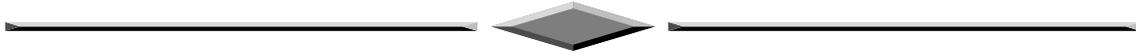


**HUNTINGTON BEACH  
OFFICE OF THE ZONING ADMINISTRATOR  
EXECUTIVE SUMMARY**

**TO:** Zoning Administrator  
**FROM:** Andrew Gonzales, Associate Planner  
**DATE:** November 4, 2009

**SUBJECT:** **COASTAL DEVELOPMENT PERMIT NO. 2009-004/ CONDITIONAL USE PERMIT NO. 2009-020/ VARIANCE NO. 2009-004 (LARSON RESIDENCE)**

**LOCATION:** 3761 Nimble Circle, 92649 (terminus of Nimble Circle – Trinidad Island)



**Applicant:** Jay Earl, Jay Earl Design, 16541 Marina Circle, Huntington Beach, CA 92649

**Property Owner:** Lory and Sharon Larson, 3761 Nimble Circle, Huntington Beach, CA 92649

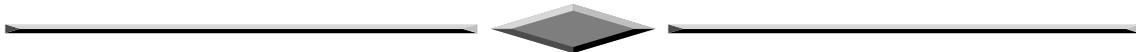
**Request:** **CDP:** To permit the demolition of an existing single-family dwelling and the construction of an approximately 6,508 sq. ft. single-family dwelling with a 1,131 sq. ft. attached garage; **CUP:** To permit an approximately 701 sq. ft. 3<sup>rd</sup> story deck; **VAR:** To permit the 3<sup>rd</sup> floor deck railing at a 1 ft. 9 in. setback from the exterior of the west elevation and 0 ft. setback from the exterior of the east elevation in lieu of a minimum 5 ft. required. This 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.

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

**General Plan:** RL – 7 (Residential Low Density – Maximum 7 dwelling units per acre)

**Existing Use:** Single Family Residence



**RECOMMENDATION:** Staff recommends approval of the Coastal Development Permit and the Conditional Use Permit and denial of the Variance 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 is located within an urbanized residential zone and involves the construction of a new single family dwelling.

**SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2009-004:**

1. Coastal Development Permit No. 2009-2004 for the demolition of an existing single-family dwelling and the construction of an approximately 6,508 sq. ft. single-family dwelling with a 1,131 sq. ft. attached garage conforms with the General Plan, including the Local Coastal Program land use designation of Residential Low-Density. The project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage development within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a developed site, contiguous to existing residential developments.
2. The project 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, complies with the maximum site coverage, maximum building height, minimum yard setbacks and minimum onsite parking.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed residence will be constructed on a previously developed site in an urbanized area with all the necessary services and infrastructure available, including water, sewer, and roadways.
4. The development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed residence will not impede public access or impact public views to coastal resources.

**SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2009-020:**

1. Conditional Use Permit No. 2009-020 to permit an approximately 701 sq. ft. 3<sup>rd</sup> story 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 location and orientation of the proposed 3<sup>rd</sup> floor deck will not impact privacy because the deck will be primarily orientated toward the street and harbor. The sides of the deck will be shielded by the 2<sup>nd</sup> floor roof which will prevent direct views onto adjacent residences. To further protect privacy the deck will be setback more than 25 ft. from the nearest adjacent residence.
2. The 3<sup>rd</sup> story deck will be integrated into the two-story design of the residence which will be compatible with other two-story, single-family homes in the vicinity. The deck will be centrally located on top of the residence and screened from adjoining homes by a hipped roof. The deck will not provide additional mass and bulk to the residence as it will be open to the sky and provided with perimeter railing that allows for the transmission of light and visibility through the structure.
3. The proposed 3<sup>rd</sup> 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

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL-7 (Low Density Residential—7 units per acre) on the subject property. In addition, it is consistent with the following policies of the General Plan:

Land Use Element

Policy - LU 9.2.1b: Use of building heights, grade elevations, orientation, and bulk that are compatible with the surrounding development;

Policy - LU 9.2.1d: Maintenance of privacy on abutting residences.

The proposed development, as conditioned, is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code, including maximum site coverage, maximum building height, minimum setbacks, and minimum on-site parking. The proposed rooftop deck above the second story will be oriented toward the public right-of-ways with a substantial setback from the building's northerly and southerly exterior elevation, thus minimizing impacts to privacy on adjoining properties. The proposed deck will be architecturally integrated into the design of the house.

**SUGGESTED FINDINGS FOR DENIAL - VARIANCE NO. 2009-004:**

1. The granting of Variance No. 2009-004 to permit a 1 ft. 9 in. setback from the exterior of the west elevation and 0 ft. setback from the exterior of the east elevation in lieu of a minimum 5 ft. required will constitute a grant of special privilege because the design of the project contains ample options to comply within the minimum requirements of the HBZSO.
2. Because of special circumstances applicable to the subject property, including size, shape, or location, the strict application of the zoning ordinance is not found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The subject property is similar in shape and size to other properties in the vicinity and does not contain any features dissimilar from other waterfront lots. The 3<sup>rd</sup> floor deck has adequate options to comply with the minimum 5 ft. setback from the building exterior, and therefore no special circumstances exist to grant deviations from the third story design criteria.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2009-004/  
CONDITIONAL USE PERMIT NO. 2009-020:**

1. The site plan, floor plans, and elevations received and dated September 30, 2009, shall be the conceptually approved design with the following modifications:
  - a. On the site plan (Sheet No. 1), depict the areas of landscape and hardscape within the required 15 ft. front yard setback area. In addition, identify on the development matrix the total area and percentage of landscaping within the area.
  - b. Modify the 3<sup>rd</sup> floor plan (Sheet No. 4) to depict the 3<sup>rd</sup> floor deck railing at a 5 ft. setback from the outermost exterior of the east and west elevation of the building.
2. 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/index.cfm?fuseaction=guidelines>).

**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.