



OFFICE of the ZONING ADMINISTRATOR

CITY OF HUNTINGTON BEACH . CALIFORNIA

P. O. Box 190, Huntington Beach, California 92648

NOTICE OF ACTION

June 6, 2024

Baray Karim
15375 Barranca Pkwy. Suite B-106
Irvine, CA 92618

SUBJECT: CONDITIONAL USE PERMIT NO. 23-019/COASTAL DEVELOPMENT PERMIT NO. 23-007 (PHAN RESIDENCE)

APPLICANT: Baray Karim, 15375 Barranca Pkwy. Suite B-106, Irvine, CA 92618

REQUEST: To demolish an existing two-story single-family residence and construct an 8,655 sq. ft. three-story single-family residence at an overall height of 30 feet.

PROPERTY OWNER: Nancy Ngo, 3798 Mistral Drive, Huntington Beach, CA 92649

LOCATION: 3798 Mistral Drive, 92649 (southeast corner of Mistral Dr. and Wanderer Ln.)

CITY CONTACT: Hayden Beckman

DATE OF ACTION: June 5, 2024

On Wednesday, June 5, 2024, the Huntington Beach Zoning Administrator took action on your application, and your application was **conditionally approved**. Attached to this letter are the findings and conditions of approval.

Please be advised that the Zoning Administrator reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your total application. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator is final unless an appeal is filed to the Planning Commission by the applicant or an aggrieved party. Said appeal must be in writing and must set forth in detail the

actions and grounds by and upon which the applicant or interested party deems himself aggrieved. Said appeal must be accompanied by a filing fee of Three Thousand Seven Hundred Sixty-Two Dollars (\$3,762.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and Five Thousand One Hundred Ninety-Three Dollars (\$5,193.00) if the appeal is filed by any other party. The appeal shall be submitted to the Department of Community Development within ten (10) working days of the date of the Zoning Administrator's action. There is no fee for the appeal of a Coastal Development Permit to the California Coastal Commission.

In your case, the last day for filing an appeal is **June 19, 2024, at 5:00 PM**, for the coastal development permit and **June 17, 2024, at 5:00 PM**, for the conditional use permit.

This project is in the Appealable portion of the coastal zone. Only projects in accordance with Section 30603 of the California Coastal Act may be appealed to the Coastal Commission. Action taken by the Zoning Administrator may be appealed directly to the Coastal Commission pursuant to Title 14, Section 13573 of the California Code of Regulations and Section 245.24D of the Huntington Beach Zoning and Subdivision Ordinance. If the above condition exists, an aggrieved person may file an appeal within ten (10) working days, pursuant to Section 30603 of the Public Resources Code, in writing to:

South Coast Area Office
California Coastal Commission
301 E. Ocean Blvd, Suite 300
Long Beach, CA 90802
Attn: Amrita Spencer
(562) 590-5071

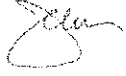
The Coastal Commission review period will commence after the City appeal period has ended and no appeals have been filed. Applicants will be notified by the Coastal Commission as to the date of the conclusion of the Coastal Commission review. Applicants are advised not to begin construction prior to that date.

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, unless actual construction has started, or as modified by condition of approval.

Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020.

If you have any questions regarding this Notice of Action letter or the processing of your application, please contact Hayden Beckman, the city contact, at (714) 536-5561 or via email at hayden.beckman@surfcity-hb.org or the Department of Community Development Zoning Counter at (714) 536-5271.

Sincerely,



Wayne Carvalho
Zoning Administrator

WC:HB:mr
Attachment

- c: Honorable Mayor and City Council
Chair and Planning Commission
Chief Eric Parra, Interim City Manager
Travis Hopkins, Assistant City Manager
Jennifer Villasenor, Director of Community Development
Ricky Ramos, Planning Manager
Martin Ortiz, Fire Deputy Chief
Bob Milani, Principal Civil Engineer
Steve Eros, Fire Protection Analyst
Jacob Worthy, Fire Protection Analyst
Jasmine Daley, Building Official
Hayden Beckman, Senior Planner
Property Owner
Project File

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 23-019

COASTAL DEVELOPMENT PERMIT NO. 23-007

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 would develop a single-family residence within an existing urbanized residential zone.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 23-019:

1. Conditional Use Permit No. 23-019 to demolish an existing two-story single-family residence and construct an 8,655 sq. ft. three-story single-family residence at an overall height of 30 ft. 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 because the third floor space is designed to be confined within the second floor volume, which facilitates the structure's resemblance to a two-story home with a mass and scale that is similar to the proportion and scale of homes in the surrounding neighborhood. In addition, the third-floor deck is setback 5 ft. from the building exterior and is oriented towards the public right-of-way, which will minimize the visual mass and bulk of the structure and maintain privacy for abutting residences. Furthermore, the deck does not exceed the height limit and will only be accessible via the interior of the residence.
2. The granting of the Conditional Use Permit No. 23-019 to demolish an existing two-story single-family residence and construct an 8,655 sq. ft. three-story single-family residence at an overall height of 30 ft. will not adversely affect the General Plan because it is consistent with the Land Use Element designation of RL (Residential Low Density) on the subject property and with the following goals and policies of the General Plan:

A. Land Use Element

Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

Policy LU-1(A): Ensure that development is consistent with the land use designations presented in the Land Use Map, including density, intensity, and use standards applicable to each land use designation.

Policy LU-1(D): Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

Policy LU-4(D): Ensure that single-family residences are of compatible proportion, scale, and character to surrounding neighborhoods.

The proposed project is consistent with the requirements of the base zoning district such as parking, building setbacks, building height, lot coverage, and privacy design standards. The overall height will match the surrounding properties because the neighborhood is developed with single-family residences with similar building heights. The proposed third-floor space will be integrated within the confines of the second-story roof volume to ensure that the proposed residence will be compatible in proportion and scale with the surrounding neighborhood. Furthermore, the proposed third-floor deck will be oriented towards the street and will be setback five ft. from the building exterior, ensuring privacy is maintained for abutting residences.

3. The proposed Conditional Use Permit No. 23-019 to demolish an existing two-story single-family residence and construct an 8,655 sq. ft. three-story single-family residence at an overall height of 30 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 (HBZSO) because the project complies with parking, building setbacks, building height, lot coverage, and privacy design standards. In addition, the third-floor area is designed to be within the confines of the second story roof volume and the new third floor deck will be set back five ft. from the building façade, as required by the HBZSO. Third floor habitable area is allowed for all single-family dwellings in the RL zoning district with the approval of a conditional use permit.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 23-007:

1. Coastal Development Permit No. 23-007 for the development project, as proposed, conforms with the General Plan, including the Local Coastal Program because the request to demolish an existing two-story single-family residence and construct an 8,655 sq. ft. three-story single-family residence at an overall height of 30 ft. conforms with the General Plan, including the Local Coastal Program because the project is consistent with the 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 development will occur entirely on a developed site, contiguous to properties developed with existing single-family residential uses.
2. Coastal Development Permit No. 23-007 to demolish an existing two-story single-family residence and construct an 8,655 sq. ft. three-story single-family residence at an overall height of 30 ft. is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code because the project will comply with all applicable development regulations, including maximum building height, minimum yard setbacks, lot coverage, and privacy design standards.
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 because Coastal Development Permit No. 23-007 to demolish an existing two-story single-family residence and construct an 8,655 sq. ft. three-story single-family residence at an overall height of 30 ft. is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.

4. Coastal Development Permit No. 23-007 to demolish an existing two-story single-family residence and construct an 8,655 sq. ft. three-story single-family residence at an overall height of 30 ft. conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act in that the project will not impede public access, recreation, or views to coastal resources.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 23-019/ COASTAL DEVELOPMENT PERMIT NO. 23-007:

1. The site plan, floor plans, and elevations received April 8, 2024 shall be the conceptually approved layout.
2. The differential between top of subfloor (finished floor) and datum (highest adjacent curb) shall be a maximum of two feet as determined by Public Works. In the event that any subfloor, stem wall or footing is proposed greater than two feet above datum, the height in excess shall be deducted from the proposed 30-foot maximum allowable ridgeline height. **(Code Requirement HBZSO 230.70 (B))**
3. Prior to issuance of building permits, the owner shall provide the Director evidence of a covenant agreement filed and recorded with the County of Orange upon the subject property that stipulates that only a single-family residence will exist on the property, and that no commercial, quasi-residential, or institutional land uses including a group home or sober living home will be established. The covenant agreement shall be effective in perpetuity with the subject property.
4. Prior to submittal of building permits, the following shall be completed: Zoning entitlement conditions of approval 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.
5. During demolition, grading, site development, and/or construction, the following shall be completed:
 - 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.

6. Prior to issuance of final building permits, the following shall be completed:
 - a. All improvements must be completed in accordance with approved plans.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Community Development 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.
7. 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.
8. Conditional Use Permit No. 23-019 in conjunction with Coastal Development Permit No. 23-007 shall become null and void unless exercised within two years of the date of final approval or within one year of the date of final Coastal Development Permit approval by the Coastal Commission if the Coastal Development Permit is appealed, or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
9. 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 Community Development 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.

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.