

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

TO: Zoning Administrator
FROM: Jill Arabe, Associate Planner
DATE: September 16, 2015
SUBJECT: **CONDITIONAL USE PERMIT NO. 15-029 (ROTH RESIDENCE)**
LOCATION: 1206 Pine Street, 92648 (east side of Pine St., south of Adams Ave.)

**Applicant/
Property**

Owner: Jasmine Roth, Roth 13th Street LLC, 310 11th Street, Huntington Beach, CA 92648

Request: To permit the construction of an approximately 3,985 sq. ft. three-story residence with an overall height of 33 ft., 10 in.

Environmental Status: This request is covered by Categorical Exemption, Section 15302, Class 2, California Environmental Quality Act.

Zone: RL (Residential Low Density)

General Plan: RL-7 (Residential Low Density – 7 dwelling units/acre)

Existing Use: Single Family Residence

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 15302 of the CEQA Guidelines, because the project consists of the construction of a single family residence on the same site as the structure replaced with substantially the same purpose and capacity.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 15-029:

1. Conditional Use Permit No. 15-029 for the construction of an approximately 3,985 sq. ft. three-story residence with an overall height of 33 ft., 10 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 design of the new building

incorporates wall offsets, roof articulation, and material changes which help minimize the overall building mass and scale of the new structure. The third floor habitable area is confined within the second story roof volume and is not visible from the street. The third floor is only accessible from the interior of the building and is sufficiently setback to buffer adjacent residences. The deck above the second story top plate is inset within the second story roof volume and oriented towards the interior courtyard and the alley at the rear of the property. The project will not generate additional noise, traffic, odors or other impacts at levels inconsistent with the residential character of the existing neighborhood.

2. The construction of an approximately 3,985 sq. ft. three-story residence with an overall height of 33 ft., 10 in. will be compatible with surrounding uses because the new residence will be designed to appear like a two-story house from the front (street) and side yards. Other homes in the neighborhood range from single-story to three-stories in height. The third floor habitable area and deck are integrated into the second story roof volume, thus reducing the overall bulk and mass of the residence. The building is proposed with a variety of materials including hardieboard lap siding, stone veneer, hardie trim batten boards, vinyl windows, and standing seam metal roofing. The new residence will improve the visual character of the neighborhood.
3. The proposed construction of an approximately 3,985 sq. ft. three-story residence with an overall height of 33 ft., 10 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, including maximum density, height, lot coverage, building setbacks, landscaping, and offstreet parking. The third floor habitable area and deck are 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 objective, goal, and policies of the General Plan:

A. Land Use Element

Objective LU 9.1: Provide for the development of single- and multi-family residential neighborhoods.

Policy LU 9.1.2: Require that single-family residential units be designed to convey a high level of quality and character considering the following guidelines: (a) modulate and articulate building elevation, facades, and masses; and (d) encourage innovative and creative design concepts.

Policy LU 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 (c) use of complimentary building materials, colors, and forms, while allowing flexibility for unique design solutions.

B. Urban Design Element

Goal UD 1: Enhance the visual image of the City of Huntington Beach.

The conditional use permit allows for the construction of a new three-story residence with an overall height of 33 ft., 10 in., and approximately 269 sq. ft. third floor retreat area and 133 sq. ft. deck. From the street, the residence will look like a two-story house because the third floor is confined with the second story roof volume. Additionally, the design of the house is proposed with enhanced materials and building offsets consistent with the aesthetic character of the neighborhood.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 15-029:

1. The site plan, floor plans, and elevations received and dated July 20, 2015, shall be the conceptually approved design with the following modifications:
 - a. The maximum height of the pilasters and/or fencing within the front yard shall not exceed 42 inches.
 - b. A new fence or wall exceeding 42 inches in height shall not encroach within the 10 ft. visibility triangle at the intersection of the driveway and alley.
 - c. On Sheet A-2.2, the exercise room shall be revised with a minimum of 50% of the wall open to the family room.
 - d. On Sheet A-2.3 and Sheet A-3.1, the third floor window on the north side of the building near the stairway shall be removed.
2. Prior to submittal for building permits, the following shall be completed:
 - a. On set of revised site plan, floor plans, and elevations in accordance with Condition No. 1 shall be submitted to the Planning Division for review and approval and inclusion in the entitlement file.
 - b. 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 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.

5. The final building permit cannot be approved until the following has been completed:
 - a. All improvements must be completed in accordance with approved plans, except as modified by conditions of approval.
 - 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
6. CUP No. 15-029 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.
7. The Development Services Departments and divisions (Planning & Building, Fire, 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.