

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

TO: Zoning Administrator
FROM: Ethan Edwards, Associate Planner
DATE: June 16, 2010

SUBJECT: COASTAL DEVELOPMENT PERMIT NO. 2009-010; CONDITIONAL USE PERMIT 2009-036 (CHAN RESIDENCE)

LOCATION: 16691 Bolero Lane, 92649 (west side of Bolero Lane, between Finistere Drive and Nalu Circle - Davenport Island)

Applicant: Jay Golison, JWG Design Development, 5937 E. Naples Plaza, Long Beach, CA 90803

Property Owner: Karl & Ying Chan, 16691 Bolero Lane, Huntington Beach, CA 92649

Request: **CDP:** To permit a 630 sq. ft., third-story residential addition to an existing 3,872 sq. ft., two-story single-family residence with an overall building height of 29 ft. **CUP:** To permit approximately 630 sq. ft. of third floor habitable area.

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

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

General Plan: RL-7 (Residential Low Density)

Existing Use: Single Family Residence

RECOMMENDATION: Staff recommends approval with modifications 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 15301 of the CEQA Guidelines, because additions to existing structures are exempt provided that they are less than 50% of the floor area of the existing structure.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2009-010:

1. Coastal Development Permit No. 2009-010 to permit a 630 sq. ft., third-story residential addition to an existing 3,872 sq. ft., two-story single-family residence with an overall building height of 29 ft., as conditioned, conforms with the General Plan, including the Local Coastal Program designation of Residential Low-Density. The proposed project is consistent with Coastal Element Policy C 1.1.1 to encourage new development to locate 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, minimum setbacks, maximum site coverage, minimum landscaping, and minimum on-site parking.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The project will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roads.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access, recreation, or views to coastal resources.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2009-036:

1. Conditional Use Permit No. 2009-036 to permit approximately 630 sq. ft. of third floor habitable area 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 third floor habitable area will be accessible only from the interior of the building. Based upon the conditions imposed, the third floor habitable area will be within the confines of the 2nd story roof volume and set back toward the rear of the property further minimizing the appearance of bulk and mass.
2. The conditional use permit will be compatible with the surrounding neighborhood because the two-story residence with third floor habitable area is designed to resemble the two-story homes in the adjacent neighborhood. As conditioned, the third floor habitable area is integrated within the confines of the 2nd story roof volume which is compatible to the mass and scale of surrounding homes. The overall building height of approximately 29 feet is not anticipated to impact surrounding properties because the project is adjacent to existing two-story, single-family residences with similar building heights.
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. The project complies with minimum onsite parking, minimum building setbacks, maximum lot coverage, and maximum building height. The third floor habitable area is 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 – 9.2.1.: Require that all new residential development within existing residential neighborhoods 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 are compatible with the surrounding development.
- c. Use of complimentary building materials, colors and forms, while allowing flexibility for unique design solutions.
- d. Maintenance of privacy on abutting residences.

As conditioned, the project complies with this General Plan policy 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 include windows, dormers, doors, balcony, and roof eaves create a rhythmic composition, taking into consideration scale, style and proportion of architectural elements. Furthermore, the proposed project is designed to minimize privacy impacts by orientating the third floor habitable area dormer and windows toward the adjacent Huntington Harbour. 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 are mitigated or minimized to the greatest extent feasible.

Implementation Program – I-C 2: The principal method for implementing the Coastal Element is the HBZSO, and the design and development standards contained therein. Accordingly, projects that comply with HBZSO standards are 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. 2009-010/CONDITIONAL USE PERMIT NO. 2009-036 :

1. The site plan, floor plans, and elevations received and dated May 21, 2010 shall be the conceptually approved design with the following modification:
 - a. Provide revised plans that depict habitable area above the 2nd story plate line within the confines of the 2nd story roof volume.

2. Prior to submittal for building permits, one set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Division.
3. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - c. Truck idling shall be prohibited for periods longer than 10 minutes.
 - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.
 - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/grading activity.
4. The structure(s) cannot be occupied and the final building permit(s) cannot be approved until the following has been completed:
 - a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Planning and Building Department.
 - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
5. 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.