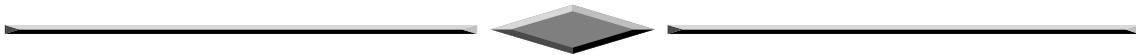


**HUNTINGTON BEACH  
OFFICE OF THE ZONING ADMINISTRATOR  
EXECUTIVE SUMMARY**

**TO:** Zoning Administrator  
**FROM:** Ethan Edwards, Associate Planner  
**DATE:** June 3, 2015

**SUBJECT:        CONDITIONAL USE PERMIT NO. 15-007 (NGUYEN RESIDENCE)**

**LOCATION:**       22191 Malibu Lane, 92646 (west side of Malibu Ln., between Tahiti Cir. and Leilani Dr.)



**Applicant:**       Dat Vu, 8822 Treva Circle, Garden Grove, CA 92844

**Property Owner:**   Dan Nguyen, 22191 Malibu Lane, Huntington Beach, CA 92646

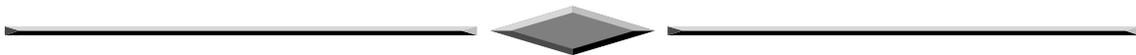
**Request:**        To permit the demolition of an existing 2,428 sf. ft. single family residence and construct a 5,230 sq. ft., two-story single-family dwelling with a 684 sq. ft. attached garage, and a 490 sq. ft. rooftop deck above the 2nd story. This request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/privacy issues, such as window alignments, building pad height, and floor plan layout.

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

**Zone:**            RL (Residential Low Density)

**General Plan:**   RL-7 (Residential Low Density)

**Existing Use:**   Commercial



**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 one single-family residence within a residential zone.

**SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 15-007:**

1. Conditional Use Permit No. 15-007 to permit the demolition of an existing 2,428 sf. ft. single family residence and construction of a 5,230 sq. ft., two-story single-family dwelling with a 684 sq. ft. attached garage, and a 490 sq. ft. rooftop deck above the 2nd story 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 the Talbert Channel thereby protecting privacy of adjacent residences. Based on code requirements, the proposed rooftop deck will be setback a minimum of five feet from the building exterior which will minimize the visual mass and bulk of the residence.
2. The proposed demolition of an existing 2,428 sf. ft. single family residence and construction of a 5,230 sq. ft., two-story single-family dwelling with a 684 sq. ft. attached garage, and a 490 sq. ft. rooftop deck above the 2nd story will be compatible with surrounding uses because the rooftop deck will be integrated into the design of the residence in order to resemble the two-story homes in the neighborhood. The overall building height will match the surrounding properties because the project is adjacent to existing two-story, single-family residences with similar building heights. The rooftop deck will be oriented towards the Talbert Channel which will protect direct views onto adjacent residences. Furthermore, the proposed deck will be setback five feet from the building exterior which allows the residence to be compatible with the mass and scale of structures in the surrounding neighborhood.
3. The proposed demolition of an existing 2,428 sf. ft. single family residence and construction of a 5,230 sq. ft., two-story single-family dwelling with a 684 sq. ft. attached garage, and a 490 sq. ft. rooftop deck above the 2nd story 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 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, and maximum lot coverage and building height. The 490 sq. ft. rooftop deck above the second story 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 (Residential Low Density—7 units per acre) on the subject property. In addition, it is consistent with the following objective and policies of the General Plan:

A. Land Use Element

Objective LU 9.1: Provide for the development of single- and multi-family residential neighborhoods.

Policy LU 9.1.1: Accommodate the development of single- and multi-family residential units in areas designated by the Land Use Plan Map, as stipulated by the Land Use and Density Schedules.

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 (c) use of complimentary building materials, colors, and forms, while allowing flexibility for unique design solutions.

The demolition of an existing 2,428 sf. ft. single family residence and construction of a 5,230 sq. ft., two-story single-family dwelling with a 684 sq. ft. attached garage, and a 490 sq. ft. rooftop deck above the 2nd story is consistent with the requirements of the base zoning district, as well as other provisions of the Municipal Code including maximum site coverage, maximum building height, and minimum on-site parking. The overall building height will match the surrounding properties because the project is adjacent to existing two-story, single-family residences with similar building heights. The rooftop deck will be oriented toward the Talbert Channel, minimizing impact to privacy on adjoining properties. The deck will also be setback five feet from the building exterior to reduce the mass and bulk of the structure.

**SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 15-007:**

1. The site plan, floor plans, and elevations received and dated April 1, 2015 shall be the conceptually approved design with the following modifications:
  - a. An onsite 36 inch box tree or the palm equivalent shall be depicted in the front yard, and a 24 inch box tree shall be depicted in the parkway. (HBZSO Section 232.08, Resolution 4545, HBMC 13.50)
  - b. Windows above the second story plate line shall orient toward public rights-of-way only. The clerestory windows within the rooftop stair enclosure facing the side yards shall be removed. (HBZSO Section 210.06.M.d.2)
  - c. A minimum 40% landscaping shall be depicted within the front yard. (HBZSO Section 210.06.S.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, Planning and Building, 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. 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 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.
  5. The structure(s) cannot be occupied and the final building permit(s) cannot be approved until the following have been completed:
    - a. All improvements must be completed in accordance with approved plans.
    - 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.
  6. Conditional Use Permit No. 15-007 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.
  7. 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 Planning and Building 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.
  8. 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/green-building-guidelines-rating>).

**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.