

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

WEDNESDAY, MARCH 19, 2008 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBER: Tess Nguyen, Andrew Gonzales, Rami Talleh, Pamela Avila (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2008-002 (HUNTINGTON PACIFICA PARKING REDUCTION)

APPLICANT: Jeff Packard, Sapetto Group, Inc., 2 Park Plaza, Suite 735, Irvine, CA 92614
PROPERTY OWNER: David Steven, Huntington-Monterey, LLC, 25821 Paseo Real, Monterey, CA 93940
REQUEST: To permit a 34-space parking reduction based on a parking demand analysis and a transportation demand management plan. The reduction in parking is requested to permit the conversion of 10,934 sq. ft. of general office space to medical office use within an existing 41,950 sq. ft. office building.
LOCATION: 18377 Beach Boulevard, 92648 (west side of Beach Boulevard, north of Ellis Avenue)
PROJECT PLANNER: Tess Nguyen

Tess Nguyen, Associate Planner, recommended continuance to the March 26, 2008 meeting at the applicant's request.

AS THERE WERE NO PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST THE PUBLIC HEARING WAS NOT OPENED.

CONDITIONAL USE PERMIT NO. 2008-002 WAS CONTINUED TO THE MARCH 26, 2008 MEETING.

ITEM 2: CONDITIONAL USE PERMIT NO. 2007-044; COASTAL DEVELOPMENT PERMIT NO. 2007-018 (HERMAN RESIDENCE)

APPLICANT: Greg Howell, 20561 Suburbia Lane, Huntington Beach, CA 92646
PROPERTY OWNER: Stephen Herman – Falkland Investment Trust, 3292 Falkland Circle, Huntington Beach, CA 92649
REQUEST: **CDP:** To permit the construction of an approximately 6,208 sq. ft. single-family dwelling with a 602 sq. ft. attached garage; **CUP:** To permit an approximately 1,107 sq. ft. 3rd floor living area and an approximately 148 sq. ft. 3rd story deck. 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: 3292 Falkland Circle, 92649 (terminus of Falkland Circle, east of Channel Lane)
PROJECT PLANNER: Andrew Gonzales

Andrew Gonzales, Assistant Planner, recommended a continuance due to an error in the legal notice. Mr. Gonzales requested continuance with re-notification to the April 2, 2008 meeting.

Mary Beth Broeren, Zoning Administrator, queried staff if there was enough time to reschedule and staff reported that there was.

AS THERE WERE NO PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST THE PUBLIC HEARING WAS NOT OPENED.

CONDITIONAL USE PERMIT NO. 2007-044; COASTAL DEVELOPMENT PERMIT NO. 2007-018 WAS CONTINUED TO THE APRIL 2, 2008 MEETING WITH RE-NOTIFICATION.

ITEM 3: VARIANCE NO. 2008-001/ COASTAL DEVELOPMENT PERMIT NO. 2008-001 (BOTWIN RESIDENCE)

APPLICANT: Louie Hernandez, The Louie Group, 19092 Callaway Circle, Huntington Beach, CA 92648
PROPERTY OWNER: Ron Botwin, 16051 Santa Barbara Lane, Huntington Beach, CA 92649
REQUEST: **CDP:** To permit the construction of an approximately 834 sq. ft. 2nd floor addition to an existing single-family dwelling; **VAR:** To permit a proposed 2nd floor addition at a 7'-8" front yard setback in lieu of a minimum 15'-0" required front yard setback.
LOCATION: 16051 Santa Barbara Lane, 92649 (Westside of Santa Barbara Lane, south of Edinger Avenue)
PROJECT PLANNER: Andrew Gonzales

Andrew Gonzales, Assistant Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use 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.

Staff explained the proposed condition requiring removal of two balconies along the northern elevation.

Staff reported that no letter or inquiries regarding this project were received.

Mary Beth Broeren, Zoning Administrator, asked if the solarium was within the building itself. Staff reported that it was and complied with building codes.

THE PUBLIC HEARING WAS OPENED.

Louie Hernandez, applicant, requested that the balconies as proposed in the design, be approved.

Ron Botwin, property owner, requested that the plans be approved as presented, keeping the balconies in the design. He further stated that he has lived there 30 years and that other residences were designed with similar balconies in the front of the home. Mr. Botwin submitted photographs of similar balconies. According to Mr. Botwin, the balconies are compatible with the surrounding neighborhood.

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

Mary Beth Broeren, Zoning Administrator, inquired about the proposed balconies, stating that there would be different requirements for decorative balconies versus usable balconies. Ms. Broeren commented on the photos presented by Mr. Botwin. Using the photos, Ms. Broeren was able to point out the difference of the balconies that appeared to be similar. After discussing the item and receiving clarification from the applicant Ms. Broeren stated that she was going to approve the project and delete Condition No.1 (A).

VARIANCE NO. 2008-001/COASTAL DEVELOPMENT PERMIT NO. 2008-001 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 15301 of the CEQA Guidelines, because the addition will not result in an increase of more than 50% of the existing single family dwelling's floor area.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-001:

1. Coastal Development Permit No. 2008-001 for the construction of an approximately 834 sq. ft. 2nd floor addition to an existing single-family dwelling conforms to the General Plan, including the Local Coastal Program land use designation of Residential Low-Density. The project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage development within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a developed site, contiguous to existing residential development.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code, with exception of the requested variance for the 2nd floor front yard setback. The proposed addition complies with the maximum site coverage, maximum building height, minimum side and rear yard setbacks, and minimum onsite 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 proposed addition will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. The development conforms 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.

FINDINGS FOR APPROVAL - VARIANCE NO. 2008-001:

1. The granting of Variance No. 2008-001 to permit a 2nd floor addition at a 7'-8" front yard setback in lieu of a minimum 15'-0" required front yard setback, will not constitute a grant of special privilege inconsistent with limitation upon other properties in the vicinity and under an identical zoning classification. The addition will match the existing setback of a garage which was previously approved for a reduced front yard setback. The proposed addition will be consistent with several homes in the immediate vicinity that were approved with similar variances for 2nd floor additions with reduced front yard setbacks. The proposed 2nd floor addition will not project beyond the existing front setback line established by the ground floor garage.
2. Because of special circumstances applicable to the subject property, including size and shape, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification. The subject property is located within a tract that has variances approved for lot size and lot frontage. The subject lot has a narrower street frontage dimension in comparison to residential properties in the surrounding area, including an angled front property line that results in a variable front yard setback. The site limitations created by the configuration and size of the lot is found to deprive the property from expansion opportunities similar to those granted for properties in the surrounding neighborhood.

3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. Due to the narrow street frontage dimension and angled front property line, the depth of the lot is reduced such that the onsite developable area is less than that allotted for similarly zoned properties in the area. The granting of the variance is necessary to accommodate development in a fashion compatible with improvements found in the surrounding area in terms of size and location.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The proposed addition will not encroach any further into the required front yard setback than established by the existing front entry garage. Because the additional living area will not necessitate additional onsite parking or contribute to lot coverage, no detrimental impacts to surrounding properties are anticipated.
5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL-7 (Residential Low-Density – 7 units/acre) on the subject property, including the following policies:

LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character as appropriate.

LU 9.1.2(d): Encourage creative and unique design concepts.

The requested variance accounts for the unique configuration of the subject property resulting from the property's variable lot depth. The reduced lot width and diagonal nature of the front property line decreases the overall developable area more than other properties in the surrounding area and under an identical zone classification. Re-orientation of the addition would provide a reduction in the overall living area and alter the unique architectural design of the proposed residence which effectively utilizes contrasting façade breaks to reduce the overall size and mass of the residence.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-001/VARIANCE NO. 2008-001:

1. The site plan, floor plans, and elevations received and dated January 3, 2008 shall be the conceptually approved design.
2. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

THE MEETING WAS ADJOURNED AT 2:05 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, MARCH 26, 2008 AT 1:30 PM.



Mary Beth Broeren
Zoning Administrator

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