

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

**WEDNESDAY, DECEMBER 3, 2008 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Tess Nguyen, Andrew Gonzales, Rami Talleh, Kimberly De Coite (recording secretary)

**MINUTES:** June 18, 2008  
**APPROVED AS SUBMITTED**

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

**ITEM 1: CONDITIONAL USE PERMIT NO. 2007-031 (JENNINGS RESIDENCE – CONTINUED FROM THE OCTOBER 29, 2008 MEETING)**

**APPLICANT:** Warren Pitt, 8907 Warner Avenue, Suite 232, Huntington Beach, CA 92647  
**PROPERTY OWNER:** Jennings Trust, 17238 Sandra Lee Lane, Huntington Beach, CA 92649  
**REQUEST:** To permit the construction of an approximately 1,040 sq. ft. second story addition and an approximately 130 sq. ft. rooftop deck above the second story to an existing single family residence with an overall height of 33.5 feet.  
**LOCATION:** 17238 Sandra Lee Lane, 92649 (east side of Sandra Lee Lane, north of Los Patos Avenue)  
**PROJECT PLANNER:** Tess Nguyen

Tess Nguyen, 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.

Ms. Nguyen stated that staff had received no public comments.

Mr. Ramos asked if staff had concerns about the deck. Mr. Talleh stated that the deck is primarily directed at the public right-of-way and staff did not believe it would compromise the privacy of neighboring residents.

**THE PUBLIC HEARING WAS OPENED.**

Warren Pitt, applicant, stated that he worked with staff to redesign the project to adhere to code.

Dale Jennings, property owner, thanked staff for their assistance.

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

Ms. Nguyen stated that staff worked with the applicant to address concerns raised by neighboring residents at the October 29, 2008 Zoning Administrator meeting in the redesign.

Mr. Ramos stated that, based on the information provided, he would approve the request with minor modifications that he would convey to staff.

**CONDITIONAL USE PERMIT NO. 2007-031 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND CONDITIONS OF APPROVAL. STAFF 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 project involves an addition not resulting in an increase of more than 50 percent of the existing single family dwelling.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2007-031:**

1. Conditional Use Permit No. 2007-031 to permit the construction of an approximately 130 sq. ft. rooftop deck above the second story in conjunction with a second story addition to an existing single family residence with an overall height of 33.5 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 rooftop deck will be located at the front of the house and oriented toward the public right-of-way (Sandra Lee Lane) to insure privacy for the adjacent residential properties. The proposed rooftop deck is setback 20 ft. from the south property line, 25 ft. from the north property line, and 5 ft. from the building exterior. The mass and scale of the proposed project will not impact the visual character of the neighborhood because it is designed to provide the appearance of a two-story structure. Furthermore, the portion of the roof exceeding 30 ft. is limited to the peak/ridgeline of the roof and an enclosed staircase.
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 homes in the vicinity. The home is designed as a two-story residence with the rooftop deck

above the second story which is within the height and setback limitations identified in the Zoning Code. The rooftop deck is setback five feet 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 the maximum building height, maximum lot coverage, and minimum building setbacks. Rooftop decks above the second story 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 by a Conditional Use Permit in the RL zone. The proposed rooftop deck above the second story will be setback five feet from the building exterior as required by the HBZSO, thus minimizing the building massing. The privacy of the abutting residences will be maintained in that the rooftop deck is oriented towards the public right-of-way.

#### **CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2007-031:**

The site plan, floor plans, and elevations received and dated November 21, 2008 shall be the conceptually approved design.

#### **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: CONDITIONAL USE PERMIT NO. 2008-042 (AYUMI JAPANESE GRILL)**

APPLICANT: Cathy Lewis, 4492 Charleville Circle, Irvine, CA 92604  
PROPERTY OWNER: Brookhurst & Adams, LLC, 2760 E Springs Street, #200, Long Beach, CA 90806  
REQUEST: To permit the establishment of a 3,000 sq. ft. restaurant with onsite sale and consumption of alcoholic beverages.  
LOCATION: 10035 Adams Avenue #101, 92646 (northeast corner of Adams Avenue and Brookhurst Street)  
PROJECT PLANNER: Tess Nguyen

Tess Nguyen, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses 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.

Ms. Nguyen stated that staff had received no public comments.

Mr. Ramos asked if staff had been in contact with the Police Department. Ms. Nguyen indicated that she had contacted the Police Department but had not received a response.

**THE PUBLIC HEARING WAS OPENED.**

Cathy Lewis, applicant, thanked staff for their assistance.

Mr. Ramos asked Ms. Lewis if she had read the Police Department recommended conditions. Ms. Lewis stated that she had read the conditions and had no objections.

Brendan Smith, representative of the property owner, asked if the request was for indoor dining only. Mr. Ramos confirmed that it was.

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

Mr. Ramos stated that, based on the information presented, he would approve the request as recommended by staff.

**CONDITIONAL USE PERMIT NO. 2008-042 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF 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 project consists of minor alterations to a commercial suite involving no expansion to the existing shopping center.

## **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO.2008-042:**

1. Conditional Use Permit No. 2008-042 for the establishment of a 3,000 sq. ft. restaurant with onsite sale and consumption of alcoholic beverages within an existing commercial development 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 restaurant with alcohol sales will not generate additional noise, traffic, or other impacts detrimental to surrounding properties and inconsistent with the subject property's commercial zoning. The site provides the necessary parking to accommodate the proposed restaurant. The sales and consumption of alcoholic beverages are proposed inside the restaurant only. The main entrance of the restaurant is oriented towards Adams Avenue, away from residential units. Residential uses to the north of the subject site will be adequately buffered from the restaurant by an approximately 125-foot separation and a 6-foot high block wall separating the two properties.
2. The conditional use permit will be compatible with surrounding uses because it is a commercial use located in an existing commercial development with other commercial uses with similar characteristics.
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 and any specific condition required for the proposed use in the district in which it would be located. The restaurant with alcohol sales will be located within an existing commercial center, which conforms to land use and on-site parking requirements applicable to the General Commercial (CG) zoning designation.
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 Commercial General on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
  - a. LU 10.1.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, and capitalize on Huntington Beach's recreational resources.
  - b. ED 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The requested conditional use permit will accommodate existing development by allowing the establishment of a restaurant with alcohol sales. The proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. It will be located in an existing shopping center, which includes service related uses.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2008-042:**

1. The site plan dated October 9, 2008 and floor plan dated November 13, 2008, shall be the conceptually approved design.
2. The use shall comply with the following:
  - a. Hours of operation of the restaurant with alcohol service shall be between 11:00 AM and 12:00 AM seven days a week. (PD)
  - b. Regular food service, consisting of the complete dinner menu, shall be available until one hour before the close of business. (PD)
  - c. The rear door shall be used by employees only. (PD)
  - d. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.

**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: RECONSIDERATION OF CONDITIONAL USE PERMIT NO. 2008-037**  
**(RICHARDSON FENCE)**

APPLICANT/  
PROPERTY OWNER: Candy Richardson, 17292 Goldenwest Street, Huntington Beach, CA 92647

REQUEST: To permit the construction of a 112 linear feet, six (6) foot high fence and vehicular privacy gate along the front property line, in lieu of the maximum allowed height of 42 inches for a fence and gate located within the minimum required 15-foot front yard setback.

LOCATION: 17292 Goldenwest Street, 92647 (east side of Goldenwest Street, south of Warner Avenue)

PROJECT PLANNER: Jill Arabe, Planning Aide

Rami Talleh, Senior 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 indicated that upon additional review the Public Works Department recommended that the applicant provide a minimum 12 foot setback for the privacy gate in lieu of the previously suggested 20 foot setback.

**THE PUBLIC HEARING WAS OPENED.**

Candy Richardson, applicant, expressed thanks for the reconsideration, and indicated that she concurs with the revised Condition No. 1a requiring a 12 foot setback for the privacy gate.

Jan Dunn, 17302 Whetmore Lane, stated that she supported the request.

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

Mr. Ramos stated that, based on the information presented, he would approve the request as recommended by staff.

**CONDITIONAL USE PERMIT NO. 2008-037 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF 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 15303 of the CEQA Guidelines, because the project consists of construction of a new fence on a property developed with a single-family home.

## **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-037:**

1. Conditional Use Permit No. 2008-037 for the establishment, maintenance and operation of a 112 linear feet, six (6) foot high fence and vehicular privacy gate at an average setback of 10 feet and 12 feet respectively, in lieu of the maximum allowed height of 42 inches within the front yard setback, as conditioned, 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 conditioned, the fence will be setback outside of the required ten-foot visibility triangle at the intersection of the driveway and public right-of-way, thus reducing possible safety/traffic hazards along an arterial. The gate will be setback at a minimum of 12 feet from the front property line. The measurement from the front property line to the curb is eight (8) feet including sidewalk, parkway, and curb. A total of 20 feet from the gate to the curb will provide the minimum setback for vehicular stacking outside of the arterial street. The gate will be electronically operated with a remote, which will decrease the amount of time within the eight-foot public right-of-way. Stacking will thus be temporary and not interfere with vehicular and pedestrian traffic. Additionally, an average 10 ft. wide landscaped (minimum five-foot wide) planter will be provided to soften the fence's appearance. The landscaping as an aesthetic improvement will enrich the visual character of the neighborhood.
2. The conditional use permit will be compatible with surrounding uses because, as conditioned, landscaping will be provided in front of the fence. The fence will be constructed of iron fencing and decorative pilasters. The proposed fence elevation incorporates the use of pilasters and a minimum four-foot high view fencing section, consistent with the Urban Design Guidelines. A landscape buffer will make the fence more consistent with the surrounding area and enhance aesthetics along an arterial.
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, which allows walls within front yard areas to exceed the maximum height of 42 inches pursuant to approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan and is consistent with the following General Plan policies:

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

UD 1.1.1: Coordinate streetscape and landscape design in all residential neighborhoods to strengthen their identities.

The proposed fence, composed of iron fencing and decorative pilasters, breaks up the walled appearance along an arterial. The landscaping in front of the fence is compatible within the landscape corridor of Goldenwest Street.



### **CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2008-037:**

1. The site plan and elevations received and dated November 5, 2008 shall be the conceptually approved design with the following modifications:
  - a. The vehicular privacy gate shall be setback a minimum of 12 feet from the front property line (PW).
  - b. The fence shall be at an average landscaped setback of 10 feet with a minimum of five feet from the front property line.
  - c. The fence and gate shall not encroach into the required 10-foot visibility triangle at the intersections of the driveway and public right-of-way.
2. Prior to submittal for building permits a revised plan modified per Condition No. 1 shall be submitted to the Planning Department for review, approval, and inclusion in the entitlement files.
3. Prior to submittal for building permits, zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire 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.
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/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 4: CONDITIONAL USE PERMIT NO. 2008-040; COASTAL DEVELOPMENT PERMIT NO. 2008-018 (SCHULTZ ADDITION)**

APPLICANT: John McNeely, 1792 Skyline Drive, Santa Ana, CA 92705  
PROPERTY OWNER: John Schultz, 1735 E. Monticello Court, Ontario, CA 91761  
REQUEST: To permit a (a) 1,174 sq. ft. first and second floor addition to an existing two-story, single-family residence, and (b) a 536 sq. ft. third floor roof deck.  
LOCATION: 16692 Baruna Lane, 92649 (north of Sea Witch Lane, east of Baruna Lane – Davenport Island)  
PROJECT PLANNER: Andrew Gonzales

Andrew Gonzales, 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.

Mr. Gonzales stated that staff had recommended changes to the findings and conditions to reflect the correct setbacks required by code. Mr. Gonzales recommended an additional condition, No. 1d, restricting the projection of the rear balcony. Mr. Gonzales stated that staff has received no public comments.

Mr. Ramos confirmed with Mr. Gonzales that Condition Nos. 1a, 1b, and 1d were all code requirements. Staff confirmed that the conditions reflected code requirements; however, they are necessary to modify the plans to comply with code.

**THE PUBLIC HEARING WAS OPENED.**

John McNeely, applicant, asked if a slightly larger deck would be allowed. He noted that the zoning code allows for two decks along the same wall to take up significantly more space than he is requesting for the single deck. Mr. Ramos indicated that the projection limits were code requirements and could not be waived.

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

Mr. Gonzales stated that if Condition No. 1d is accepted then Finding No. 2 would need to be amended. Mr. Ramos stated that Condition No. 1d would be amended to read that the deck can only be one third of the building length.

Mr. Ramos stated that, based on the information provided, he would approve the request with the staff recommended modifications.

**CONDITIONAL USE PERMIT NO. 2008-042 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. STAFF 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 15301 of the CEQA Guidelines, because the addition will not result in an increase of more than 50% of the existing single family dwelling's floor area.

### **FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-018:**

1. Coastal Development Permit No. 2008-018 for the construction of a 1,174 sq. ft. first and second floor addition to an existing two-story, single-family residence, as modified by conditions of approval, conforms with the General Plan, including the Local Coastal Program. 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, and as modified by conditions of approval for the rear yard and 3<sup>rd</sup> floor deck setbacks, and length of the 2<sup>nd</sup> floor rear balcony. The project complies with the maximum site coverage, maximum building height, minimum front and side 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 addition will be constructed on a previously developed site in an urbanized area with all the necessary services and infrastructure available, including, water, sewer, and roads.
4. The development conforms to 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.

### **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-040:**

1. Conditional Use Permit No. 2008-040 to permit an 536 sq. ft. third floor roof 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, as conditioned, the deck will be setback 5 ft. from the building exterior and 10 ft. from the closest property line. The height of the parapet walls/railings will measure approximately 4 ft. and restrict direct view onto the adjoining properties.
2. The conditional use permit will be compatible with surrounding homes because the 3<sup>rd</sup> floor deck will be integrated into the design of the existing residence. The deck is conditioned to maintain a minimum 5 ft. setback from the exterior elevation of the building. The deck will minimally alter the building's two-story facade which is compatible with existing two-story homes in the neighborhood.

3. The proposed 3<sup>rd</sup> floor deck, as conditioned, 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. Rooftop decks above the second story are allowed within 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 (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: Use of building heights, grade elevations, orientation, and bulk that are compatible with the surrounding development.

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. The proposed rooftop deck above the second story will be primarily oriented toward Huntington Harbor and adequately setback from the building's easterly exterior elevation, thus minimizing privacy impacts on to adjoining properties. The proposed deck will be architecturally integrated into the design of the house.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-018**  
**/CONDITIONAL USE PERMIT NO. 2008-040 :**

1. The site plan, floor plans, and elevations received and dated September 26, 2008, shall be the conceptually approved design with the following modifications:
  - a. The 2<sup>nd</sup> floor deck located on the building's east elevation shall be setback an additional 1'-8" from the rear property line.
  - b. The 3<sup>rd</sup> floor deck shall be setback an additional 3'-6" from the exterior walls of the building.
  - c. On sheet A-1, the project data calculations shall be modified to reflect the revised lot coverage computation.
  - d. The 2<sup>nd</sup> floor rear balcony shall not exceed a maximum 1/3 of the rear elevation's length.
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 2:00 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, DECEMBER 10, 2008 AT 1:30 PM.**



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Ricky Ramos  
Zoning Administrator

RR:kdc