

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

**TO:** Zoning Administrator  
**FROM:** Jill Arabe, Assistant Planner  
**DATE:** April 27, 2011

**SUBJECT:** **COASTAL DEVELOPMENT PERMIT NO. 11-003/ CONDITIONAL USE PERMIT NO. 11-003/ VARIANCE NO. 11-001 (GOODMAN RESIDENCE)**

**LOCATION:** 16591 Ensign Circle, 92649 (terminus of Ensign Circle, south of Humboldt Drive – Humboldt Island)

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**Applicant:** Marcelo E. Lische, Architect, 384 Forest Avenue, #19, Laguna Beach, CA 92651

**Property Owner:** Randy Goodman, 20361 Amapola Avenue, Orange, CA 92806

**Request:** **CDP:** To permit the demolition of an existing single-family dwelling and the construction of an approximately 5,869 sq. ft. single-family dwelling at an overall building height of 35 ft. with a 683 sq. ft. attached garage; **CUP:** To permit (a) an approximately 1,361 sq. ft. 3<sup>rd</sup> story deck including an approximately 300 sq. ft. access area and (b) an overall building height exceeding 30 ft.; **VAR:** To permit the 3<sup>rd</sup> floor deck railing and flagpole at variable setbacks ranging between 0 ft. and 3 ft. from the exterior of the side and rear building elevations 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)

**General Plan:** RL-7(Residential Low Density – 7 du/ac)

**Existing Use:** Single Family Residence

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**RECOMMENDATION:** Staff recommends approval of the Coastal Development Permit and 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. 11-003:**

1. Coastal Development Permit No. 11-003 for the demolition of an existing single-family dwelling and the construction of an approximately 5,869 sq. ft. single-family dwelling at an overall building height of 35 ft. with a 683 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 development.
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, with exception of the requested variance for the 3<sup>rd</sup> floor deck setback. The project is conditioned to comply with the third story development standards. In addition, the project complies with the maximum site coverage, maximum building height, and minimum on-site 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 necessary services and infrastructure available, including water, sewer and roadways.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access or impact public views to coastal resources.

**SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-003:**

1. Conditional Use Permit No. 11-003 to permit (a) an approximately 1,361 sq. ft. 3<sup>rd</sup> story deck including an approximately 300 sq. ft. access area and (b) an overall building height of 35 ft. 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> story deck will not impact privacy because the deck will be conditioned to be oriented toward the harbor away from adjoining homes. The 3<sup>rd</sup> story parapet walls along the side yards will be raised to screen the deck and prevent potential views onto adjacent residences. In addition, the 3<sup>rd</sup> story deck will be setback at a minimum of 5 ft. from the 2<sup>nd</sup> story building exterior in order to further reduce the massing of the residence at the proposed height. The portions of the building over 30 ft.

high are primarily the enclosed access areas, which include the elevator and interior stairs, and the parapet walls conditioned to be raised for screening. These areas are vertical architectural projections and will not contain habitable area.

2. The proposed residence will maintain the two-story design along the street frontage, which is consistent with the neighborhood. The conditional use permit will be compatible with surrounding uses because the 3<sup>rd</sup> floor deck will be integrated along the rear of the residence towards the harbor. Based upon the conditions imposed, the deck will be setback a minimum of 5 ft. from the building elevations to break up the massing of the residence. Raised parapet walls will screen the 3<sup>rd</sup> floor deck to further orient it toward the harbor and protect the privacy of adjacent properties. Although the overall height of the residence is proposed over 30 ft., the increased height of the building is primarily concentrated within the center of the property, set back approximately 16 ft. from the nearest property line, for the enclosed 3<sup>rd</sup> story access area.
3. The conditional use permit 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. The project complies with the maximum lot coverage, minimum onsite parking, minimum building setbacks, and maximum building height with the exception of the requested variance for the 3<sup>rd</sup> floor deck setback. Rooftop decks above the second story and an overall building height over 30 ft. are permitted in the base zoning district with approval of a conditional use permit. The proposed deck, as conditioned, will be setback at a minimum of 5 ft. from the second-story façade.
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 (Residential Low Density – 7 units per acre) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Land Use Element

Policy 9.1.2: Require that single-family residential units be designed to convey a high level of quality and character considering (a) modulate and articulate building elevation, facades, and masses (avoiding undifferentiated “box-like” structures).

Policy 9.2.1: Require that all new residential development within existing residential neighborhoods (i.e., infill) be compatible with existing structures, including (b) the use of building heights, grade elevations, orientation, and bulk that are compatible with the surrounding development; and (d) 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, with the exception of the requested variance for the 3<sup>rd</sup> story deck setback, including maximum site coverage, maximum building height, minimum side and rear yard setbacks, and minimum on-site parking. The design of the residence consists of modern architecture, variable materials, and building articulation. The facades incorporate glass windows, stone and stucco walls, and roof-mounted solar panels. The proposed rooftop deck above the second story will be oriented toward the harbor with a substantial setback from the building’s exterior elevations, 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. 11-001:**

1. The granting of Variance No. 11-001 to permit the 3<sup>rd</sup> floor deck railing and flagpole at variable setbacks ranging between 0 ft. and 3 ft. from the exterior of the side and rear building elevations 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. 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 that serve as a disadvantage to meeting code. There are 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.
3. The granting of a variance is not necessary to preserve the enjoyment of one or more substantial property rights. A code compliant single-family dwelling similar to one existing in the area can be built on the subject site without requiring a variance.

**SUGGESTED CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 11-003 /CONDITIONAL USE PERMIT NO. 11-003:**

1. The site plan, floor plans, and elevations received and dated March 15, 2011, shall be the conceptually approved design with the following modifications:
  - a. The 3<sup>rd</sup> floor plan (Sheet No. A-4) shall depict the 3<sup>rd</sup> floor deck railing/parapet walls and flagpole at a minimum 5 ft. setback from the exterior of the side and rear 2<sup>nd</sup> story walls of the building. **(HBZSO Sect. 210.06 (M))**
  - b. The elevations (Sheets No. A-5 & A-6) shall depict a minimum 5 ft. high parapet wall along the side elevations oriented toward the adjacent properties.
  - c. The windows located within the 3<sup>rd</sup> story mechanical room and foyer and oriented toward the adjacent properties (Sheets No. A-4, A-5 & A-6) shall be removed.
  - d. The window located within the powder room on the first floor (Sheet No. A-1.2) shall be relocated to offset from existing windows on the adjacent property to the northeast.
2. Prior to submittal for building permits, the following shall be completed:
  - a. One set of project plans, revised pursuant to Condition of Approval No. 1 shall be submitted for review, approval and inclusion in the entitlement file, to the Planning and Building Department.
  - b. Zoning entitlement conditions of approval and code requirements identified in separately transmitted memorandum from the Departments of Fire, Planning and Building, 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. During demolition, grading, site development, and/or construction, the following shall be adhered to:
  - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
  - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
  - c. Truck idling shall be prohibited for periods longer than 10 minutes.
  - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
  - e. Discontinue operation during second stage smog alerts.
  - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/grading activity.
4. The structure(s) cannot be occupied and the final building permit(s) cannot be approved, until the following has been completed:
  - a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
  - b. Compliance with all conditions of approval specified herein shall be verified by the Planning and Building 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.
5. Conditional Use Permit No. 11-003 in conjunction with Coastal Development Permit No. 11-003 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 Planning & Building Department a minimum 30 days prior to the expiration date.
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/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.