

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

TO: Zoning Administrator
FROM: Jessica Bui, Assistant Planner
DATE: August 16, 2017

**SUBJECT: CONDITONAL USE PERMIT NO. 17-020 (CLANTON RESIDENCE ROOF
TOP DECK)**

LOCATION: 21851 Kiowa Lane, 92646 (west side of Kiowa Ln. at the terminus of Mahalo
Dr.)



Applicant: Craig Smith, 1041 W. 18th Street, Suite A-208, Costa Mesa, CA 92627

**Property
Owner:** Mary Ann Clanton, 7789 Bacon Road, Whittier, CA 90602

Request: To permit an approximately 404 sq. ft. roof top deck above the second story
top plate of an existing single family residence.

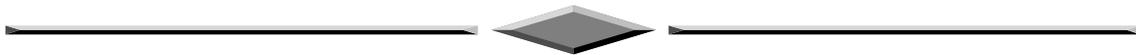
**Environmental
Status:** This request is covered by Categorical Exemption, Section 15301, Class 1,
California Environmental Quality Act.

Coastal Status: Exempt

General Plan: RL (Residential Low Density)

Zone: RL – CZ (Low Density Residential – 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 15301 of the CEQA Guidelines, because the proposed project

involves the addition of an approximately 404 sq. ft. roof top deck above the second story top plate of an existing single family residence.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 17-020:

1. Conditional Use Permit No. 17-020 for the construction of an approximately 404 sq. ft. roof top deck above the second story top plate of an existing single family residence 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 as the roof top deck will maintain a five foot setback around the perimeter and is oriented toward the public right-of-way to ensure privacy is provided for abutting neighbors. Furthermore, 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; and therefore, is architecturally compatible with the existing dwellings in the neighborhood and will not be detrimental to the value of the property or neighborhood.
2. Conditional Use Permit No. 17-020 for the construction of an approximately 404 sq. ft. roof top deck above the second story top plate of an existing single family residence will be compatible with surrounding uses because the roof top deck is an ancillary addition to an existing single family residence and the use will be maintained as a single family residence, consistent with the surrounding residential uses. The roof top deck is designed to be architecturally compatible with the existing single family residence and is approximately 24 ft. in height, which is under the maximum height of 35 ft. in the RL (low density residential) zone; therefore, the peak of the roof top deck will be consistent with the height of the surrounding dwellings within the neighborhood. Furthermore, the roof top deck shall maintain a five foot setback around the perimeter of the roof top deck space in order to provide privacy for abutting neighbors.
3. Conditional Use Permit No. 17-020 for the construction of an approximately 404 sq. ft. roof top deck above the second story top plate of an existing single family residence 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 of a residence subject to approval of a conditional use permit. The roof top deck shall provide the minimum code requirement of a five foot setback along the perimeter of the deck and is approximately 24 ft. in height which is below the maximum height of 35 ft. in the RL zone.
4. The granting of the Conditional Use Permit No. 17-020 for the construction of an approximately 404 sq. ft. roof top deck above the second story top plate of an existing single family residence will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL (Residential Low Density) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Objective LU 9.2: Provide for the preservation of existing residential neighborhoods.

Policy LU 9.2.1: Require that all new residential development within existing residential neighborhoods (i.e., infill) be compatible with existing structures, including the:

- a) Maintenance of the predominant or median existing front yard setbacks;
- b) Use of building heights, grade elevations, orientation, and bulk that are compatible with the surrounding development;

- c) Use of complimentary building materials, colors, and forms, while allowing flexibility for unique design solutions; and
- d) Maintenance of privacy on abutting residences

The 404 sq. ft. roof top deck above the second story top plate will enhance and preserve the existing residential neighborhood and will be compatible with the existing structures within the neighborhood and is proposed at a height consistent to adjacent structures. In addition, the roof top deck is designed with building materials that are consistent with the surrounding neighborhood and will maintain a required five foot setback along the perimeter of the deck to maintain privacy for abutting residences.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 17-020:

1. The site plan, floor plans, and elevations received and dated July 13, 2017 shall be the conceptually approved design.
2. CUP No. 17-020 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 of Community Development pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
3. 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.
4. 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.