

**MINUTES**  
**HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR**  
**Room B-8 - Civic Center**  
**2000 Main Street**  
**Huntington Beach California**

**WEDNESDAY, APRIL 2, 2008 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Mary Beth Broeren

**STAFF MEMBER:** Ron Santos, Jill Arabe, Rami Talleh, Pamela Avila  
(recording secretary)

**MINUTES:** **NONE**

**ORAL COMMUNICATION:** **NONE**

**ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 2008-004/CONDITIONAL USE PERMIT NO. 2008-007 (YEAGER RESIDENCE)**

**APPLICANT:** Richard Okimoto, 15 Corporate Plaza, Suite 125, Newport Beach, CA 92660

**PROPERTY OWNER:** Frederick C. Yeager c/o Time Warner, Inc. 99 Jane Street, #7C, New York NY 10014

**REQUEST:** **CDP:** To permit demolition of an existing dwelling and construction of an approximately 4,981 sq. ft., 34 ft. tall single-family dwelling with an attached two-car garage; **CUP:** To permit a single-family dwelling with (a) approximately 500 sq. ft. of third floor habitable area and (b) an overall building height exceeding 30 ft. 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.

**LOCATION:** 3282 Falkland Circle, 92649 (terminus of Falkland Circle, east of Channel Lane)

**PROJECT PLANNER:** Ron Santos

Ron Santos, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Staff recommended approval of the proposed development with modifications based upon the suggested findings and conditions of approval. Staff explained the reason for a suggested condition of approval requiring the removal of the third story deck.

Staff also presented a letter from the Huntington Harbour Property Owners' Association recommending denial of the proposed project. Staff reported that four additional letters were received objecting to the proposed height of the development.

Staff's research showed that at least three homes were approved with a total building height over 30 ft.

#### **THE PUBLIC HEARING WAS OPENED.**

Dorothy Ralph, President of the Huntington Harbour Property Owners' Association (HHPOA), 16106 Tortola Circle, was opposed to the proposed project. Ms. Ralph was concerned with the height of the proposed structure and non-compliance with the CC&Rs. Ms. Ralph stated that she has repeatedly asked the project architect to review the plans. However, she has not received any plans to date. Ms. Ralph requested that the project be denied.

Debbie Gravi, 3302 Huntington Drive, represented her mother Norma Coles, who resides at 3301 Falkland Circle. Her mother wrote a letter opposing the proposed residence.

Mike Pallikan, 16899 Algonquin Street, submitted a letter and requested that it be placed in the record. He had previously submitted a letter in January 2008 regarding the proposal. Mr. Pallikan believes it violates the CC&Rs of the HHPOA and that it is not compatible with the surrounding neighborhood. The proposed height of 34 ft. is above the limits set by the CC&Rs which is 30 ft.

Alicia Dose, 3242 Gilbert Drive, voiced her opposition to the proposed structure, stating that it exceeded the height limits of the HHPOA CC&R's, that there is not enough parking for such a massive structure, and that the house is proposed on a cul-de-sac with insufficient on-street parking. Ms. Dose spoke to three residents who did not receive notification of the city hearings. She expressed her distrust of the City of Huntington Beach. She felt that Huntington Beach will soon have similar problems experienced in Newport Beach, such as conversion of homes into alcoholic recovery centers.

Richard Okimoto, applicant, represented the property owner, Frederick Yeager. Mr. Okimoto stated that Mr. Yeager intends to live in the home as his retirement home and that it is not an investment property. He stated that they made an extra effort to create an architectural addition that would be more in scale with the neighborhood and took into consideration the building height restrictions.

#### **THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

Ms. Broeren stated that the City does not enforce the HHPOA CC&Rs. The Huntington Beach Zoning and Subdivision Ordinance (HBZSO) allows property owners to build up to 35 ft. with the approval of a Conditional Use Permit. Ms. Broeren stated that a majority of requests to exceed 30 ft. in height come from Huntington Harbor property owners. Ms. Broeren suggested that HHPOA consider changing the CC&Rs or pursue a code amendment to restrict the height of structures within the harbor. It is not the legal obligation of the city to enforce the CC&Rs.

Ms. Broeren assured the group that the city is very aware of the changes in the harbor and is sensitive to the issues since so many residents request Conditional Use Permits. Ms. Broeren gave an example of a home that exceeded 30 ft. and was modified to be compatible with the

neighborhood. The proposed structure complies with code and is compatible with the neighborhood.

Ms. Broeren stated that she was going to approve the request as there were considerable offsets to the third floor habitable area, the roof is not massive, and the third story is oriented towards the harbor and confined within the second story roof volume.

**COASTAL DEVELOPMENT PERMIT NO. 2008-004/CONDITIONAL USE PERMIT NO. 2008-007 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.**

**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 15302 of the CEQA Guidelines, because the project consists of the replacement of an existing structure where the new structure will have substantially the same purpose and capacity as the structure replaced.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-004:**

1. Coastal Development Permit No. 2008-004 to permit demolition of an existing dwelling and construction of an approximately 4,981 sq. ft., 34 ft. tall single-family dwelling with an attached two-car 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 previously 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. The project, as conditioned, complies with all applicable development regulations including maximum building height and lot coverage, minimum yard setbacks and on-site parking, and third story design criteria.
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 project will be constructed in an urbanized area with direct access from an existing public street and with all necessary services and infrastructure available including water, sewer and electricity.
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. In addition, the project is subject to payment of required park fees, to be used for acquiring and maintaining public parkland for recreational use.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-007:**

1. Conditional Use Permit No. 2008-007 to permit a single-family dwelling with (a) approximately 500 sq. ft. of third floor habitable area and (b) an overall building height exceeding 30 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 proposed habitable area will be located within the confines of the second-story roof volume as required by the Zoning & Subdivision Ordinance (HBZSO), thus minimizing mass and bulk of the structure. In addition, the dwelling features a variety of roof lines and will exceed 30 ft. in height at the roof peaks/ridgelines only, thereby ensuring that the proposed building height will not be detrimental to surrounding properties.
2. The conditional use permit will be compatible with surrounding uses because the design, building materials, height, size and massing of the proposed dwelling is comparable with other dwellings existing in the surrounding neighborhood.
3. The proposed single family dwelling 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 building height, maximum lot coverage, and minimum building setbacks. Habitable area above the second story is allowed in the base 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 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 goals and policies of the General Plan:

LU 9.2.1: Require that all new residential development within existing neighborhoods be compatible with existing structures, including the:

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

LU 9.2.1c: Maintenance of privacy on abutting residences.

The proposed dwelling will comply with maximum building height permitted in the RL zone with a conditional use permit. The proposed third-story will be setback from the second-story façade as required by the HBZSO, thus minimizing the building massing, and is designed in compliance with the City's third-story design standards for the RL zone. No third-story windows or deck areas are oriented toward adjoining properties and all windows on the first and second floors will align offset from windows on existing adjacent dwellings or will be fitted with obscure glass (bathroom windows), in order to maintain privacy on abutting properties.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-004/CONDITIONAL USE PERMIT NO. 2008-007:**

1. The site plan, floor plans, and elevations received and dated March 10, 2008 shall be the conceptually approved design with the following modification:

- The third-story balcony at the Game Room and the door providing access to said balcony shall be eliminated.
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.

**ITEM 2: SPECIAL PERMIT NO. 2008-001 (FRANCO RESIDENCE)**

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| APPLICANT:       | Craig Woolbert, 5622 Littler Drive, Huntington Beach, Ca 92649   |
| PROPERTY OWNER:  | Mike & Susan Franco, 445 Lake Street, Huntington Beach, Ca 92648   |
| REQUEST:         | To permit 51% lot coverage in lieu of the maximum allowed 50% lot coverage in conjunction with a 450 sq. ft. addition to an existing two-story single-family dwelling. |
| LOCATION:        | 445 Lake Street, 92648 (west side of Lake Street, south of Pecan Avenue)   |
| PROJECT PLANNER: | Jill Arabe   |

Jill Arabe, Planning Aide, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Staff reported that no additional parking will be required with the new addition. The addition provides a better living environment and provides useful open space. No comments have been received from neighbors.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested modifications as presented in the executive summary.

**THE PUBLIC HEARING WAS OPENED.**

**THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

**SPECIAL PERMIT NO. 2008-001 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.**

**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 addition will not result in an increase of more than 50% of the floor area of the existing structure.

**FINDINGS FOR APPROVAL – SPECIAL PERMIT NO. 2008-001:**

1. The granting of Special Permit No. 2008-001 represents a request to permit 51% lot coverage in lieu of the maximum allowed 50% lot coverage in conjunction with a 450 sq. ft. addition to an existing two-story single-family dwelling. The Special Permit will result in a greater benefit to the project and will promote a better living environment by providing internal circulation between the proposed addition and existing dwelling. The additional lot coverage is a result of a proposed second floor projection above a courtyard area, which will be preserved on the first floor between the garage and dwelling. Additional useable open space is provided as second floor balconies.
2. The granting of a Special Permit will provide better land planning techniques with maximum use of aesthetically pleasing architecture, landscaping, site layout and design. The proposed addition utilizes the area above the detached two-car garage as habitable space and provides internal circulation through a second-floor catwalk. The bedroom and catwalk are compatible with the architectural character of the existing dwelling and surrounding neighborhood. Furthermore, the project includes matching exterior finishes such as stucco and red roof tile. The design of the addition is further enhanced with the use of a hipped roof, precast moldings around windows and doors, and arched walkways.
3. The granting of a Special Permit will not be detrimental to the general health, welfare, safety, and convenience of the neighborhood or City in general, nor detrimental or injurious to the value of property or improvements of the neighborhood or of the City in general. The Special Permit will allow for construction of a second story addition at the rear of the property and will comply with setbacks, maximum building height, and minimum on-site parking.
4. The granting of a Special Permit will be consistent with the objectives of the Downtown Specific Plan in achieving a development adapted to the terrain and compatible with the surrounding environment. The expansion of the single-family dwelling is comparable in size to dwellings existing in the neighborhood, while promoting architectural differentiation and variable massing along the alley. The granting of a Special Permit will be consistent with the policies of the Coastal Element of the City's General Plan and the California Coastal Act by allowing the addition on a previously developed site, contiguous to existing residential development. The proposed addition will not impede public access or impact public views

to coastal resources. The development complies with State and Federal Law and is subject to all standard construction and permitting procedures under the Uniform Building Code.

**CONDITIONS OF APPROVAL – SPECIAL PERMIT NO. 2008-001:**

1. The site plan, floor plans, and elevations received and dated February 13, 2008 shall be the conceptually approved design with the following modification:
  - The proposed 3 ft. high block wall along the front property line shall be removed.
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.

**ITEM 3: CONDITIONAL USE PERMIT NO. 2007-044; COASTAL DEVELOPMENT PERMIT NO. 2007-018 (HERMAN RESIDENCE)**

APPLICANT: Greg Howell, 20561 Suburbia Lane, Huntington Beach, CA 92646  
PROPERTY OWNER: Stephen Herman – Falkland Investment Trust, 3292 Falkland Circle, Huntington Beach, CA 92649  
REQUEST: **CDP:** To permit the demolition of an existing dwelling and construction of an approximately 6,208 sq. ft., 35 ft. tall single-family dwelling with a 602 sq. ft. attached garage; **CUP:** To permit a single-family dwelling with (a) an approximately 1,107 sq. ft. 3<sup>rd</sup> floor habitable area, (b) an approximately 148 sq. ft. third story deck, and (c) an overall building height exceeding 30 ft. 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.  
LOCATION: 3292 Falkland Circle, 92649 (terminus of Falkland Circle, east of Channel Lane)  
PROJECT PLANNER: Andrew Gonzales

Ron Santos, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site on behalf of Andrew Gonzales, Assistant Planner. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Staff presented a letter from the Huntington Harbor Property Owners' Association recommending denial of the proposed project. Staff reported that five additional letters were received objecting to the proposed height of the development.

Staff stated that the project had been reviewed by the Building and Safety Department, the Public Works Department, and the Fire Department. Staff was advised that the building code had changed and one of those changes was to allow 3<sup>rd</sup> floor habitable area without a second staircase.

Staff reported that the project is conditioned to provide a 5 ft. setback on all four sides of the third floor and third floor balcony. The applicant submitted an exhibit depicting how the setback could be met.

Mary Beth Broeren, Zoning Administrator, discussed the height of the second story plate line.

#### **THE PUBLIC HEARING WAS OPENED.**

Dorothy Ralph, President of the Huntington Harbor Property Association (HHPOA), stated that there are about 3,580 homes in the harbor and less than 2 or 3% that are higher than 30 ft. Ms. Ralph discussed her past experience with another homeowners' association and that they had fought against a higher height. She noted she will try to get the city to change the height limitation.

Mike Pallikan, 16899 Algonquin Street, believes the proposal violates the CC&Rs of the HHPOA and is not compatible with the surrounding neighborhood. The height is above the limits set by the CC&Rs which is 30 ft. The proposed structure is 34 ft. high. Mr. Pallikan also stated the height violates the circulation elements. He indicated that excessive traffic currently plagues the area. He focused on the two car garage and an excessively large bathroom with two sinks that will be adjacent to a bonus room. Mr. Pallikan stated it may be used as a bedroom. He believes it can be used to house many people. He further stated that it presents a safety hazard and wondered if the Fire Department had approved the plans.

Debbie Gravi, 3302 Huntington Drive, represented her mother Norma Coles who resides at 3301 Falkland Circle. She indicated that this residence and the residence approved next to it are unsafe. She explained that her mother will not be able to safely exit her home, due to construction on two adjacent properties. Her mother has just installed solar panels which must be relocated due to the new residence. She was also concerned the home wasn't provided with sufficient parking. She inquired if she should call City Hall when her mother cannot exit her home.

Alicia Dose, 3242 Gilbert Drive, described other problems in the harbor. Specifically she described one incident where her neighbor built something completely different than what was shown on the plans. The city later approved what they built. Ms. Dose claims that this is indicative of how the city operates. She is concerned that this residence is a "spec house".

Greg Howell, applicant, spoke and affirmed that he took into consideration the city guidelines in his plans.

Ms. Ralph spoke again and stated that Mr. Howell's plans were not submitted to the HHPOA for consideration and Mr. Howell responded that he submitted the plans to the HHPOA.

**THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

Ms. Broeren responded to comments regarding conditional use permit requests to exceed a height of 30 ft. in the harbor. She explained that these requests come before the Zoning Administration on a regular basis and that many factors are taken into consideration prior to approval. Ms. Dose interrupted to ask how she could find the code for the city and Ms. Broeren stated that it is available on the website.

Ms. Broeren agreed with staff's findings given the lot shape and orientation of the house. She suggested that neighbors opposed to the maximum height allowed by code should work to change the codes in the city.

Ms. Gravi asked who she could complain to regarding construction debris. Ms. Broeren stated that if there are issues regarding how construction is proceeding, Ms. Gravi could contact the city during working hours (Building Inspectors), or the Police Dept. during off hours, and directly with the architect to resolve any complaints. Ms. Broeren referred Ms. Gravi to Mr. Santos for further clarification regarding this issue.

**CONDITIONAL USE PERMIT NO. 2007-044; COASTAL DEVELOPMENT PERMIT NO. 2007-018 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.**

**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 in an urbanized residential zone and involves the construction of a new single family dwelling.

### **FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2007-018:**

1. Coastal Development Permit No. 2007-018 for the demolition and construction of an approximately 6,208 sq. ft. single-family dwelling with a 602 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. The development complies with the maximum site coverage, maximum building height, minimum yard setbacks, minimum onsite parking, and third story design criteria. A concurrent application for a conditional use permit is under review to permit a 3<sup>rd</sup> floor habitable area, 3<sup>rd</sup> floor deck, and an overall building height of 35 ft.
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 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 development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed addition will not impede public access or impact public views to coastal resources.

### **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2007-044:**

1. Conditional Use Permit No. 2007-044 to permit an approximately 1,107 sq. ft. 3<sup>rd</sup> floor living area and an approximately 148 sq. ft. 3<sup>rd</sup> story deck with an overall building height of 35 ft. will not be detrimental to the general welfare of person working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed habitable area will be located within the confines of the second-story roof volume, thus minimizing mass and bulk of the structure. The overall building height is not anticipated to impact surrounding properties because the project is mainly adjacent to two-story single family residences. The proposed rooftop deck will be located at the rear of the house and oriented toward the public right-of-way to insure privacy for adjacent properties. The proposed rooftop deck is setback more than 13 ft. from adjacent residential properties, and at least five ft. from the building exterior.
2. The conditional use permit will be compatible with surrounding uses consisting of single-family homes because the three-story residence is designed to be comparable to other two-story homes in the vicinity. The home is designed as a two-story residence with the 3<sup>rd</sup> floor habitable area and rooftop deck integrated within the confines of the 2<sup>nd</sup> story roof. The habitable area and rooftop deck is contained within the 2<sup>nd</sup> floor roof volume and orientated toward the Shelter Channel with sufficient setbacks from the building exterior to insure privacy for adjacent properties.

3. The proposed 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 (HBZSO). The project complies with maximum lot coverage, minimum building setbacks, and maximum building height. An overall building height of 35 ft., 3<sup>rd</sup> floor habitable area, and 3<sup>rd</sup> floor deck are allowed in the base zoning district with approval of a conditional use permit.
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 goals and policies of the General Plan:
  - a. LU 9.2.1b: Use of building heights, grade elevations, orientation, and bulk that are compatible with the surrounding development;
  - b. LU 9.2.1d: Maintenance of privacy on abutting residences.

The development will comply with maximum building height permitted in the RL zone. The proposed 3<sup>rd</sup> floor habitable area and rooftop deck are designed within the confines of the 2<sup>nd</sup> story roof volume and located in the approximate center of the lot with sufficient setbacks from the building exterior. The addition is designed to minimize mass and bulk and impacts to privacy on adjoining properties. The proposed deck will be architecturally integrated into the design of the house, screened from view on three sides by the second-story roof, and not visible from the surrounding properties.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2007-018/CONDITIONAL USE PERMIT NO. 2007-044:**

1. The site plan, floor plans, and elevations received and dated February 7, 2008 shall be the conceptually approved design with the following modifications:
  - a. All drawings (plans, sections) shall depict all portions of the third floor bathroom with a five ft. minimum setback from the second story façade, consistent with the third floor plan received March 28, 2008 and identified as "Exhibit A".
  - b. All drawings (plans, elevations, sections) shall depict the third floor balcony with a five ft. minimum setback from the second story façade consistent with one of the section drawings received March 28, 2008 and identified as "Alternative 1", "Alternative 2", and "Alternative 3".
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.

**THE MEETING WAS ADJOURNED AT 2:40 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, APRIL 9, 2008 AT 1:30 PM.**

  
Mary Beth Broeren  
Zoning Administrator

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