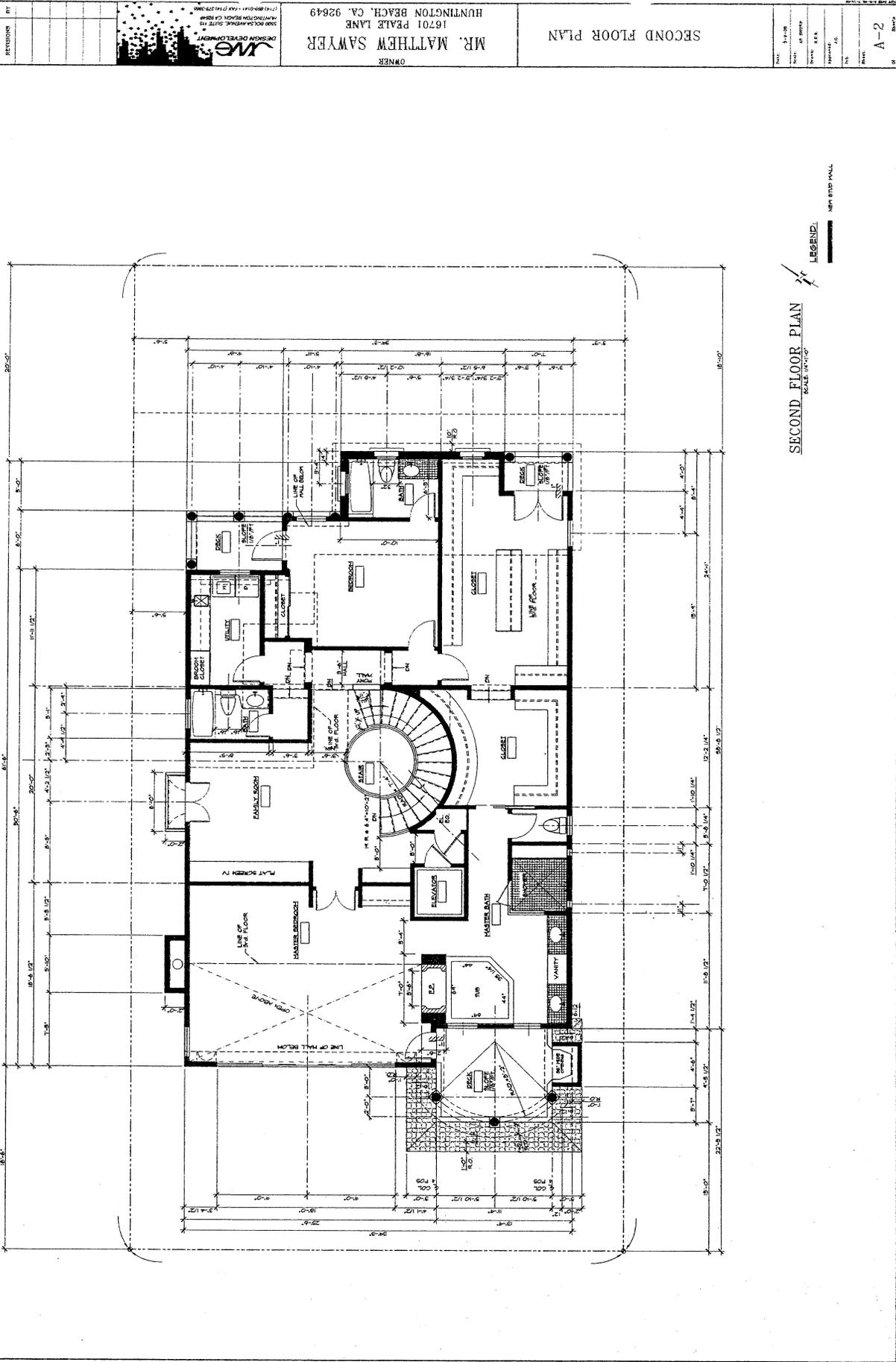
LEGAL DESCRIPTION: LOT 10, TRACT 10, BLOCK 10, HUNTINGTON BEACH, COUNTY OF ORANGE, CALIFORNIA. THIS PROJECT IS BEING SUBMITTED TO THE OFFICE OF COUNTY REGISTER OF SAID COUNTY.

OWNER:
 MR. MATTHEW SAWYER
 16701 PEALIE LANE
 HUNTINGTON BEACH, CA 92649

DESIGNER:
 JMS DESIGN DEVELOPMENT
 15000 S. HUNTINGTON BLVD., SUITE 100
 HUNTINGTON BEACH, CA 92649
 (714) 899-0141




 SITE PLAN
 INFILL LOT PLAN
 SCALE: 1/8"=1'-0"



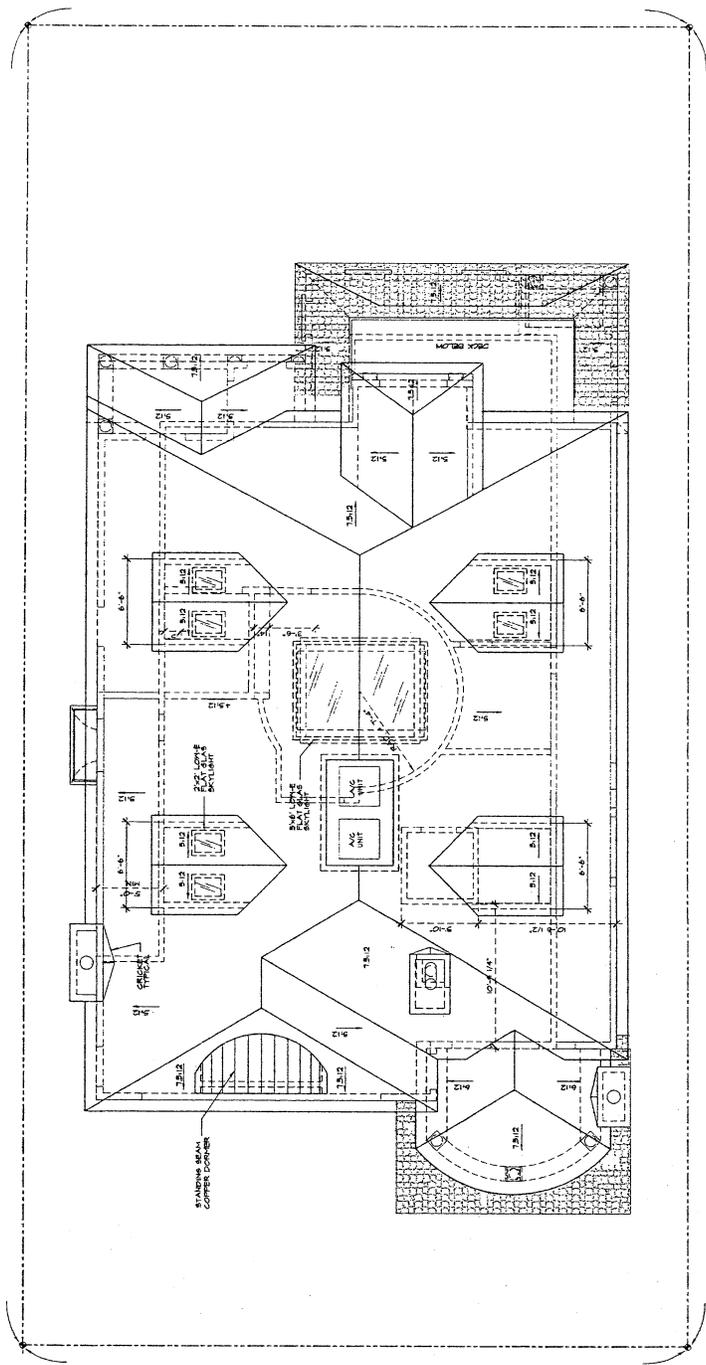
DESIGN DEVELOPMENT
 ME
 16701 PEALE LANE
 HUNTINGTON BEACH, CA 92649
 (714) 966-0111 FAX (714) 966-0111

OWNER
 MR. MATTHEW SAWYER
 16701 PEALE LANE
 HUNTINGTON BEACH, CA 92649

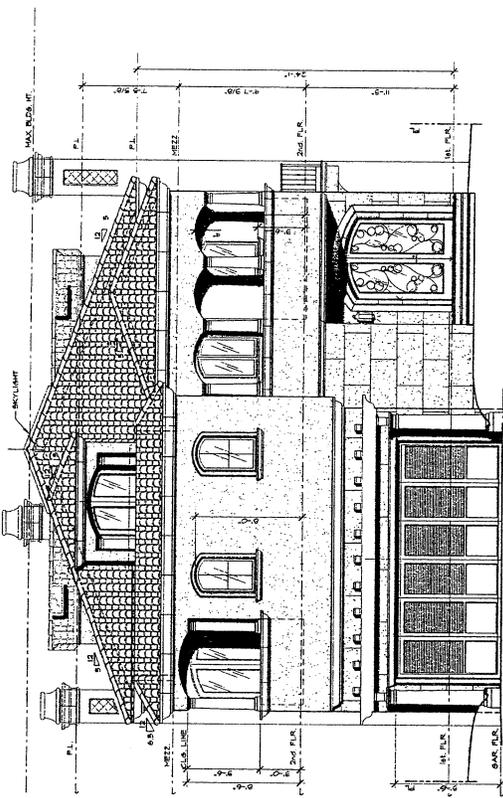
SECOND FLOOR PLAN

NO.	DATE	BY	CHKD.	APP'D.	REVISIONS
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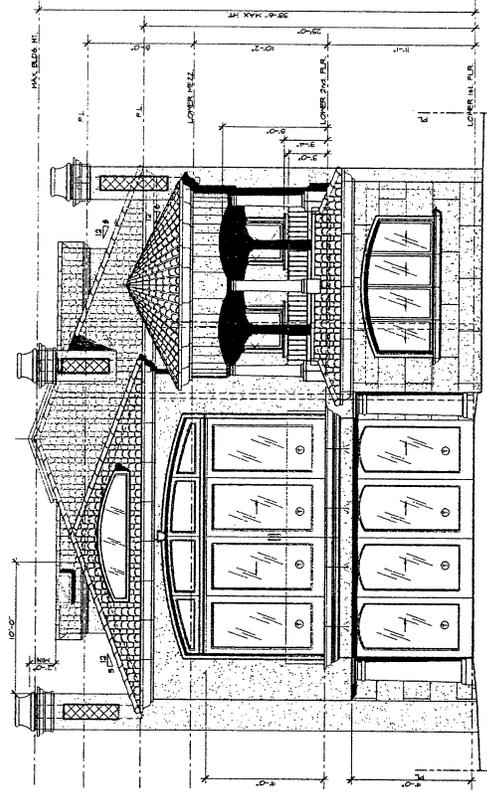
SECOND FLOOR PLAN
 SCALE 1/4" = 1'-0"
 LEGEND
 NEW STUD HALL



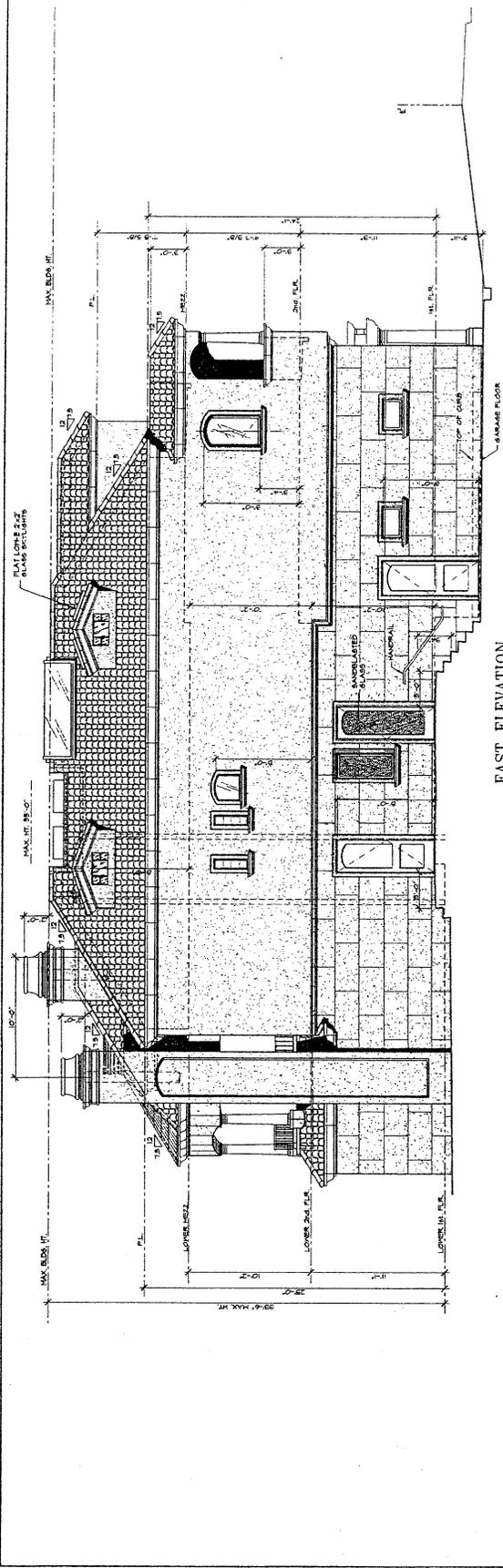
ROOF PLAN
 SCALE: 1/4"=1'-0"
 LEGEND: 



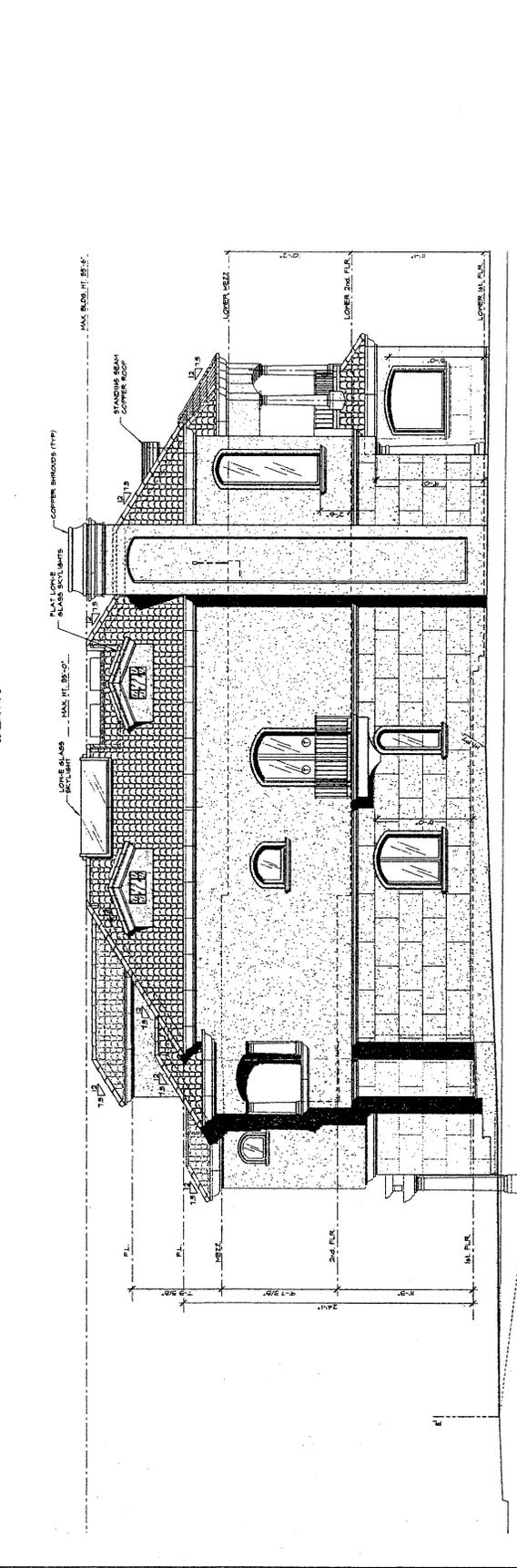
NORTH ELEVATION
SCALE 1/4"=1'-0"



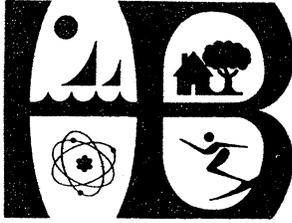
SOUTH ELEVATION
SCALE 1/4"=1'-0"



EAST ELEVATION
SCALE 1/8"=1'-0"



WEST ELEVATION
SCALE 1/8"=1'-0"



OFFICE of ZONING ADMINISTRATOR
CITY OF HUNTINGTON BEACH · CALIFORNIA

NOTICE OF ACTION

P. O. BOX 190-92648
PHONE (714) 536-5271

July 24, 2008

Jay Golison
5500 Bolsa Avenue, #15
Huntington Beach, CA 92649

SUBJECT: **COASTAL DEVELOPMENT PERMIT NO. 2008-011;**
CONDITIONAL USE PERMIT NO. 2008-021 (SAWYER
RESIDENCE)

APPLICANT: Jay Golison

REQUEST: **CDP:** To permit the demolition of an existing single-family dwelling and the construction of an approximately 4,835 sq. ft., 33.5 ft. tall single-family dwelling with a 602 sq. ft. attached garage,; **CUP:** To allow (a) approximately 1,010 sq. ft of habitable space above the 2nd story and; (b) 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.

PROPERTY OWNER: Matt Sawyer, 16701 Peale Lane, Huntington Beach, CA 92649

LOCATION: 16701 Peale Lane, 92649 (west side of Peale Lane, north of Gilbert Drive – Huntington Harbour)

PROJECT PLANNER: Ron Santos

DATE OF ACTION: **July 23, 2008**

On Wednesday, July 23, 2008, the Huntington Beach Zoning Administrator took action on your application, and your application was **conditionally approved**. Attached to this letter are the findings and conditions of approval.

Please be advised that the Zoning Administrator reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your total application. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

ATTACHMENT NO. 3.1

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator is final unless an appeal is filed to the Planning Commission by the applicant or an aggrieved party. Said appeal must be in writing and must set forth in detail the actions and grounds by and upon which the applicant or interested party deems himself aggrieved. Said appeal must be accompanied by a filing fee of One Thousand Two Hundred Eighty-Seven Dollars (\$1287.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and One Thousand Five Hundred Sixty-Nine Dollars (\$1569.00) if the appeal is filed by any other party. The appeal shall be submitted to the Department of Planning within ten (10) working days of the date of the Zoning Administrator's action. There is no fee for the appeal of a Coastal Development Permit to the California Coastal Commission.

In your case, the last day for filing an appeal is August 6, 2008 at 5:00 PM.

This project is in the Appealable portion of the coastal zone. Only projects in accordance with Section 30603 of the California Coastal Act may be appealed to the Coastal Commission. Action taken by the Zoning Administrator may not be appealed directly to the Coastal Commission unless Title 14, Section 13573 of the California Administrative Code is applicable. Section 13573(a)(3) states that an appeal may be filed directly with the Coastal Commission if the appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this article. The other three grounds for direct appeal do not apply. If the above condition exists, an aggrieved person may file an appeal within ten (10) working days, pursuant to Section 30603 of the Public Resources Code, in writing to:

South Coast Area Office
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
Attn: Theresa Henry
(562) 590-5071

The Coastal Commission review period will commence after the City appeal period has ended and no appeals have been filed. Applicants will be notified by the Coastal Commission as to the date of the conclusion of the Coastal Commission review. Applicants are advised not to begin construction prior to that date.

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, unless actual construction has started.

Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this

Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020.

If you have any questions regarding this Notice of Action letter or the processing of your application, please contact Ron Santos, the project planner, at (714) 536-5561 or rsantos@surfcity-hb.org or the Planning Department Zoning Counter at (714) 536-5271.

Sincerely,


Ricky Ramos
Zoning Administrator

RR:RS:kdc
Attachment

c: Honorable Mayor and City Council
Chair and Planning Commission
Paul Emery, Interim City Administrator
Scott Hess, Director of Planning
Herb Fauland, Planning Manager
William H. Reardon, Division Chief/Fire Marshal
Terri Elliott, Principal Civil Engineer
Gerald Caraig, Permit-Plan Check Manager
Property Owner
Project File

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

COASTAL DEVELOPMENT PERMIT NO. 2008-011
CONDITIONAL USE PERMIT NO. 2008-021

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 15302 of the CEQA Guidelines, because the project consists of the replacement of an existing structure where the new structure will have substantially the same purpose and capacity as the structure replaced.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-011:

1. Coastal Development Permit No. 2008-011 to permit the demolition of an existing single-family dwelling and the construction of an approximately 4,835 sq. ft., 33.5 ft. tall single-family dwelling with a 602 sq. ft. attached garage, as proposed, 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. The project complies with all applicable development regulations including maximum building height and lot coverage, minimum yard setbacks and on-site parking, and third story design criteria.
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 in an urbanized area with direct access from an existing public street and with all necessary services and infrastructure available including water, sewer and electricity.
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. In addition, the project is subject to payment of required park fees, to be used for acquiring and maintaining public parkland for recreational use.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-021

1. Conditional Use Permit No. 2008-021 to allow (a) approximately 1,010 sq. ft of habitable space above the 2nd story and; (b) an overall building height exceeding 30 ft. 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

proposed habitable area will be located within the confines of the second-story roof volume as required by the Zoning & Subdivision Ordinance (HBZSO), thus minimizing mass and bulk of the structure. In addition, the dwelling features a variety of roof lines and will exceed 30 ft. in height at the roof peaks/ridgelines only, thereby ensuring that the proposed building height will not be detrimental to surrounding properties.

2. The conditional use permit will be compatible with surrounding uses because the design, building materials, height, size and massing of the proposed dwelling is comparable with other dwellings existing in the surrounding neighborhood.
3. The proposed project 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. The project complies with the maximum building height, maximum lot coverage, and minimum building setbacks. Habitable area above the second story is allowed in the base zoning district with approval of a conditional use permit. The proposed third story deck will be setback a minimum of five feet from the second-story façade as required by the HBZSO.
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 9.2.1: Require that all new residential development within existing neighborhoods be compatible with existing structures, including the:

LU 9.2.1b: Use of building heights, grade elevations, orientation, and bulk that are compatible with surrounding development;

LU 9.2.1c: Maintenance of privacy on abutting residences.

The proposed dwelling will comply with maximum building height permitted in the RL zone with a conditional use permit. The proposed third-story is designed within the confines of the second-story roof volume as required by HBZSO design standards for the RL zone, thus minimizing the building massing. No third-story view windows or deck areas are oriented toward adjoining properties and all windows on the first and second floors will offset from windows on existing adjacent dwellings or will be fitted with obscure glass (bathroom windows), in order to maintain privacy on abutting properties.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-011/
CONDITIONAL USE PERMIT NO. 2008-021:**

1. The site plan, floor plans, and elevations received and dated July 14, 2008 shall be the conceptually approved design with the following modification: Roof dormers on the north and south sides of the house shall be fitted with view obscuring glass block.
2. Prior to issuance of grading permits, the existing Time Warner cable TV pull box shall be relocated out of the proposed driveway approach or written approval from Time Warner to allow the pull box to remain in its current location shall be submitted to the Public Works Department. **(PW)**
3. Prior to submittal for building permits, zoning entitlement conditions of approval and code requirements identified in separately transmitted memorandum from the Departments of Building & Safety, Fire, Planning and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
4. 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.

DRAFT

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

WEDNESDAY, JULY 23, 2008 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Ron Santos, Rami Talleh, Kimberly De Coite (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 2008-011; CONDITIONAL USE PERMIT NO. 2008-021 (SAWYER RESIDENCE – CONTINUED FROM THE JUNE 25, 2008 MEETING)

APPLICANT: Jay Golison
PROPERTY OWNER: Matt Sawyer, 16701 Peale Lane, Huntington Beach, CA 92649
REQUEST: **CDP:** To permit the demolition of an existing single-family dwelling and the construction of approximately 4,835 sq. ft., 33.5 ft. tall single-family dwelling with a 602 sq. ft. attached garage; **CUP:** To allow (a) approximately 1,010 sq. ft of habitable space above the 2nd story and; (b) 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.
LOCATION: 16701 Peale Lane, 92649 (west side of Peale Lane, north of Gilbert Drive – Huntington Harbour)
PROJECT PLANNER: Ron Santos

Ron Santos, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses 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.

Mr. Santos reported that three letters were received in opposition to the project, two from neighboring residents and one from the Huntington Harbour Property Owner's Association (HHPOA). Staff left voice messages and responded with email messages to the authors of the letters, reminding them of the scheduled hearing date.

Mr. Santos stated that the Public Works Department recommended a condition of approval requiring the applicant to submit written approval from Time Warner indicating that the cable box may remain at its current location.

After reviewing the letters and staff's response, Mr. Ramos inquired if the in-fill requirements had been met. Mr. Santos confirmed that they had.

THE PUBLIC HEARING WAS OPENED.

Jay Golison, applicant, stated that he had no questions.

Mike Palikan, Westport Drive, gave Mr. Ramos photos of the site and asked that they be attached to the record. He read excerpts of the suggested findings for approval and indicated that he did not agree that the proposed structure and existing structure would have substantially the same capacity. Mr. Palikan also stated that the surrounding dwellings are smaller than the proposed dwelling and that the requested modifications are not comparable to the nearby dwellings. He indicated that the request was not essential or desirable to the community.

Janet Littlejohn, from the HHPOA Board of Directors, stated that the HHPOA was strongly opposed to the project due to its mass and height and asked that the request be denied.

Mr. Golison stated that the area standing above 30 feet is a small section at the very center of the property and that the design eliminated a great deal of potential mass.

Matt Sawyer, property owner, noted that while the homes located directly next to the property in question are not above 30 feet, there are numerous homes on surrounding streets that are.

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

Mr. Ramos noted that the request is typical for houses in Huntington Harbour and that city has a history of approving similar requests. Mr. Ramos stated that, based on the information presented, absent any information to refute those findings, the request was approved as recommended by staff.

COASTAL DEVELOPMENT PERMIT NO. 2008-011; CONDITIONAL USE PERMIT NO. 2008-021 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 MAY 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 15302 of the CEQA Guidelines, because the project consists of

the replacement of an existing structure where the new structure will have substantially the same purpose and capacity as the structure replaced.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-011:

1. Coastal Development Permit No. 2008-011 to permit the demolition of an existing single-family dwelling and the construction of an approximately 4,835 sq. ft., 33.5 ft. tall single-family dwelling with a 602 sq. ft. attached garage, as proposed, 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. The project complies with all applicable development regulations including maximum building height and lot coverage, minimum yard setbacks and on-site parking, and third story design criteria.
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 in an urbanized area with direct access from an existing public street and with all necessary services and infrastructure available including water, sewer and electricity.
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. In addition, the project is subject to payment of required park fees, to be used for acquiring and maintaining public parkland for recreational use.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-021

1. Conditional Use Permit No. 2008-021 to allow (a) approximately 1,010 sq. ft of habitable space above the 2nd story and; (b) an overall building height exceeding 30 ft. 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 proposed habitable area will be located within the confines of the second-story roof volume as required by the Zoning & Subdivision Ordinance (HBZSO), thus minimizing mass and bulk of the structure. In addition, the dwelling features a variety of roof lines and will exceed 30 ft. in height at the roof peaks/ridgelines only, thereby ensuring that the proposed building height will not be detrimental to surrounding properties.
2. The conditional use permit will be compatible with surrounding uses because the design, building materials, height, size and massing of the proposed dwelling is comparable with other dwellings existing in the surrounding neighborhood.
3. The proposed project 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. The project complies with the maximum building height, maximum lot coverage, and minimum building setbacks. Habitable area above the second story is

allowed in the base zoning district with approval of a conditional use permit. The proposed third story deck will be setback a minimum of five feet from the second-story façade as required by the HBZSO.

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 9.2.1: Require that all new residential development within existing neighborhoods be compatible with existing structures, including the:

LU 9.2.1b: Use of building heights, grade elevations, orientation, and bulk that are compatible with surrounding development;

LU 9.2.1c: Maintenance of privacy on abutting residences.

The proposed dwelling will comply with maximum building height permitted in the RL zone with a conditional use permit. The proposed third-story is designed within the confines of the second-story roof volume as required by HBZSO design standards for the RL zone, thus minimizing the building massing. No third-story view windows or deck areas are oriented toward adjoining properties and all windows on the first and second floors will offset from windows on existing adjacent dwellings or will be fitted with obscure glass (bathroom windows), in order to maintain privacy on abutting properties.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-011/
CONDITIONAL USE PERMIT NO. 2008-021:**

1. The site plan, floor plans, and elevations received and dated July 14, 2008 shall be the conceptually approved design with the following modification: Roof dormers on the north and south sides of the house shall be fitted with view obscuring glass block.
2. Prior to issuance of grading permits, the existing Time Warner cable TV pull box shall be relocated out of the proposed driveway approach or written approval from Time Warner to allow the pull box to remain in its current location shall be submitted to the Public Works Department. **(PW)**
3. Prior to submittal for building permits, zoning entitlement conditions of approval and code requirements identified in separately transmitted memorandum from the Departments of Building & Safety, Fire, Planning and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
4. 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 1:49 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, AUGUST 6, 2008 AT 1:30 PM.

Ricky Ramos
Zoning Administrator

:kdc



**CITY OF HUNTINGTON BEACH
BUILDING AND SAFETY DEPARTMENT
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

DATE: 05/22/2008
PROJECT NAME: Sawyer Residence
ENTITLEMENTS: CDP 08-011: CUP 08-021: Planning Application No. 20080094
DATE OF PLANS: 05/02/2008
PROJECT LOCATION: 16701 Peale Lane, Huntington Beach
PROJECT PLANNER: Ron Santos, Associate Planner
PLAN REVIEWER: Edward S. Lee, Plan Checker II
TELEPHONE/E-MAIL: (714) 374-1538 / elee@surtcity-hb.org
PROJECT DESCRIPTION: CDP: To construct a 4,876 sq. ft., 35 ft. tall single-family dwelling with a 600 sq. ft. attached garage; CUP: To allow (a) 1,029 sq. ft. of habitable space above the 2nd story and ; (b) an overall building height exceeding 30 ft.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated 05/02/2008. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. Electrical, plumbing, and mechanical items are not included in this review. If you have any questions regarding these comments, please contact the plan reviewer. Compliance is required prior to building permit issuance and all applicable items must meet the Huntington Beach Municipal Code (HBMC) and the California Code of Regulations (CCR or Title 24).

II. CODE ISSUES:

GENERAL:

1. The codes in effect are the: 2007California Building Code ('07CBC), 2007California Plumbing Code ('07CPC), 2007California Mechanical Code ('07CMC), 2007California Electrical Code ('07CEC) and 2007California Energy Efficiency Standards as adopted by the City.
2. Plan submittal documents must include "Conditions of Approval".
3. Fire sprinkler will be required when the total area exceeds 5000 SF including the garage.
4. Contact Fire Department for possible Methane Barrier requirements.
5. Plans must be prepared and stamped and wet signed by a California licensed Architect and /or Engineer.

6. All new areas must meet the Energy Standards of the State of California Building Code 2005 edition. Energy forms must be provided and reproduced on the plans.
7. Provide building permit application and completed drawing(s) for architectural and structural information and required documents for plan review.
8. A copy of the approved "Grading Plan" by Panning and Public Works must be attached to the approved sets of construction plans prior to issuance of building permits.
9. The grading plan shall be reviewed and approved by the architect for all site accessibilities. A statement, by the architect, shall be put on the grading plans stating that the plans have been reviewed and approved for all site accessibilities.

INFORMATION ON PLANS:

10. Provide on the plans required wall and opening protection and fire resistance of wall and parapet due to location on property per Chapter 7, CBC'07.
11. Site plans must show final surface drainage elevations and finish floor elevation, building address, distance to property lines, distance between building on the same property, easements, all required disabled access features and signage, etc.
12. Ventilation must be provided to all portions of the building. See California Building Code © Chapter 12 for requirements.
13. Your plans need to show building address on front elevation view.

ARCHITECTURAL (GENERAL):

14. Identify all rescue type windows or doors from rooms used as sleeping rooms.
15. Roof covering must meet a listed class "C" or better fire retardant assembly.

SOILS REPORT REQUIREMENTS:

16. Soils report required for this site and must include:
 - a. Liquefaction analysis and recommendations
 - b. Show distance to fault(s) and classify fault type and soil type used by the California Building Code © for seismic design
 - c. Report for protection of buried pipe due to corrosion. Recommendations must provide specific method to install protective materials or devices
17. The soil engineer shall 'wet' stamp & sign the site plan, foundation plan & foundation details.

FEES:

17. For budgeting purposes, the attached chart may be used to estimate the cost of construction fees based on the project valuation. The cost of construction permits required for other departments and trades are not included. Applicability of these project specific fees will be determined by the appropriate agencies upon review of the project.

Note that the fees calculated are an approximation of the actual fees based on the current fee ordinance and may be subject to change without notice. The final fees will be determined when an application is submitted.



ESTIMATED PERMIT FEES

THE FOLLOWING FEES DO NOT INCLUDE ENTITLEMENT PROCESSING FEES AND TRAFFIC IMPACT FEES		
Microfilm/Scanning of Plans	Each sheet of permitted drawings	\$3.78
Scanned Permits	Each Permit issued	\$0.98
STATE OF CALIFORNIA TAX (SMIP)		
Residential	Up to \$5,000 valuation – Fee amount is fixed	\$0.50
	Over \$5,000 valuation – Fee amount is valuation x rate	\$0.0001
Commercial/Industrial	Up to \$2,381 Valuation – Fee amount is fixed	\$0.50
	Over \$2,381 Valuation – Fee amount is valuation x rate	\$0.00021
HUNTINGTON BEACH LIBRARY (714) 960-8836		
Residential: Library Enrichment	Applied to all new development and additions which increase existing sq. ft. by over 50%	\$0.15/sq.ft.
Commercial: Library Enrichment	Applied to all new development and additions – Rate per sq. ft.	\$0.15/sq.ft.
Residential: Library Development	Applied to all new development and additions which increase existing sq. ft. by over 50% (including garage area) – Rate per sq. ft.	\$0.44/sq.ft.
Commercial/Industrial: Library Development	Applied to all new development and additions – Rate per sq. ft.	\$0.04/sq.ft.
HB SCHOOL DISTRICT (714) 536-7521 x250 (Payable directly to HBSD)		
Residential: School District	Applied to new residential development and additions of 500 sq. ft. or more (excluding garage area) – Rate per sq. ft.	\$2.63/sq.ft.
Commercial: School District	Applied to all new development and additions – Rate per sq. ft.	\$0.42/sq.ft.
HB PARK & RECREATION		
Residential	Applied to all new development and additions – Rate per sq. ft.	\$0.86/sq.ft.
Commercial/Industrial	Applied to all new development and additions – Rate per sq. ft.	\$0.23/sq.ft.



FEES: The chart below may be used to estimate the cost of construction fees based on the project valuation but does not include fees required for other departments and trades. Note that the fees calculated are an approximation of the actual fees based on the current fee ordinance and may be subject to change without notice. The final fees will be determined when an application is submitted.

Project valuation	Bldg. Plan ⁽⁴⁾ Review Fee	Planning ⁽⁴⁾ Review Fee	Inspection Fee	Processing ⁽⁴⁾ Fee	Sub-Total
\$5,000.00	\$84	\$78	\$110	\$29	\$301
\$10,000.00	\$127	\$117	\$166	\$29	\$439
\$20,000.00	\$212	\$195	\$279	\$29	\$715
\$30,000.00	\$286	\$263	\$376	\$29	\$954
\$40,000.00	\$348	\$320	\$457	\$29	\$1,154
\$50,000.00	\$409	\$377	\$538	\$29	\$1,353
\$60,000.00	\$452	\$416	\$594	\$29	\$1,491
\$70,000.00	\$495	\$456	\$650	\$29	\$1,630
\$80,000.00	\$537	\$495	\$706	\$29	\$1,767
\$90,000.00	\$580	\$534	\$762	\$29	\$1,905
\$100,000.00	\$623	\$574	\$819	\$29	\$2,045
\$110,000.00	\$657	\$605	\$863	\$29	\$2,154
\$120,000.00	\$691	\$636	\$908	\$29	\$2,264
\$130,000.00	\$725	\$668	\$953	\$29	\$2,375
\$140,000.00	\$759	\$699	\$998	\$29	\$2,485
\$150,000.00	\$793	\$730	\$1,043	\$29	\$2,595
\$160,000.00	\$827	\$762	\$1,087	\$29	\$2,705
\$170,000.00	\$861	\$793	\$1,132	\$29	\$2,815
\$180,000.00	\$895	\$824	\$1,177	\$29	\$2,925
\$190,000.00	\$929	\$856	\$1,222	\$29	\$3,036
\$200,000.00	\$963	\$887	\$1,267	\$29	\$3,146
\$250,000.00	\$1,133	\$1,044	\$1,491	\$29	\$3,697
\$300,000.00	\$1,304	\$1,201	\$1,715	\$29	\$4,249
\$350,000.00	\$1,474	\$1,357	\$1,939	\$29	\$4,799
\$400,000.00	\$1,644	\$1,514	\$2,163	\$29	\$5,350
\$450,000.00	\$1,814	\$1,671	\$2,387	\$29	\$5,901
\$500,000.00	\$1,984	\$1,828	\$2,611	\$29	\$6,452
\$550,000.00	\$2,129	\$1,961	\$2,801	\$29	\$6,920
\$600,000.00	\$2,274	\$2,095	\$2,992	\$29	\$7,390
\$650,000.00	\$2,419	\$2,228	\$3,182	\$29	\$7,858
\$700,000.00	\$2,564	\$2,361	\$3,373	\$29	\$8,327
\$750,000.00	\$2,708	\$2,495	\$3,563	\$29	\$8,795
\$800,000.00	\$2,853	\$2,628	\$3,754	\$29	\$9,264
\$850,000.00	\$2,998	\$2,761	\$3,944	\$29	\$9,732
\$900,000.00	\$3,143	\$2,895	\$4,135	\$29	\$10,202
\$950,000.00	\$3,288	\$3,028	\$4,325	\$29	\$10,670
\$1,000,000.00	\$3,432	\$3,161	\$4,516	\$29	\$11,138
\$1,250,000.00	\$3,988	\$3,673	\$5,247	\$29	\$12,937
\$1,500,000.00	\$4,545	\$4,186	\$5,979	\$29	\$14,739

\$1,750,000.00	\$5,101	\$4,699	\$6,712	\$29	\$16,541
\$2,000,000.00	\$5,658	\$5,211	\$7,444	\$29	\$18,342

NOTE:

1. Fees are effective dated 1/20/2006. For latest fees obtain the "**Building Permit Fee**" schedule.
2. A 4.1% Automation Fee will be added to all fees listed pursuant to Resolution 2005-75.
3. See attached handout for additional fees such as Library Development, Park Development, etc
4. These fees are payable at plan submittal.
5. Additional fees for Mechanical, Plumbing, Electrical, Fire, PW, Sanitation may apply.



HUNTINGTON BEACH FIRE DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: JUNE 9, 2008

PROJECT NAME: SAWYER RESIDENCE

ENTITLEMENTS: COASTAL DEVELOPMENT PERMIT NO. 08-011; CONDITIONAL USE PERMIT NO. 08-021

DATE OF PLANS: MAY 02, 2008

PROJECT LOCATION: 16701 PEALE LANE, HUNTINGTON BEACH, CA

PLANNER: RON SANTOS, ASSOCIATE PLANNER

TELEPHONE/E-MAIL: (714) 536-5271/ rsantos@surfcity-hb.org

PLAN REVIEWER-FIRE: LEE CALDWELL, FIRE DEVELOPMENT SPECIALIST

TELEPHONE/E-MAIL: (714) 536-5531/ lcaldwell@surfcity-hb.org

PROJECT DESCRIPTION: **CDP:** TO CONSTRUCT A 4,876 SQ. FT., 35 FT. TALL SINGLE-FAMILY DWELLING WITH A 600 SQ. FT. ATTACHED GARAGE; **CUP:** TO ALLOW (A) 1,029 SQ. FT. OF HABITABLE SPACE ABOVE THE 2ND STORY AND; (B) AN OVERALL BUILDING HEIGHT EXCEEDING 30 FT.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated May 8, 2008. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. If you have any questions regarding these requirements, please contact the Plan Reviewer- Fire: LEE CALDWELL, FIRE DEVELOPMENT SPECIALIST.

PRIOR TO DEMOLITION, GRADING, SITE DEVELOPMENT, ISSUANCE OF GRADING PERMITS, BUILDING PERMITS, AND/OR CONSTRUCTION, THE FOLLOWING SHALL BE REQUIRED:

- a. **Residential (NFPA 13D) Automatic Fire Sprinklers** are required per Huntington Beach Fire Code for new residential one and two family dwellings and manufactured homes with "fire areas" 5000 square feet or more or for residential buildings 10,000 square feet or more. Additions of square footage to an existing home also triggers this requirement.

Separate plans (three sets) shall be submitted to the Fire Department for permits and approval. Automatic fire sprinkler systems must be maintained operational at all times.

For Fire Department approval, reference that a fire sprinkler system will be installed in compliance with the Huntington Beach Fire Code, NFPA 13, and City Specification # 420 - *Automatic Fire Sprinkler Systems* in the plan notes.

NOTE: Significant changes to the Huntington Beach Fire Code have occurred as of January 1, 2008 as a result of the adoption of the International Fire and Building Codes

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E-MAILED JUN 09 2008

by the State of California. An option may be available to the applicant to demise a portion of the structure with a rated fire barrier. Fire sprinklers will be required for fire areas 5000 square feet or greater or combined floor areas 10,000 square feet or greater per adopted Huntington Beach Fire Department amendments. (FD)

- b. **Fire Sprinklers Systems Supply.** Residential NFPA 13D fire sprinkler systems supply shall be a minimum of a one inch (1") water meter service, installed per Fire Department, Public Works, and Water Division Standards. Depending on fire sprinkler system demands, larger water service may be required. Separate plans shall be submitted to the Public Works Department for approval and permits, and must be completed prior to issuance of a grading permit. The water service improvements shall be shown on a precise grading plan, prepared by a Licensed Civil Engineer. Contact Huntington Beach Public Works Department (714-536-5431) for water meter requirements. (FD)
- c. **Connection to the Public Water Supply** - Separate plans shall be submitted to the Public Works Department detailing the connection, piping, valves and back-flow prevention assembly (DDCA) for approval and permits. Approval by Public Works and the Fire Department must be completed prior to issuance of a grading permit. The dedicated private fire water service off-site improvements shall be shown on a precise grading plan, prepared by a Licensed Civil Engineer. (FD)

THE FOLLOWING CONDITIONS SHALL BE MAINTAINED DURING CONSTRUCTION:

- a. Fire/Emergency Access and Site Safety shall be maintained during project construction phases in compliance with HBFC Chapter 14, Fire Safety During Construction And Demolition. (FD)

OTHER:

- a. Discovery of soil contamination or underground pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly in compliance with City Specification #431-92 Soil Clean-Up Standards. (FD)
- b. Outside City Consultants. The Fire Department review of this project and subsequent plans may require the use of City consultants. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer or other responsible party. (FD)

Fire Department City Specifications may be obtained at:
Huntington Beach Fire Department Administrative Office
City Hall 2000 Main Street, 5th floor Huntington Beach, CA 92648
or through the City's website at www.surfcity-hb.org

If you have any questions, please contact the Fire Prevention Division at (714) 536-5411.

MAY 29 2008

TO: APPLICANT
VIA: E-MAIL 05-30-08

HUNTINGTON BEACH PUBLIC WORKS DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: MAY 29, 2008
PROJECT NAME: SINGLE FAMILY RESIDENCE
ENTITLEMENTS: CUP 08-021, CDP 08-011
PLNG APPLICATION NO: 2008-0094
DATE OF PLANS: MAY 2, 2008
PROJECT LOCATION: 16701 PEALE LANE, HUNTINGTON BEACH
PROJECT PLANNER: RON SANTOS, ASSOCIATE PLANNER
TELEPHONE/E-MAIL: (714) 536-5561 / RSANTOS@SURFCITY-HB.ORG
PLAN REVIEWER: STEVE BOGART, SENIOR CIVIL ENGINEER *SB*
TELEPHONE/E-MAIL: 714-374-1692 / SBOGART@SURFCITY-HB.ORG
PROJECT DESCRIPTION: CDP; TO CONSTRUCT A 4,876 SQ. FT., 35 FT. TALL SINGLE-FAMILY DWELLING WITH A 600 SQ. FT. ATTACHED GARAGE; CUP: TO ALLOW (A) 1,029 SQ. FT. OF HABITABLE SPACE ABOVE THE 2ND STORY AND; (B) AN OVERALL BUILDING HEIGHT EXCEEDING 30 FT.

The following is a list of code requirements deemed applicable to the proposed project based on plans as stated above. The items below are to meet the City of Huntington Beach's Municipal Code (HBMC), Zoning and Subdivision Ordinance (ZSO), Department of Public Works Standard Plans (Civil, Water and Landscaping) and the American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), the Orange County Drainage Area management Plan (DAMP), and the City Arboricultural and Landscape Standards and Specifications. The list is intended to assist the applicant by identifying requirements which shall be satisfied during the various stages of project permitting, implementation and construction. If you have any questions regarding these requirements, please contact the Plan Reviewer or Project Planner.

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A GRADING PERMIT:

1. A Precise Grading Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05/ZSO 230.84) The plans shall comply with Public Works plan preparation guidelines and include the following improvements on the plan:
 - a. The minimum finished floor elevation for the new house shall be 10.00 feet North American Vertical Datum of 1988. (NAVD 88)

ATTACHMENT NO. 5.9

- b. Curb, gutter and sidewalk along the Peale Lane frontage shall be removed and replaced per Public Works Standard Plan Nos. 202 and 207. (ZSO 230.84)
 - c. The existing driveway approach on Peale Lane shall be removed and replaced with curb, gutter, and sidewalk per Public Works Standard Plan Nos. 202 and 207. (ZSO 230.84)
 - d. The proposed driveway approach on Peale Lane shall be constructed per Public Works Standard Plan No. 209. (ZSO 230.84)
 - e. The existing catch basin in Peale Lane shall be relocated so as not to interfere with the proposed driveway location. (ZSO 230.84) This will also require realignment of the existing 15" diameter storm drain pipeline in Peale Lane to connect to the relocated catch basin.
 - f. A new sewer lateral shall be installed connecting to the main in the Peale Lane. If the new sewer lateral is not constructed at the same location as the existing lateral, then the existing lateral shall be severed and capped at the main or chimney. (ZSO 230.84)
 - g. A new domestic water service and meter shall be installed per Water Standards and sized to meet the minimum requirements set by the California Plumbing Code (CPC). The domestic water service shall be a minimum of 1-inch in size. (MC 14.08.020)
 - h. The irrigation water service may be combined with the domestic water service. (ZSO 230.84)
 - i. A separate backflow protection device shall be installed per Water Standards for domestic water services. (Resolution 5921 and Title 17)
 - j. The existing domestic water service and meter shall be abandoned per Water Division Standards. (ZSO 230.84)
2. A Landscape and Irrigation Plan, prepared by a Licensed Landscape Architect shall be submitted to the Public Works Department for review and approval by the Public Works and Planning Departments. (ZSO 232.04)
- a. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk).
 - b. "Smart irrigation controllers" and/or other innovative means to reduce the quantity of runoff shall be installed. (ZSO 232.04D)
 - c. Standard landscape code requirements apply. (ZSO 232)
3. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. (ZSO 232.04B)
4. Landscaping plans should utilize native, drought-tolerant landscape materials where appropriate and feasible. (DAMP)
5. A Project Water Quality Management Plan (WQMP) conforming to the City of Huntington Beach's Project WQMP Preparation Guidance Manual dated June 2006 and prepared by a Licensed Civil Engineer, shall be submitted to the Department of Public Works for review and acceptance and shall include the following:
- a. Discusses regional or watershed programs (if applicable).
 - b. Addresses Site Design BMPs (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas.

ATTACHMENT NO. 5.10

- c. Incorporates the applicable Routine Source Control BMPs as defined in the Drainage Area Management Plan. (DAMP)
 - d. Incorporates Treatment Control BMPs as defined in the DAMP.
 - e. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
 - f. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
 - g. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
 - h. Includes an Operations and Maintenance (O&M) Plan for all structural BMPs.
 - i. After incorporating plan check comments of Public Works, three final WQMPs (signed by the owner and the Registered Civil Engineer of record) shall be submitted to Public Works for acceptance. After acceptance, two copies of the final report shall be returned to applicant for the production of a single complete electronic copy of the accepted version of the WQMP on CD media that includes:
 - i) The 11" by 17" Site Plan in .TIFF format (400 by 400 dpi minimum).
 - ii) The remainder of the complete WQMP in .PDF format including the signed and stamped title sheet, owner's certification sheet, Inspection/Maintenance Responsibility sheet, appendices, attachments and all educational material.
 - j. The applicant shall return one CD media to Public Works for the project record file.
6. Indicate the type and location of Water Quality Treatment Control Best Management Practices (BMPs) on the Grading Plan consistent with the Project WQMP. The WQMP shall follow the City of Huntington Beach; Project Water Quality Management Plan Preparation Guidance Manual dated June 2006. The WQMP shall be submitted with the first submittal of the Grading Plan.
7. A soils report, prepared by a Licensed Engineer shall be submitted for reference only. (MC 17.05.150)
8. The applicant's grading/erosion control plan shall abide by the provisions of AQMD's Rule 403 as related to fugitive dust control. (AQMD Rule 403)

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLIED WITH DURING GRADING OPERATIONS:

- 1. An Encroachment Permit is required for all work within the City's right-of-way. (MC 12.38.010/MC 14.36.030)
- 2. The developer shall coordinate the development of a truck haul route with the Department of Public Works if the import or export of material in excess of 5000 cubic yards is required. This plan shall include the approximate number of truck trips and the proposed truck haul routes. It shall specify the hours in which transport activities can occur and methods to mitigate construction-related impacts to adjacent residents. These plans must be submitted for approval to the Department of Public Works. (MC 17.05.210)
- 3. Water trucks will be utilized on the site and shall be available to be used throughout the day during site grading to keep the soil damp enough to prevent dust being raised by the operations. (California Stormwater BMP Handbook, Construction Wind Erosion WE-1)

ATTACHMENT NO. 5.11

4. All haul trucks shall arrive at the site no earlier than 8:00 a.m. or leave the site no later than 5:00 p.m., and shall be limited to Monday through Friday only. (MC 17.05)
5. Wet down the areas that are to be graded or that is being graded, in the late morning and after work is completed for the day. (WE-1/MC 17.05)
6. The construction disturbance area shall be kept as small as possible. (California Stormwater BMP Handbook, Construction Erosion Control EC-1) (DAMP)
7. All haul trucks shall be covered or have water applied to the exposed surface prior to leaving the site to prevent dust from impacting the surrounding areas. (DAMP)
8. Prior to leaving the site, all haul trucks shall be washed off on-site on a gravel surface to prevent dirt and dust from leaving the site and impacting public streets. (DAMP)
9. Comply with appropriate sections of AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. (AQMD Rule 403)
10. Wind barriers shall be installed along the perimeter of the site. (DAMP)
11. All construction materials, wastes, grading or demolition debris and stockpiles of soils, aggregates, soil amendments, etc. shall be properly covered, stored and secured to prevent transport into surface or ground waters by wind, rain, tracking, tidal erosion or dispersion. (DAMP)

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO
ISSUANCE OF A BUILDING PERMIT:**

1. A Precise Grading Permit shall be issued. (MC 17.05)

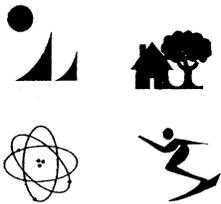
**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO FINAL
INSPECTION OR OCCUPANCY:**

1. Complete all improvements as shown on the approved grading and landscape plans. (MC 17.05)
2. The current tree code requirements shall apply to this site. (ZSO 232)
 - a. General tree requirements, regarding quantities and sizes. (ZSO 232.08B and C)
3. All landscape irrigation and planting installation shall be certified to be in conformance to the City approved landscape plans by the Landscape Architect of record in written form to the City Landscape Architect. (ZSO 232.04D)
4. Applicant shall provide City with CD media TIFF images (in City format) and CD (AutoCAD only) copy of complete City Approved landscape construction drawings as stamped "Permanent File Copy" prior to starting landscape work. Copies shall be given to the City Landscape Architect for permanent City record.
5. Prior to grading or building permit close-out and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
 - a. Demonstrate that all structural Best Management Practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
 - b. Demonstrate all drainage courses, pipes, gutters, basins, etc. are clean and properly constructed.

ATTACHMENT NO. 5-12

- c. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
 - d. Demonstrate that an adequate number of copies of the approved Project WQMP are available for the future occupiers.
6. All new utilities shall be undergrounded. (MC 17.64)
 7. All applicable Public Works fees shall be paid at the current rate unless otherwise stated, per the Public Works Fee Schedule adopted by the City Council and available on the city web site at http://www.surfcity-hb.org/files/users/public_works/fee_schedule.pdf . (ZSO 240.06/ZSO 250.16)
 8. An onsite 36" box tree or the palm equivalent shall be provided in the front yard, and a 24" box tree shall be provided in the parkway to meet the Huntington Beach; Zoning and Subdivision Ordinance, the Arboricultural and Landscape Standards and Specifications, and the Municipal Code. (ZSO 232.08, Resolution 4545, MC 13.50)

ATTACHMENT NO. 5.13



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING

June 16, 2008

Jay Golison
5500 Bolsa Avenue, #115
Huntington Beach, CA 92649

SUBJECT: COASTAL DEVELOPMENT PERMIT NO. 08-011; CONDITIONAL USE PERMIT NO. 08-021 (SAWYER RESIDENCE) – DEVELOPMENT AND USE REQUIREMENTS
16701 PEALE LANE, HUNTINGTON BEACH

Dear Mr. Golison:

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance (HBZSO) and Municipal Codes. This list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any “conditions of approval” adopted by the Zoning Administrator. Please note that if the design of your project or site conditions change, the list may also change.

The attached project implementation requirements may be appealed to the Planning Commission as a matter separate from the associated entitlement(s) within 10 calendar days of the project approval pursuant to the HBZSO Sec. 248.24. The appeal fee is \$494.00.

If you would like a clarification of any of these requirements, an explanation of the HBZSO and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at (714) 536-5561 or at rsantos@surfcity-hb.org and/or the respective source department (contact person below).

Sincerely,

RON SANTOS
Associate Planner

Enclosure

cc: Gerald Caraig, Building & Safety Dept. – 714-374-1575
Steve Bogart, Public Works – 714-536-5580
(Property Owner)

Lee Caldwell, Fire Dept. – 714-536-5564
Herb Fauland, Principal Planner

ATTACHMENT NO. 5.14

(g:\forms\planning\Code Requirements Letter - rev)

**DRAFT CODE REQUIREMENTS, POLICIES, AND STANDARD PLANS OF THE
HUNTINGTON BEACH ZONING & SUBDIVISION ORDINANCE AND MUNICIPAL CODE**

PROJECT: COASTAL DEVELOPMENT PERMIT NO. 08-011/ CONDITIONAL USE PERMIT NO. 08-021 (SAWYER RESIDENCE)
ADDRESS: 16701 PEALE LANE, HUNTINGTON BEACH

This list is intended to assist the applicant by identifying code requirements deemed applicable to the proposed project, which must be satisfied during the various stages of project implementation. Any conditions of approval adopted by the Zoning Administrator would also be applicable to your project. If you have any questions regarding these requirements, please contact the Project Planner and/or the applicable Department Representative.

COASTAL DEVELOPMENT NO. 08-011:

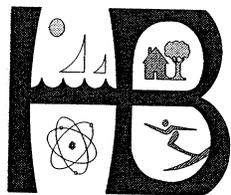
1. The site plan, floor plans, and elevations approved by the Zoning Administrator shall be the conceptually approved design with the following modifications:
 - a. Depict all utility apparatus, such as but not limited to, back flow devices and Edison transformers on the site plan. Utility meters shall be screened from view from public right-of-ways. Electric transformers in a required front or street side yard shall be enclosed in subsurface vaults. Backflow prevention devices shall be prohibited in the front yard setback and shall be screened from view.
 - b. All exterior mechanical equipment shall be screened from view on all sides. Rooftop mechanical equipment shall be setback a minimum of 15 feet from the exterior edges of the building. Equipment to be screened includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, ductwork and transformers. Said screening shall be architecturally compatible with the building in terms of materials and colors. If screening is not designed specifically into the building, a rooftop mechanical equipment plan showing proposed screening must be submitted for review and approval with the application for building permit(s). **(HBZSO Sec. 230.76)**
 - c. Depict the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items on the site plan and elevations. If located on a building, they shall be architecturally integrated with the design of the building, non-obtrusive, not interfere with sidewalk areas and comply with required setbacks.
 - d. Any proposed walls or fences, or modifications to existing walls or fences, which exceed 42 inches in height, require separate building permits and, in the case of walls or fences which straddle a property line, an executed City of Huntington Beach common wall agreement form.
 - e. All windows shall off-set from those on existing adjacent residences. Translucent glass shall be used for all bathroom windows facing existing residences. **(HBZSO Sec. 230.22)**
 - f. Lot coverage, as defined in **HBZSO Sec. 203.06**, shall not exceed 50%. **(HBZSO Sec. 210.06)** (Plans indicate 17 sq. ft. overage.)
 - g. Building height shall be measured in accordance with the provisions of **HBZSO Sec. 230.70**.
2. Prior to issuance of demolition permits, the following shall be completed:
 - a. The applicant shall follow all procedural requirements and regulations of the South Coast Air Quality Management District (SCAQMD) and any other local, state, or federal law regarding the removal and disposal of any hazardous material including asbestos, lead, and PCB's. These

ATTACHMENT NO. 5.15

requirements include but are not limited to: survey, identification of removal methods, containment measures, use and treatment of water, proper truck hauling, disposal procedures, and proper notification to any and all involved agencies.

- b. The applicant shall disclose the method of demolition on the demolition permit application for review and approval by the Director of Building and Safety. **(B&S)**
3. Prior to submittal for building permits, the following shall be completed:
 - a. A detailed soils analysis shall be prepared by a Licensed Soils Engineer and submitted with the building permit application. This analysis shall include on-site soil sampling and laboratory testing of materials to provide detailed recommendations regarding: grading, foundations, retaining walls, streets, utilities, and chemical and fill properties of underground items including buried pipe and concrete and the protection thereof. **(B&S)**
 - b. An engineering geologist shall be engaged to submit a report indicating the ground surface acceleration from earth movement for the subject property. All structures within this development shall be constructed in compliance with the g-factors as indicated by the geologist's report. Calculations for footings and structural members to withstand anticipated g-factors shall be submitted to the City for review prior to the issuance of building permits. **(B&S)**
 4. Prior to issuance of building permits, the following shall be completed:
 - a. All applicable Building & Safety, Public Works and Fire Department fees shall be paid.
 - b. State-mandated school impact fees shall be paid.
 - c. All new commercial and industrial development and all new residential development not covered by Chapter 254 of the Huntington Beach Zoning and Subdivision Ordinance, except for mobile home parks, shall pay a park fee, pursuant to the provisions of HBZSO Section 230.20 – *Payment of Park Fee*. The fees shall be paid and calculated according to a schedule adopted by City Council resolution (*City of Huntington Beach Planning Department Fee Schedule*).
 5. The Planning Director ensures that all requirements herein are complied with. The Planning Director shall be notified in writing if any changes to the site plan, elevations and floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the Huntington Beach Zoning and Subdivision Ordinance.
 6. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
 7. Coastal Development Permit No. 08-011/ Conditional Use Permit No. 08-021 shall not become effective until the ten working day appeal period from the Zoning Administrator approval of the entitlements has elapsed. For projects in the appealable area of the coastal zone, there is an additional ten working day appeal period that commences when the California Coastal Commission receives the City's notification of final action.
 8. Coastal Development Permit No. 08-011/ Conditional Use Permit No. 08-021 shall become null and void unless exercised within one year of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.

9. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
10. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.
11. The applicant shall submit a check in the amount of \$50.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Zoning Administrator's action.
12. Any proposed cantilevered deck, dock, and/or ramp improvements located in the public waterway shall require separate permits.



CITY OF HUNTINGTON BEACH

City Council Communication

TO: Scott Hess, Secretary – Planning Commission

FROM: Keith Bohr, Mayor Pro Tem

KS
JHF

DATE: August 4, 2008

SUBJECT: APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF COASTAL DEVELOPMENT PERMIT NO. 08-011; CONDITIONAL USE PERMIT NO. 08-021 (SAWYER RESIDENCE – 16701 PEALE LANE)

I hereby appeal the Zoning Administrator's July 23, 2008 approval of Coastal Development Permit No. 2008-011 and Conditional Use Permit No. 08-021 to permit: (CDP) the demolition of an existing single-family dwelling and construction of an approximately 4,835 sq. ft., 33.5 ft. tall single-family dwelling with a 602 sq. ft. attached garage and; (CUP) (a) approximately 1,010 sq. ft of habitable space above the 2nd story and (b) an overall building height exceeding 30 ft.

The appeal is based on the following issues:

- The proposed project is not compatible with residences in the surrounding area due to the height and size of the structure and the inclusion of a third story.
- The proposed project will negatively impact the surrounding properties.

The appeal will be heard by the Planning Commission pursuant to Section 248.18 of the Zoning & Subdivision Ordinance – *Designation of Hearing Body on Appeal*.

xc: Honorable Mayor and City Council Members
Chair and Planning Commission
Paul Emery, Interim City Administrator
Ricky Ramos, Zoning Administrator
Herb Fauland, Planning Manager
Ron Santos, Associate Planner



June 23, 2008

Zoning Administrator
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Via Facsimile only

Re: Public Hearing - Coastal Development Permit No. 2008-011, and
Conditional Use Permit No. 2008-021.
Sawyer Residence - 16701 Peale Lane, 92649
Hearing date of June 25, 2008 in Room B-8

Dear Zoning Administrator:

The Huntington Harbour Property Owner's Association ("HHPOA") objects to the approval of this project because it is not compatible with residences in the surrounding area, because it is not consistent with the Huntington Beach General Plan, and for other reasons stated below.

The HHPOA has already disapproved this project because it violates our CC&R's, which address numerous design criteria. One of the major concerns is the building height, which is intended to be 35 feet. The proposed structure is substantially taller than any surrounding dwelling and would tower over them. The residence to West is only one story tall, and the one to the East merely has an addition over the garage. Both would become dwarfed by such an enormous structure.

The other height related concern is the third floor of the proposed structure. No three-story homes were originally constructed in Huntington Harbour at this location because the master plan called for creative and diverse designs, yet relative compatibility within the neighborhoods, and preservation of privacy and the curtailment of massive structures.

The sheer mass of this proposed building is over 5,100 square feet, which would overwhelm other homes built in this area, which originally did not exceed 2,800 square feet. The structure is planned to be almost as large as the lot itself, (5,186 square foot structure, not including garage, on a lot size of 5,000 square feet). Because of its massive proportions, it is clearly incompatible in this neighborhood and not in harmony with the surrounding homes, which have a smaller footprint.

This building would eliminate or severely reduce the privacy of neighbors, by its unobstructed views onto their yards. And likewise, it would block light, views and the highly regarded sea breeze from other surrounding dwellings as well. The original master plan for Huntington Harbour dwellings was appropriate in terms of living space, both inside and out.

In fact, the Urban Design Element guidelines of the General Plan specifically praised Huntington Harbour. The Guidelines note that "...the most successful neighborhoods in the City, from the Huntington Harbour Property Owners Association, Inc. • (714) 840-7877 • www.hhpoa.net 16899 Algonquin Street, Suite C, Huntington Beach, CA 92649-5608

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ATTACHMENT NO. 7.1

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standpoint of design (such as Huntington Harbour), have a clear and appropriate architectural image." (City of Huntington Beach General Plan, Community Development Chapter Urban Design Element, II-UD-12). Allowing this dwelling to be constructed would destroy this appropriate architectural image.

This proposed project is inconsistent with the Land Use Element of the General Plan of Huntington Beach. This proposed structure violates policy LU 9.2.1 and LU 9.2.1b because its proposed height and bulk are incompatible with the surrounding existing development, as no others are three stories tall or are 35 feet high or are so massive.

This proposed project is at odds with the Conditional Use Permit process. Conditional Use Permits allow a city to consider special uses which may be **essential or desirable** to a particular community, but which are **not allowed as a matter of right** within a zoning district. The applicant has offered no proof that this massive dwelling is essential or desirable to the community.

Preservation of our quality of life of Huntington Harbour is of vital importance to us. As one court opinion states, "The decision to allow a conditional use permit is an issue of vital public interest. It affects the quality of life of everyone in the area of the proposed use." *Penn-Co v Board of Supervisors*, (1984). This project would adversely affect the quality of life in this neighborhood.

The development of Huntington Harbour was well thought out and designed with a specific plan and purpose, and this plan did not include such massive structures as the one proposed, or such structures would have been built, as seen in other localities. This proposed structure would be a significant deviation from the intent of the original developers and of the purchasers, and is inappropriate for this location.

Because of this projects massive size and height, its incompatibility with the area, inconsistency with the Huntington Beach General Plan and the initial development of Huntington Harbour, because it would severely diminish the privacy of surrounding dwellings, block views, the sea breeze and light, and other related design and developmental impacts, we object to this project, in order to preserve our rights as well as the rights of all homeowners subject to our CC&R's.

However, we welcome the opportunity to work with the City and the homeowner or his/her representative to discuss revisions to these plans. Thank you for you considering our objection.

Respectfully,



Dorothy Ralphs
Huntington Harbour Property Owner's Association

Alison Louise Mitchell
16641 Wellington Circle
Huntington Circle
562-592-5442

June 25, 2008

Ron Santos, Project Planner

Re: Jay Golison's request to build a 3-story house at 16701 Peale Lane.

I am much opposed to the building of a 3-story house anywhere on Gilbert Island. When my husband and I bought our house in 1965 the restrictions limited future development to one and two story residences that would not obstruct the view of the channels and other islands. One 3-story house opens the door to other 3-story buildings, and even 4-story buildings in the future, destroy the atmosphere of a friendly neighbor hood, and give the island the look of a community of condominiums and apartment houses with no view at all for the residents living on Wellington, Melville and Mariana.

Alison Louise Mitchell

ATTACHMENT NO. 7.3
RECEIVED JUN 25 2008

June 25, 2008

Mr. Ron Santos
Associate Planner
City of Huntington Beach
(F) 714-374-1540

RE: CDP 2008-011, CUP 2008-021

Dear Mr. Santos,

As there seems to be some confusion about a request from Mr. Sawyer to postpone item 1 on today's Zoning Hearing at 1:30 PM, please accept this letter as my disapproval of the home development project at 16701 Peale Lane, HB.

First, Mr. Sawyer has not submitted his plans for review and approval to the Huntington Harbour Property Owners Association, a violation of his C, C & R's.

This project will clearly restrict the property rights and privacy of surrounding homes and exceeds building height restriction in Huntington Harbour and Huntington Beach of 30 feet. Parking is always a major issue as his lot is only 50' and only enough room for one car parking on the street in front of his house. There will be view restrictions suffered by the neighbors and shadowing issues as well on both sides.

I have reviewed my concerns with Mr. Sawyer several times and he has indicated that he will revise his plans to remodel while addressing the concerns of the neighbors. Most residence in the immediate area are old and unable to attend or even protest, please take this letter as a "community" concern.

We are opposed to a project that will exceed 30' in height and push the boundaries of lot coverage.

Thank you for your assistance in this matter.

Sincerely,

Daryl Phillips
16711 Peale Lane
HB CA 92649
562-592-2193

Wednesday, June 25, 2008 AOL: Wutluk

ATTACHMENT NO. 7.4
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