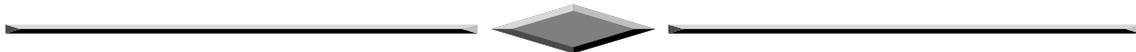


**HUNTINGTON BEACH  
OFFICE OF THE ZONING ADMINISTRATOR  
EXECUTIVE SUMMARY**

**TO:** Zoning Administrator  
**FROM:** Ethan Edwards, Associate Planner  
**DATE:** May 7, 2014

**SUBJECT:** **COASTAL DEVELOPMENT PERMIT NO. 14-004/ CONDITIONAL USE PERMIT NO. 14-004 (NGUYEN RESIDENCE)**

**LOCATION:** 16541 Channel Lane, 92649 (west side of Channel Ln., between Bounty Cir. and Admiralty Dr.)



**Applicant:** Brad Smith, Architect, 425 30<sup>th</sup> Street, Suite 22, Newport Beach, CA 92663

**Property Owner:** Darren Nguyen, 14072 Magnolia Street, Suite 200, Westminster, CA 92683

**Request:** **CDP:** To permit the construction of a new approximately 5,363 sq. ft. single-family dwelling with a 737 sq. ft. attached garage. **CUP:** To permit (a) a third story of approximately 402 sq. ft and a 109 sq. ft. deck; and (b) an overall building height of approximately 32 ft. 6 in. 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 Overlay)

**General Plan:** RL - 7 (Residential Low Density)

**Existing Use:** Vacant

**Coastal Status:** Appealable



**RECOMMENDATION:** Staff recommends approval of the proposed project 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 consists of the construction of one single-family residence within a residential zone.

**SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 14-004:**

1. Coastal Development Permit No. 14-004 to permit the construction of a new approximately 5,363 sq. ft. single-family dwelling with a 737 sq. ft. attached garage conforms with the General Plan, including the Local Coastal Program. The project is consistent with Coastal Element Policy C 1.1.1, which encourages 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 single-family residential developments.
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 minimum setbacks, on-site parking, maximum building height, and site coverage.
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 project will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roads.
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, public recreation, or public views to coastal resources.

**SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 14-004:**

1. Conditional Use Permit No. 14-004 to permit a new single-family dwelling with a third story of approximately 402 sq. ft. and a 109 sq. ft. deck, and an overall building height of approximately 32 ft. 6 in. 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 third floor habitable area will be located within the confines of the second story roof volume and will be accessible only from the interior of the building. The deck above the second story top plate line will be oriented towards the harbor thereby protecting privacy of adjacent residences. Based on code requirements, the proposed deck will be setback a minimum of 5 ft. from the building exterior which will minimize the visual mass and bulk of the residence.
2. The proposed single-family dwelling with a third story of approximately 402 sq. ft. and a 109 sq. ft. deck, and an overall building height of approximately 32 ft. 6 in. will be compatible with surrounding uses because the third floor habitable area will be integrated into the design of the residence in order to resemble the two-story homes in the neighborhood. The overall building height will match the surrounding properties because the project is adjacent to existing two-story, single-family residences with similar building heights. The third story deck will be oriented towards the harbor which will protect direct views onto adjacent residences. Furthermore, the proposed deck will be setback 5 ft. from the rear building

exterior and 18 ft. from the side building exteriors which allows the residence to be compatible with the mass and scale of structures in the surrounding neighborhood.

3. The proposed single-family dwelling with a third story of approximately 402 sq. ft. and a 109 sq. ft. deck, and an overall building height of approximately 32 ft. 6 in. 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 minimum onsite parking and building setbacks, and maximum lot coverage and building height. The third floor habitable area with an approximately overall building height of 32 ft. 6 in. and 109 sq. ft. deck is allowed within the RL (Residential Low Density) 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 (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:

A. Land Use Element

Policy – 9.2.1: Require that all new residential development within existing residential neighborhoods be compatible with existing structures, including (b) use of building heights, grade elevations, orientation and bulk that are compatible with the surrounding development; and (d) maintenance of privacy on abutting residences.

B. Coastal Element

Objectives – C 1.1: Ensure that adverse impacts associated with coastal zone development are mitigated or minimized to the greatest extent feasible.

The construction of a new single-family dwelling, including a third story of approximately 402 sq. ft. and a 109 sq. ft. deck with an overall building height of approximately 32 ft. 6 in., is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other provisions of the Municipal Code including maximum site coverage, maximum building height, and minimum on-site parking. The proposed third floor habitable area will be integrated within the confines of the second story roof volume. The third story balcony will be oriented toward the harbor, minimizing impact to privacy on adjoining properties. The balcony will also be setback from the building exterior to reduce the mass and bulk of the structure.

**SUGGESTED CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 14-004 /CONDITIONAL USE PERMIT NO. 14-004:**

1. The site plan, floor plans, and elevations received and dated March 13, 2014 shall be the conceptually approved design.
2. Prior to submittal of building permits:
  - a. 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 have been completed:
  - a. All improvements shall be completed in accordance with approved plans.
  - 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. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
6. Coastal Development Permit No. 14-004 and Conditional Use Permit No. 14-004 shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval 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.
7. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
8. 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/green-building-guidelines-rating>).

**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.