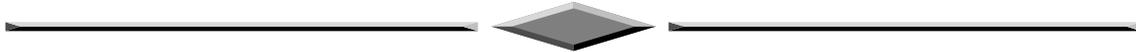


**HUNTINGTON BEACH  
OFFICE OF THE ZONING ADMINISTRATOR  
EXECUTIVE SUMMARY**

**TO:** Zoning Administrator  
**FROM:** Lindsay Ortega, Project Planner  
**DATE:** August 1, 2018

**SUBJECT: CONDITIONAL USE PERMIT NO. 18-009 (TRABERT RESIDENTIAL DESIGN)**

**LOCATION:** 1318 Olive St., 92648 (northeast corner of Olive Ave. and 14<sup>th</sup> St.)



**Applicant:** Eric Trabert, 9521 Irvine Center Drive, Irvine, Ca 92618

**Property Owner:** Babak Kashani and Neda Ghaffari, 514 11<sup>th</sup> Street, Huntington Beach, CA 92648

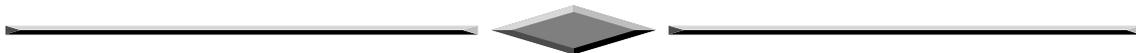
**Request:** To demolish three residential units and construct a three-story, 4,875 sq. ft. single family residence with a 683 sq. ft. three-car garage at a height of 30 ft. and to permit a 42 in. high block wall fence (approximately 80 linear feet) at a two ft. front yard setback in-lieu of the required minimum three ft. front yard setback. The 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.

**General Plan:** RMH (Residential Medium High Density)

**Zone:** RMH-A (Residential Medium High Density)

**Existing Use:** Multi-Family



**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. 18-009:**

1. Conditional Use Permit No. 18-009 to demolish three residential units and construct a three-story, 4,875 sq. ft. single family residence and to permit a 42 in. high block wall fence (approximately 80 linear feet) at a two ft. front yard setback in-lieu of the required minimum three ft. front yard setback 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 because in accordance with the Huntington Beach Zoning and Subdivision Ordinance (HBZSO), the habitable area above the second story plate line is designed to be within the confines of the roof volume. The rooftop deck and third floor habitable area is set back five feet from the building exterior. The proposed deck will be oriented toward the right-of-way and the proposed windows will be off-set from any existing adjacent windows, thereby protecting the privacy of adjacent residences and creating a design that will be consistent with the surrounding properties. Additionally, the proposed 42 in. block wall which is requested to be two feet from the property line in lieu of the required three ft. will not result in a loss of landscaping as the proposed project will provide the minimum 40% landscaping of the front yard setback.
2. Conditional Use Permit No. 18-009 to demolish three residential units and construct a three-story, 4,875 sq. ft. single family residence and to permit a 42 in. high block wall fence (approximately 80 linear feet) at a two ft. front yard setback in-lieu of the required minimum three ft. front yard setback will be compatible with surrounding uses because the single family residence is proposed to be 30 ft in height which is consistent in height with properties in the neighborhood and all windows will be offset from existing windows. Additionally, the proposed 42 in. block wall, which is requested to be two ft. from the property line in lieu of the required three ft. setback, will be compatible with the adjacent properties in that the intent of the code requirement is to provide sufficient landscaping along smaller lots. The proposed project is located on a lot larger than typical for the surrounding area and will include 40% landscaping of the front setback.
3. The proposed conditional use permit to demolish three residential units and construct a three-story, 4,875 sq. ft. single family residence and to permit a 42 in. high block wall fence (approximately 80 linear feet) at a two ft. front yard setback in-lieu of the required minimum three ft. front yard setback 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 because the project complies with minimum on-site parking and building setbacks, as well as maximum lot coverage, landscaping, and building height. The habitable area above the second story plate line is allowed for all single-family dwellings in the RMH-A (Residential Medium High Density), with approval of a Conditional Use Permit. The proposed third floor habitable area will be integrated within the confines of the second story roof volume and the overall building height will match that of the surrounding properties because the neighborhood is developed with two-story, single-family residences with similar building heights. The proposed deck will be setback five feet from the building exterior and oriented toward the right-of-way. The proposed windows will be off-set from any

existing adjacent windows, thereby protecting the privacy of adjacent residences and creating a design that will be consistent with the surrounding properties. Additionally, the proposed 42 in block wall which is proposed to be two feet from the property line in lieu of the required three ft. setback will not result in a loss of landscaping as the proposed project will provide the minimum 40% landscaping of the 15 foot front yard setback.

4. The granting of the conditional use permit to demolish three residential units and construct a three-story, 4,875 sq. ft. single family residence and to permit a 42 in. high block wall fence (approximately 80 linear feet) at a two ft. front yard setback in-lieu of the required minimum three ft. front yard setback will not adversely affect the General Plan because it is consistent with the Land Use Element designation of RMH (Residential Medium High Density) 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.

The proposed request to demolish three residential units and construct a three-story, 4,875 sq. ft. single family residence and to permit a 42 in. high block wall fence (approximately 80 linear feet) at a two ft. front yard setback in-lieu of the required minimum three ft. front yard setback is consistent with the requirements of the base zoning district, as well as other 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. All windows will also be oriented towards the street or offset from existing adjacent windows, which will protect direct views onto adjacent residences. Additionally, the proposed setback reduction for the 42 in. high block wall will not result in a line of sight issue, nor will it result in a loss of required landscaping of the front yard setback, as it will allow for a larger landscaped portion within the front yard setback.

**SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 18-009:**

1. The site plan, floor plans, and elevations received and June 6, 2018 shall be the conceptually approved design.
2. Prior to submittal for building permits, an application for a new address assignment shall be submitted and approved by the Department of Community Development.
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. Prior to submittal of building permits, 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.

5. 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.
6. Conditional Use Permit No. 18-009 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 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.
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.