

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

TO: Zoning Administrator
FROM: Jessica Bui, Assistant Planner
DATE: June 20, 2018

SUBJECT: CONDITIONAL USE PERMIT NO. 18-010/COASTAL DEVELOPMENT PERMIT NO. 18-005 (NGUYEN NEW SINGLE FAMILY RESIDENCE)

LOCATION: 9162 Christine Drive, 92646 (south side of Christine Dr. and north of Capistrano Ln.)

Applicant: Juintow Lin, 392 Camino De Estrella, San Clemente, CA 92672

Property Owner: Toan Nguyen, 21581 Bahama Lane, Huntington Beach, CA 92646

Request: To demolish an existing single-family residence and construct an approximately 4,596 sq. ft. two-story single family residence, a 580 sq. ft. third floor deck, and a privacy gate across the driveway. 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 Overlay)

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 the construction of one single-family residence in a residential zone.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 18-010:

1. Conditional Use Permit No. 18-010 to demolish an existing single-family residence to construct an approximately 4,596 sq. ft. two-story single-family residence, a 580 sq. ft. roof top deck, and a privacy gate across the driveway 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 roof top deck will maintain a five-foot setback from the building exterior around the perimeter of the deck. The roof top deck is oriented toward the public right-of-way to ensure privacy is provided for abutting neighbors. The roof top deck is designed to be integrated with the roof and is under the maximum height requirement of 35 ft. for the single-family residence. The roof top deck is architecturally compatible with the existing dwellings in the neighborhood as the design, materials, and colors will complement the existing neighborhood. The privacy gate across the driveway is conditioned to be 42 inches or less in height and will be consistent with the maximum height requirement for fences or structures within the required front yard setback. The privacy gate will not create a stacking or queueing impact to the neighborhood or obstruct fire safety access as the gate will be conditioned to include a remote opener and not have a locking device. Furthermore, the privacy gate will not adversely impact to public coastal access, as the privacy gate is not located on or adjacent to areas for coastal access.
2. Conditional Use Permit No. 18-010 to demolish an existing single-family residence to construct an approximately 4,596 sq. ft. two-story single-family residence, a 580 sq. ft. roof top deck, and a privacy gate across the driveway will be compatible with surrounding uses residential uses. The roof top deck is designed to be architecturally compatible with the new single-family residence and is approximately 27 ft. in height, which is under the maximum height of 35 ft. in the RL (residential low density) zone. The height is consistent with the surrounding dwellings within the neighborhood. The roof top desk shall maintain a five-foot setback from the building exterior along the perimeter of the deck, and is oriented toward the public right-of-way to ensure compatibility with the existing neighborhood and privacy is maintained. The privacy gate across the driveway will be compatible with surrounding uses as the height of the privacy gate is conditioned to be 42 inches or less in height and is consistent with the maximum height requirement for fences or structures within the required front yard setback. The privacy gate will not create a stacking or queueing impact to the neighborhood or obstruct fire safety access, as the gate will be conditioned to include a remote opener and not have a locking device.
3. Conditional Use Permit No. 18-010 to demolish an existing single-family residence to construct an approximately 4,596 sq. ft. two-story single-family residence, a 580 sq. ft. roof top deck, and a privacy gate across the driveway 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 (HBZSO). The HBZSO allows for roof top decks above the second story top plate and single-family dwellings to exceed 30 ft. in height with the approval of a conditional use permit. The roof top deck, as proposed, meets the minimum code requirement of a five-foot setback from the building exterior and all portions of the dwelling that exceeds 30 ft. in height has the required minimum roof pitch of 5/12. The privacy gate across the driveway will be 42 inches or less and meets the maximum height requirement within the front yard setback area. Furthermore, the privacy gate will not create a stacking

or queuing impact to the neighborhood or obstruct fire safety access, as the gate will be conditioned to include a remote opener and not have a locking device. Furthermore, as designed, the project is in compliance with the requirements of the base zoning district such as fence height within the required front yard setback for the privacy gate, lot coverage, minimum yard setbacks, landscaping, parking, and building height; and therefore, protects the neighborhood character and is compatible in proportion and scale with the existing neighborhood.

4. The granting of the Conditional Use Permit No. 18-010 to demolish an existing single-family residence to construct an approximately 4,596 sq. ft. two-story single-family residence, a 580 sq. ft. roof top deck, and a privacy gate across the driveway will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL on the subject property. In addition, it 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.

Conditional Use Permit No. 18-010 to demolish an existing single-family residence to construct an approximately 4,596 sq. ft. two-story single-family residence, a 580 sq. ft. roof top deck, and a privacy gate across the driveway is consistent with the goals and policies of the General Plan as the project allows for a range of housing types to meet the needs of future and existing residents. Furthermore, as designed, the project is in compliance with the requirements of the base zoning district such as fence height within the required front yard setback for the privacy gate, lot coverage, minimum yard setbacks, landscaping, parking, and building height; and therefore, protects the neighborhood character and is compatible in proportion and scale with the existing neighborhood.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 18-005:

1. Coastal Development Permit No. 18-005 project to demolish an existing single-family residence to construct an approximately 4,596 sq. ft. two-story single-family residence, a 580 sq. ft. roof top deck, and a privacy gate across the driveway conforms with the General Plan, including the Local Coastal Program. The project is consistent with the 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 new single-family residence will occur entirely on a developed site, contiguous to existing residential development.
2. Coastal Development Permit No. 18-005 project to demolish an existing single-family residence to construct an approximately 4,596 sq. ft. two-story single-family residence, a 580 sq. ft. roof top deck, and a privacy gate across the driveway 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, as conditioned, will comply with all applicable

development regulations, including maximum building height, lot coverage, and minimum yard setbacks.

3. Coastal Development Permit No. 18-005 project to demolish an existing single-family residence to construct an approximately 4,596 sq. ft. two-story single-family residence, a 580 sq. ft. roof top deck, and a privacy gate across the driveway is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 18-005 project to demolish an existing single-family residence to construct an approximately 4,596 sq. ft. two-story single-family residence, a 580 sq. ft. roof top deck, and a privacy gate across the driveway 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. 18-010/COASTAL DEVELOPMENT PERMIT NO. 18-005:

1. The site plan, floor plans, and elevations received and dated May 8, 2018 shall be the conceptually approved design with the following modifications:
 - a. The privacy gate across the driveway shall be a maximum height of 42 inches or less.
 - b. Note on the site plan that the privacy gate shall include a remote opener and not have a locking device.
2. Prior to submittal of building permits, the following shall be completed: Zoning entitlement conditions of approval and code requirements 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. 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 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.
4. CUP No. 18-010 and CDP 18-005 shall become null and void unless exercised within two years of the date of final approval by the City Council, or within one year of the date of final Coastal Development Permit approval 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.