



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Howard Zelefsky, Director of Planning
BY: Rami Talleh, Assistant Planner
DATE: February 24, 2004

SUBJECT: APPEAL OF THE ZONING ADMINISTRATOR'S DENIAL OF COASTAL DEVELOPMENT PERMIT NO. 02-22 AND CONDITIONAL USE PERMIT NO. 02-42 (Lewis Residence – Cont. from January 13, 2004 with the Public Hearing closed)

APPLICANT: Michael Mehalick, 525 A Main Street, Huntington Beach, CA 92648

PROPERTY

OWNER: Rich and Sandy Lewis, 16472 Malden Circle, Huntington Beach, CA 92649

LOCATION: 16472 Malden Circle (North side of Malden west of Gilbert Dr. – Gilbert Island)

STATEMENT OF ISSUE:

- ♦ Coastal Development Permit No. 02-22 request:
 - To construct a second and third story addition to an existing single-family dwelling.
- ♦ Conditional Use Permit No. 02-42 request:
 - To construct an addition to an existing single-family dwelling, which includes third-story habitable area and a third-story deck, and
 - To construct an addition to a single family home at a height greater than 30 feet.
- ♦ Staff's Recommendation:

Approve Coastal Development Permit No. 02-22 and Conditional Use Permit No. 02-42 as modified by the applicant based upon the following:

 - The proposed project conforms with the requirements of the base-zoning district.
 - The proposed project is compatible with surrounding uses.
 - The proposed project is consistent with previous approvals for new construction within Huntington Harbor.

RECOMMENDATION:

Motion to:

- A. “Approve Coastal Development Permit No. 02-22 and Conditional Use Permit No. 02-42 with findings (Attachment No. 1).”

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Deny Coastal Development Permit No. 02-22 and Conditional Use Permit No. 02-42 with findings and suggested conditions of approval (***Zoning Administrator Action***);”
- B. “Continue Coastal Development Permit No. 02-22 and Conditional Use Permit No. 02-42 and direct staff accordingly.”

ANALYSIS:

At the January 13, 2004 Planning Commission Meeting, the Planning Commission reviewed the aforementioned entitlements. The Commission discussed the variance request and suggested design alternatives to comply with the third story ordinance. Subsequently, the Planning Commission denied Variance No. 03-08 with findings because the design of the third story addition did not conform to the design criteria of third story habitable space. The Commission continued Conditional Use Permit No. 02-42 and Coastal Development Permit No. 02-22 to the meeting on February 24, 2004, and directed the applicant to redesign the plans to comply with code. Furthermore, the Commission directed the applicant to explore design alternatives that provide less mass and bulk along the street elevation.

Zoning Compliance:

This project is located in the Residential Low-Density – Coastal Zone and complies with the requirements of that zone. The following is a zoning conformance matrix that compares the proposed project with the development standards of the Residential Low-Density zone:

SECTION	ISSUE	CODE PROVISION	PROPOSED
210.06	Lot Area	Min. 6,000 sq. ft.	7,872 net sq. ft.
	Lot Width	Min. 60 ft.	60 ft.
	Density	1 unit/6,000 sq. ft. net lot area Max. 1 unit	1 unit
(D, R)	Setbacks		
(E, F)	Front (Ardsley Cir.)	Min. 15 ft. res./ 10 ft. side entry garage	20 ft./ 10 ft.
(G, I, J)	Side (west/east PL)	Min. 5 ft.	5 ft.
(I, J)	Rear (water)	Min. 10 ft.	10 ft.

SECTION	ISSUE	CODE PROVISION	PROPOSED
(M)	Building Height	Max. 35 ft. from top of subfloor to roof peak Habitable area above the second story top plate shall be within the confines of the second story roof volume.	34 ft.- 11in. from top of subfloor to roof peak Design of third floor complies with code requirement
(V)	Lot Coverage	Max 50% (3,936 sq. ft.)	44% (3,463 sq. ft.)
231.04.B	Off-Street Parking - Number	Min. 5 spaces: 2 enclosed 3 open	6 total spaces: 3 enclosed (garage) 3 open (driveway)
232.08.B.	Landscaping	Min. 40% of front yard setback (625 sq. ft.) = 250 (1) 36" box tree	47% (293 sq. ft.) (1) 36" box tree

Proposed Single-Family Dwelling:

The primary issues for the Commission to consider in evaluating the proposed project is whether the project has been designed in accordance with applicable standards and achieves compatibility with the surrounding neighborhood.

The applicant submitted revised plans for the second and third story addition, which reflects a design that complies with all applicable requirements of the ZSO, including the criteria for third-story design and the 35-foot height limit. The revised roof plan consists of a higher pitched roof that conceals the third floor space within the volume of the second story roof. The third story is recessed 5 feet from the first and second-story facades, which provides less mass and bulk along the street elevation. All windows orient toward the public right-of-way, as required by the ZSO. Staff supports the revised plans to construct the second and third story addition.

Staff is recommending approval of the proposed project because it is compatible with the two and three story character of the Huntington Harbor area and will not have a detrimental impact on the neighborhood. In addition, the project is consistent with previously approved projects for three story additions in Huntington Harbor.

ATTACHMENTS:

1. Suggested Findings for Approval– CDP No. 02-22 and CUP No. 02-42
2. Revised Site Plan, Floor Plans and Elevations received and dated January 23, 2004
3. Project Narrative dated February 11, 2004
4. January 13, 2004 Planning Commission Staff Report

SH:HF:RT:rl

ATTACHMENT NO. 1

SUGGESTED FINDINGS FOR APPROVAL

COASTAL DEVELOPMENT PERMIT NO. 02-22 **CONDITIONAL USE PERMIT NO. 02-42**

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission 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 an addition resulting in an increase in floor area of more than 50 percent to an existing single-family dwelling.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 02-22:

1. Coastal Development Permit No. 02-22 for the construction of a 2,897 sq. ft. second story addition and a 1,414 sq. ft. third story addition to an existing single-family dwelling including a 121 sq. ft. third-story deck, as proposed, conforms with 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. The proposed dwelling will be located 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 complies with all applicable development regulations, including maximum building height, minimum yard setbacks, maximum site coverage and minimum on-site parking.
3. 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.
4. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program.
5. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed dwelling will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer and roads.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 02-42:

1. Conditional Use Permit No. 02-42 for the construction of a single family home with a 1,414 sq. ft. third story and a 121 sq. ft. deck above the second-story top plate-line including construction of an addition greater than 30 ft. in height 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 dwelling will be constructed in a single-family residential neighborhood predominantly developed with two and three story homes of comparable height and design quality. The third story addition is concealed within the second story roof volume and setback 5 ft. from the first and second story façade to minimize building mass and bulk. In addition, the third story windows are oriented away from the adjacent residences to preserve their privacy.
2. The conditional use permit to construct a second and third story addition to a single family home will be compatible with surrounding uses because the proposed three story home is designed to appear as a two-story home with dormer windows. Furthermore, the second and third story addition is similar in design, materials, height, size and massing as other dwellings existing in the surrounding neighborhood. In addition several other single-family homes with similar third story designs and comparable heights have been constructed within the neighborhood.
3. The proposed Conditional Use Permit No. 02-40 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, including parking requirements, maximum building height, maximum lot coverage, minimum yard setbacks, and third-story design criteria.
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 maximum) 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 and third-story deck will be setback from the first and 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. No third-story windows or deck areas are oriented toward adjoining properties.

SUGGESTED CONDITION OF APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 02-22/ CONDITIONAL USE PERMIT NO. 02-42:

The plans and elevations received and dated October 10, 2003 shall be the conceptually approved layout.

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.