

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

WEDNESDAY, January 28, 2009 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Ethan Edwards, Rami Talleh, Kimberly De Coite (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 2008-026; CONDITIONAL USE PERMIT NO. 2008-050 (SAWYER RESIDENCE)

APPLICANT: Jay Golison, JWG Design Development
PROPERTY OWNER: The Arthur Weiss Family Trust, Wendy Sawyer, 10616 Rush Street, El Monte, CA 91733
REQUEST: **CDP:** To permit (a) the demolition of an approximately 4,000 sq. ft. existing single-family residence; and (b) the construction of a three-story, 7,240 sq. ft. single-family residence. **CUP:** To permit a single-family dwelling with (a) an approximately 1,350 sq. ft. third-floor habitable area; (b) two third-story decks totaling approximately 233 sq. ft.; and (c) an overall building height of approximately 34 feet. 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 alignment, building pad height, and floor plan layout.
LOCATION: 16462 Malden Circle, 92649 (north side of Malden Circle, west of Peale Lane – Gilbert Island, Huntington Harbour)
PROJECT PLANNER: Ethan Edwards

Ethan Edwards, 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 for approval as presented in the executive summary.

Mr. Edwards stated that one public comment had been received from the Homeowner's Association, stating that the project was not approved by their architectural review committee and does not comply with their Covenants, Conditions, and Restrictions (CC&Rs).

Mr. Edwards stated that staff recommended a modification to Condition of Approval No. 1 to insure that no third story view windows be oriented towards adjoining properties.

THE PUBLIC HEARING WAS OPENED.

Stephen Sawyer, property owner, stated that he had no comments or concerns.

Jay Golison, applicant, stated that he had no comments or concerns.

Mr. Ramos confirmed that Mr. Golison and M. Sawyer had reviewed and did not object to the modification to Condition No. 1.

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

Mr. Ramos confirmed with staff that the roof pitch and the setback of the third floor dormer were compliant with code requirements.

Mr. Ramos stated that, based on the information provided, he would approve the project as recommended by staff, including the modification to Condition No. 1.

COASTAL DEVELOPMENT PERMIT NO. 2008-026; CONDITIONAL USE PERMIT NO. 2008-050 WERE 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 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.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-026:

1. Coastal Development Permit No. 2008-026 for the development project, as proposed conforms to the General Plan, including the Local Coastal Program Land Use designation of Residential Low-Density. The proposed project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage new development to locate within, contiguous to or in close proximity to existing developed areas able to accommodate it.
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 complies with all applicable development regulations, including maximum building height, minimum yard setbacks, maximum site coverage 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 development 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.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-050:

1. Conditional Use Permit No. 2008-050 for the development of a single-family dwelling with (a) an approximately 1,350 sq. ft. third-floor habitable area; (b) two third-story decks totaling approximately 233 sq. ft.; and (c) an overall building height of approximately 34 feet 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 third-story 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. In addition, the building outline is treated with vertical and horizontal offsets, varying building materials, and enhanced architectural features.
3. The proposed project 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 decks and dormers 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 is designed within the confines of the second-story roof volume as required by HBZSO design standards for the RL zone, thus minimizing the building massing. No third-story view windows or deck areas are oriented toward adjoining properties and all windows on the first and second floors will 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. 2008-026/CONDITIONAL USE PERMIT NO. 2008-050:

1. The site plan, floor plans, and elevations received and dated November 26, 2008 shall be the conceptually approved design with the following modification: Roof dormers on the north and south sides of the house shall be fitted with view obscuring glass block or other view obscuring material.
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 1:40 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, FEBRUARY 11, 2009 AT 1:30 PM.



Ricky Ramos
Zoning Administrator

RR:kdc