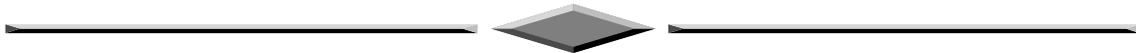
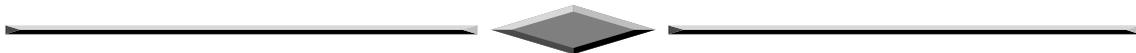


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Ethan Edwards, Associate Planner
DATE: December 17, 2014
SUBJECT: **VARIANCE NO. 14-005/ ADMINISTRATIVE PERMIT NO. 14-005 (WIESE ADDITION)**
LOCATION: 1009 Main Street, 92648 (west side of Main St., between 12th St. and 13th St.)



Applicant: Thom Jacobs, 202 Alabama Street, Huntington Beach, CA 92648
Property Owner: Kent Wiese, 1009 Main Street, Huntington Beach, CA 92648
Request: **VAR:** 1) To permit an approximately 2,376 sq. ft. first and second floor addition to a non-conforming structure in lieu of the maximum allowed square footage of 785 sq. ft. (50% addition). **AP:** To permit the addition to match the existing non-conforming side yard setbacks of 4 ft. 2 in. and 4 ft. in lieu of the minimum required side yard setbacks of 5 ft.
Environmental Status: This request is covered by Categorical Exemption, Section 15303, Class 3, California Environmental Quality Act.
Zone: Residential Low Density (RL)
General Plan: Residential Low Density – 7 du/ac – d (RL-7)
Existing Use: Single Family Dwelling



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 an addition to an existing single family home.

SUGGESTED FINDINGS FOR APPROVAL - VARIANCE NO. 14-005:

1. The granting of Variance No. 14-005 to permit an approximately 2,376 sq. ft. first and second floor addition to a non-conforming structure in lieu of the maximum allowed square footage of 785 sq. ft. (50% addition) will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The subject property is located on a 48 foot wide lot and is constructed with a one-story single family residence with non-conforming side yard setbacks. Other additions of equal or greater sizes have been constructed throughout the neighborhood. The proposed 2,376 sq. ft. first and second floor addition at the subject site is consistent with other properties in the vicinity and under an identical zone classification.
2. Because of special circumstances applicable to the subject property, including size and shape of the lot, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The subject property is located on a 48 foot wide lot while other properties in the same Residential Low Density zoning district are typically 50-60 feet wide. Limiting the addition to 50% of the existing structure or 785 sq. ft. will deprive the subject property of privileges enjoyed by other properties within the neighborhood.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The requested variance will allow the subject property to be designed in the same manner as other properties in the neighborhood.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The proposed addition is conditioned to provide additional setbacks providing additional architectural undulation and is designed to be compatible with the neighborhood. The granting of the variance will provide for property rights consistent with other properties in the vicinity developed with single-family dwellings. No detrimental impacts to surrounding properties are anticipated.
5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL-7-sp (Residential Low Density–7 units/acre–Specific Plan) on the subject property, including the following policy.

LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character as appropriate.

The requested variance accounts for the unique size and shape of the lot. Granting the addition would allow the subject property the opportunity to be designed in the same manner as nearby properties with similar lot configurations under the identical zone classification.

SUGGESTED FINDINGS FOR APPROVAL – ADMINISTRATIVE PERMIT NO. 14-014:

1. Administrative Permit No. 14-014 for a waiver of development standards to permit a residential addition to match the existing non-conforming side yard setbacks of 4 ft. 2 in. and 4 ft. in lieu of the minimum required side yard setbacks of 5 ft., as conditioned to provide additional upper story setbacks, 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. Granting the waiver of development standards would

allow the subject property the opportunity to be designed in the same manner as nearby properties with similar lot configurations under the identical zone classification. No detrimental impacts to surrounding properties are anticipated.

2. The administrative permit for a waiver of development standards to permit a residential addition to match the existing non-conforming side yard setbacks of 4 ft. 2 in. and 4 ft. in lieu of the minimum required side yard setbacks of 5 ft. will be compatible with surrounding uses because the proposed addition is conditioned to provide additional upper story setbacks and will result in a single family home with similar height, setbacks and materials as other properties within the neighborhood.
3. The proposed addition to match the existing non-conforming side yard setbacks of 4 ft. 2 in. and 4 ft. in lieu of the minimum required side yard setbacks of 5 ft. 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 is located, except for any variances approved concurrently.

SUGGESTED CONDITIONS OF APPROVAL VARIANCE NO. 14-005/ ADMINISTRATIVE PERMIT NO. 14-014:

1. The site plan, floor plans, and elevations received and dated November 5, 2014 shall be the conceptually approved design with the following modification:
 - a. Fifty percent of the 2nd story façades facing the side yards shall provide a minimum setback of 4 feet 10 inches
2. VAR No.14-005/ AP No. 14-014 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.
3. 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.
4. 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.
5. 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.