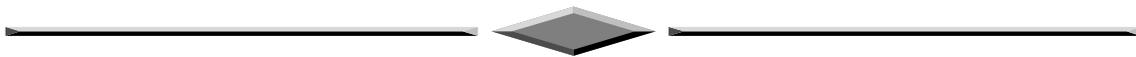


**HUNTINGTON BEACH  
OFFICE OF THE ZONING ADMINISTRATOR  
EXECUTIVE SUMMARY**

**TO:** Zoning Administrator  
**FROM:** Joanna Cortez, Associate Planner  
**DATE:** June 6, 2018

**SUBJECT: CONDITIONAL USE PERMIT NO. 18-007, COASTAL DEVELOPMENT PERMIT NO. 18-004 (NGUYEN & NEWTON RESIDENCE)**

**LOCATION:** 16861 Marina Bay Dr., 92649 (near the terminus of Marina Bay Dr.)



**Applicant:** Mark Tran, 2744 East Bennett Ave., Orange, CA 92869

**Property Owner:** Van Ngyuen, 1814 Main Street, Huntington Beach, CA 92648

**Request:** To remodel an existing 2,800 sq. ft. two-story, single family residence and construct an approximately 2,497 sq. ft. addition, which includes a 472 sq. ft. third floor addition, 260 sq. ft. second floor balcony, and a 442 sq. ft. third floor deck. 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.

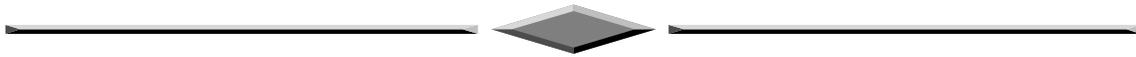
**Environmental Status:** This request is covered by Categorical Exemption, Section 15303, Class 3, California Environmental Quality Act.

**Coastal Status:** Appealable

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

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

**Existing Use:** 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 an addition to an existing single-family residence within a residential zone.

**SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 18-007:**

1. Conditional Use Permit No. 18-007 to remodel an existing 2,800 sq. ft. two-story, single family residence and construct an approximately 2,497 sq. ft. addition, which includes a 472 sq. ft. third floor addition, 260 sq. ft. second floor balcony, and a 442 sq. ft. third floor 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 472 sq. ft. third floor addition will include a game room; it is designed to be confined within the second floor roof volume and all windows are oriented toward the public right-of-way. The proposed project includes a 442 sq. ft. third floor deck that is set back five feet from the building exterior and is oriented toward the channel. Moreover, the third floor addition and deck does not exceed the height limit of 35 ft. and will be accessible only from the interior of the building, therefore, the overall design will be consistent with the surrounding properties.
2. The conditional use permit to remodel an existing 2,800 sq. ft. two-story, single family residence and construct an approximately 2,497 sq. ft. addition, which includes a 472 sq. ft. third floor addition, 260 sq. ft. second floor balcony, and a 442 sq. ft. third floor deck will be compatible with surrounding uses. The proposed third floor habitable area will be integrated within the confines of the second story roof volume. All windows will also be oriented towards the public right-of-way, which will protect direct views onto adjacent residences. The proposed third floor deck is also setback five feet from the building exterior, further preserving views onto adjacent residences. In addition, the overall building height (33 ft.-6 in.) will be consistent with the height of existing homes in the neighborhood.
3. The proposed to remodel an existing 2,800 sq. ft. two-story, single family residence and construct an approximately 2,497 sq. ft. addition, which includes a 472 sq. ft. third floor addition, 260 sq. ft. second floor balcony, and a 442 sq. ft. third floor deck 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 on-site parking, building setbacks, lot coverage, as well building height. The proposed roof deck will be setback a minimum of five feet from the second-story façade as required by the HBZSO. The third floor habitable area and third floor deck is allowed for all single-family dwellings in the RL (Residential Low Density), 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 RL on the subject property. In addition, the request to remodel an existing 2,800 sq. ft. two-story, single family residence and construct an approximately 2,497 sq. ft. addition, which includes a 472 sq. ft. third floor addition, 260 sq. ft. second floor balcony, and a 442 sq. ft. third floor deck is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Goal LU-4: A range of housing types is available to meet the diverse economic, physical, and social needs of future and existing residents, while neighborhood character and residences are well maintained and protected.

Policy LU-4 (D): Ensure that single-family residences are of compatible proportion, scale and character to surrounding neighborhoods.

The proposed request 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, and lot coverage. The overall building height will match the surrounding properties because the neighborhood is developed with 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. All windows will also be oriented towards the channel, which will protect direct views onto adjacent residences. Additionally, the proposed third floor deck is setback five feet from the building exterior, further preserving views onto adjacent residences.

**SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 18-004:**

1. Coastal Development Permit No. 18-004 to remodel an existing 2,800 sq. ft. two-story, single family residence and construct an approximately 2,497 sq. ft. addition, which includes a 472 sq. ft. third floor addition, 260 sq. ft. second floor balcony, and a 442 sq. ft. third floor deck with the General Plan, including the Local Coastal Program. The project is consistent with Coastal Element Land Use 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 project will occur on a developed site, contiguous to existing residential development.
2. The project to remodel an existing 2,800 sq. ft. two-story, single family residence and construct an approximately 2,497 sq. ft. addition, which includes a 472 sq. ft. third floor addition, 260 sq. ft. second floor balcony, and a 442 sq. ft. third floor deck 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 addition will comply with all applicable development regulations such as minimum on-site parking, building setbacks, lot coverage, as well as building height
3. At the time of occupancy, the proposed development to remodel an existing 2,800 sq. ft. two-story, single family residence and construct an approximately 2,497 sq. ft. addition, which includes a 472 sq. ft. third floor addition, 260 sq. ft. second floor balcony, and a 442 sq. ft. third floor deck 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 to remodel an existing 2,800 sq. ft. two-story, single family residence and construct an approximately 2,497 sq. ft. addition, which includes a 472 sq. ft. third floor addition, 260 sq. ft. second floor balcony, and a 442 sq. ft. third floor deck 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 CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 18-007/COASTAL DEVELOPMENT PERMIT NO. 18-004:**

1. The site plan, floor plans, and elevations received and dated May 30, 2018 shall be the conceptually approved design with the following modification: All proposed windows shall not be aligned with existing windows on abutting residences in compliance with the Infill Lot Ordinance.
2. The structure cannot be occupied and the final building permit(s) cannot be approved until the following have been completed:
  - a. All improvements shall be completed in accordance with approved plans.
  - b. Compliance with all conditions of approval specified herein shall be verified by the Community Development 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.
3. 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.
4. Conditional Use Permit No. 18-007 and Coastal Development Permit No. 18-004 shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval by the City or by the Coastal Commission if the Coastal Development Permit is appealed, or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
5. 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.
6. 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.