

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

TO: Zoning Administrator
FROM: Christopher Wong, Associate Planner
DATE: May 31, 2017

SUBJECT: CONDITIONAL USE PERMIT NO. 16-043 (COHEN AND SCHWAB RESIDENCE)

LOCATION: 1217 Acacia Avenue, Huntington Beach, CA 92648 (on the southeast corner of Acacia Avenue and 13th Street)



Applicant: Eric Trabert, 9521 Irvine Center Drive, Irvine, CA 92618

Property

Owner: Anh Cohen and David Schwab, 228 Hamilton Avenue, 3rd Floor, Palo Alto, CA 94301

Request: To permit the demolition of an existing single-family residence and detached garage, and the construction of a new 5,443 sq. ft. single family dwelling with habitable area above the second story. This includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/privacy issues, such as window alignments, building pad height, and floor plan layout.

Environmental

Status: This request is covered by Categorical Exemption, Section 15303, Class 3, California Environmental Quality Act.

General Plan: RMH-25-d (Residential Medium High – Maximum of 25.0 dwelling units per net acre – Special Design Standards)

Zone: RMH-A (Medium High Density Residential Small Lot Subdistrict)

Existing Use: Single-family residential



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

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act

(CEQA) pursuant to section 15303 of the CEQA Guidelines, because the project consists of the construction of a single-family residence within a residential zone.

SUGGESTED FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 16-043:

1. Conditional Use Permit No. 16-043 to permit the demolition of an existing single-family residence and detached garage; and the construction of a new 5,443 sq. ft. single-family residence with habitable area above the second story plate line, which includes an activity room and rooftop deck, 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 rooftop deck will be accessible only from the interior of the building and will face Acacia Avenue, thereby protecting the privacy of adjacent residences. In accordance with the Huntington Beach Zoning and Subdivision Ordinance, the habitable area above the second story plate line is designed to be within the confines of the roof volume which will minimize the visual mass and bulk of the residence. In turn, the design will be consistent with the surrounding properties.
2. The proposed demolition of an existing single-family residence and detached garage; and the construction of a new 5,443 sq. ft. single-family residence with habitable area above the second story plate line, which includes an activity room and rooftop deck, will be compatible with surrounding land uses. This habitable area above the second story plate line is designed to be a part of the roof volume, which facilitates the structures resemblance as a two-story home with mass and scale that is similar to homes in the neighborhood. In addition, the overall building height will be consistent with the height of existing two-story homes in the neighborhood. The rooftop deck will also be oriented towards Acacia Avenue, which will protect direct views onto adjacent residences. Lastly, the proposed deck will be setback five feet from the building exterior, as conditioned, further preserving views onto adjacent residences.
3. The proposed demolition of an existing single-family residence and detached garage; and the construction of a new 5,443 sq. ft. single-family residence with habitable area above the second story plate line, which includes an activity room and rooftop deck, will comply with the provisions of the base district and other applicable provisions in Titles 20 through 25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it would be located. The project complies with minimum onsite parking and building setbacks, as well as maximum lot coverage and building height. The habitable area above the second story plate line is allowed for all single-family dwellings in the RMH-A subdistrict with more than 50 feet of frontage, 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 RMH-25-d (Residential Medium High – Maximum of 25.0 dwelling units per net acre – Special Design Standards) on the subject property. In addition, it is consistent with the following objective and policies of the General Plan:

A. Land Use Element

Policy LU 9.2.1: Require that all new residential development within existing residential neighborhoods be compatible with existing structures, including (b) use of

building heights, grade elevations, orientation and bulk that are compatible with the surrounding development; and (d) maintenance of privacy on abutting residences.

The proposed demolition of an existing single-family residence and detached garage; and the construction of a new 5,443 sq. ft. single-family residence with habitable area above the second story plate line, which includes an activity room and rooftop deck, is consistent with the requirements of the base zoning district, as well as other provisions of the Municipal Code including setbacks, maximum building height, and minimum on-site parking. The overall building height will match the surrounding properties because the neighborhood is developed with two-story, single-family residences with similar building heights. The proposed third floor habitable area will be integrated within the confines of the second story roof volume. Also, the rooftop deck will be oriented towards Acacia Avenue, minimizing impact to privacy on adjoining properties.

SUGGESTED CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 16-043:

1. The site plan, floor plans, and elevations received and dated March 24, 2017 shall be the conceptually approved design with the following modification: the deck above the second floor shall be setback a minimum of five feet from the building exterior. **(HBZSO Section 210.06(M)(1)(d)(1))**
2. Prior to submittal of building permits, the following shall be completed:
 - a. One set of revised site plan and elevations in accordance with Condition No. 1 shall be submitted to the Planning Division for review and approval and inclusion in the entitlement file.
 - b. Zoning entitlement conditions of approval and code requirements identified in separately transmitted memorandum from the Departments of Fire, Community Development, 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.
3. Conditional Use Permit No. 16-043 shall become null and void unless exercised within two years 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.
4. The Development Services Departments and divisions (Building & Safety, Fire, Planning, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. 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 provisions of HBZSO Section 241.18.

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 <https://www.builditgreen.org/greenpoint-rated>.

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.