

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

TO: Zoning Administrator
FROM: Kimo Burden, Planning Aide
DATE: June 21, 2017

SUBJECT: CONDITIONAL USE PERMIT NO. 17-013 / COASTAL DEVELOPMENT PERMIT NO. 17-004 (HENDERSON RESIDENCE)

LOCATION: 4021 Ondine Circle, 92649 (located west of Edgewater Ln. and north of Ondine Cir.)



Applicant: Jeffery Dahl, 1102 Main Street, Huntington Beach, CA 92648

Property Owner: Don and Rosie Henderson, 122 9th Street, Huntington Beach, CA 92648

Request: **CUP:** To permit a 40 sq. ft. third floor addition and a 104 sq. ft. third floor deck with an overall building height of 33 ft. 9 in. **CDP:** To permit a 275 sq. ft. first floor addition; a 41 sq. ft. covered porch; and demolish the existing second floor to construct a 1,772 sq. ft. second and third floor addition to an existing single family residence.

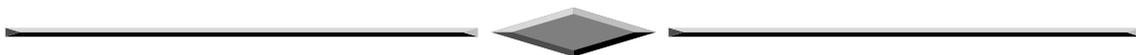
Environmental Status: This request is covered by Categorical Exemption, Section 15303, Class 3, California Environmental Quality Act.

Coastal Status: Appealable

General Plan: RL-7 (Residential Low Density – maximum of 7.0 dwelling units per net acre)

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

Existing Use: Single Family Dwelling



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. 17-013:

1. Conditional Use Permit No. 17-013 to permit a 40 sq. ft. third floor addition and 104 sq. ft. third floor deck with an overall building height of 33 ft. 9 in. 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 rooftop deck is set back five feet from the building exterior, and is oriented toward the channel. Moreover, the deck does not exceed the height limit of 35 ft. and will be accessible only from the interior of the building. The overall building height is proposed at 33 ft. 9 in.; however, the majority of the residence is only 27 ft. 6 in. in height, with only an enclosed stairway extending to 33 ft. 9 in. height. The 40 sq. ft. enclosed stairway is an architectural projection extending above the roof volume and is only utilized as an access point to the third floor deck. The 40 sq. ft. enclosed stairway is set back approximately 24 ft. from the building walls on the east and west elevation and 27 ft. 4 in. on the south elevation thus minimizing the perceived height and impact to adjacent and surrounding properties.
2. The proposed 40 sq. ft. third floor addition and 104 sq. ft. third floor deck with an overall building height of 33 ft. 9 in. will be compatible with surrounding uses. The majority of the proposed structure will only be 27 ft. 6 in. in height, thereby maintaining the design and character of homes in the neighborhood. The 40 sq. ft. enclosed stairway does extend above the roof volume, however, this architectural feature is only utilized as an access point to the third floor deck and is set back from the building exterior, minimizing the perceived height and impact to adjacent and surrounding properties. The third story deck will be oriented towards the harbor, which will protect direct views onto adjacent residences. Furthermore, the proposed deck will be setback five feet from the rear building exterior and 19 ft. from the side building walls, which allows the residence to be compatible with the mass and scale of structures in the surrounding neighborhood.
3. The proposed 40 sq. ft. third floor habitable area addition and 104 sq. ft. third floor deck with an overall building height of 33 ft. 9 in. 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), as well as any specific condition required for the proposed use in the district in which it would be located. The project complies with minimum onsite parking, building setbacks, maximum lot coverage, and building height. The third floor addition with an approximate overall building height of 33 ft. 9 in. and the third floor deck are allowed within the Residential Low Density Zoning District with approval of a conditional use permit. The proposed third story will be setback a minimum of five feet from the second-story façade as required by the HBZSO.
4. The granting of the Conditional Use Permit to construct a 40 sq. ft. third floor addition and a 104 sq. ft. third floor deck with an overall building height of 33 ft. 9 in. 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 policy and objective of the General Plan:

A. Land Use Element

Policy – 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.

B. Coastal Element

Objective – C 1.1: Ensure that adverse impacts associated with coastal zone development are mitigated or minimized to the greatest extent feasible.

The proposed 40 sq. ft. third floor addition and 104 sq. ft. third floor deck at an overall building height of 33 ft. 9 in., is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other provisions of the Municipal Code including maximum site coverage, maximum building height, Infill Lot Ordinance, and minimum on-site parking. The majority of the proposed residence is 27 ft. 6 in. in height, with only the enclosed stairway extending to 33 ft. 9 in. The enclosed stairway does extend above the roof volume, however, this architectural feature is only utilized as an access point to the third floor deck and is set back 14 ft. 6 in. from the building wall on the north elevation, 24 ft. on the west and east elevations and 27 ft. 4 in. on the south elevation, thus minimizing the perceived height and impact to adjacent and surrounding properties. Furthermore, the proposed deck will be setback five feet from the rear building wall and 19 ft. from the east and west building walls, which allows the residence to be compatible with the mass and scale of structures in the surrounding neighborhood.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 17-004:

1. Coastal Development Permit No. 17-004 to permit a 275 sq. ft. first floor addition, a 41 sq. ft. covered porch, and demolish the existing second floor to construct a new 1,772 sq. ft. second and third floor addition to an existing single family residence conforms 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 addition will occur on a developed site, contiguous to existing residential development.
2. The request to permit a 275 sq. ft. first floor addition, a 41 sq. ft. covered porch, and demolish the existing second floor to construct a new 1,772 sq. ft. second and third floor addition to an existing single family residence 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, including maximum building height and minimum yard setbacks.
3. At the time of occupancy the proposed development to permit a 275 sq. ft. first floor addition, a 41 sq. ft. covered porch, and demolish the existing second floor to construct a new 1,772 sq. ft. second and third floor addition to an existing single family residence 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 request to permit a 275 sq. ft. first floor addition, a 41 sq. ft. covered porch, and demolish the existing second floor to construct a new 1,772 sq. ft. second and third floor addition to an existing single family residence 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. 17-013/COASTAL DEVELOPMENT PERMIT NO. 17-004 :

1. The site plan, floor plans, and elevations received and dated May 8, 2017, shall be the conceptually approved design.
2. Prior to submittal of building permits, zoning entitlement conditions of approval, code requirements identified herein 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. 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.
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. Conditional Use Permit No. 17-013 and Coastal Development Permit No. 17-004 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.
6. 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.

7. 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.