

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, JUNE 1, 2022 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Tess Nguyen, Joanna Cortez, Kim De Coite

PUBLIC COMMENTS: **NONE**

ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 22-003 (EASTER CIRCLE RESIDENCE):

APPLICANT: Allan Cerna, 2230 Parkside Avenue #202, Los Angeles CA 90031
PROPERTY OWNER: Danny Elia, Ivy Portfolio, LLC, 2355 Westwood Boulevard #678, Los Angeles CA 90064
REQUEST: To permit a 2,036 sq. ft. second story addition and interior remodel with a total of 244 sq. ft. of decks to an existing 3,034 sq. ft. single family residence at an overall height of 22 ft.-7 in.
ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.
Appealable
LOCATION: 3271 Easter Circle, 92649 (north side of Easter Circle, west of Channel Lane)
CITY CONTACT: Tess Nguyen

Tess Nguyen, Associate Planner, displayed project plans and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary. Staff received no public comments for this item.

Ricky Ramos, Zoning Administrator, had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Allan Cerna, applicant, stated that he had no comments or concerns with the staff's recommendations.

Gary Phillips, neighboring property owner, expressed concern with the potential construction impacts and asked for more information.

Ms. Nguyen and Mr. Cerna reviewed the proposed project for Mr. Phillips.

THERE WAS NO ONE ELSE PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos stated that he would approve the request as recommended by staff.

COASTAL DEVELOPMENT PERMIT NO. 22-003 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

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 15301 of the CEQA Guidelines because the project consists of a remodel and addition to an existing single-family residence within a residential zone.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 22-003:

1. Coastal Development Permit No. 22-003 to permit a 2,036 sq. ft. second story addition and interior remodel with a total of 544 sq. ft. of decks to an existing 3,034 sq. ft. single-family residence at an overall height of 22 ft. 7 in. 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 addition will occur entirely on a developed site, contiguous to existing single-family residential development.
2. Coastal Development Permit No. 22-003 to permit a 2,036 sq. ft. second story addition and interior remodel with a total of 544 sq. ft. of decks to an existing 3,034 sq. ft. single-family residence at an overall height of 22 ft. 7 in. 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, as proposed, will comply with all applicable development regulations, including building height, building setbacks, parking, 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. 22-003 to permit a 2,036 sq. ft. second story addition and interior remodel with a total of 544 sq. ft. of decks to an existing 3,034 sq. ft. single-family residence at an overall height of 22 ft. 7 in. is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 22-003 to permit a 2,036 sq. ft. second story addition and interior remodel with a total of 544 sq. ft. of decks to an existing 3,034 sq. ft. single-family residence at an overall height of 22 ft. 7 in. 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 – COASTAL DEVELOPMENT PERMIT NO. 22-003:

1. The site plan, floor plans, and elevations received and dated April 6, 2022 shall be the conceptually approved design.

2. Prior to submittal of building permits, zoning entitlement conditions of approval and code requirements identified in separately transmitted memorandum from the Departments of Fire, Community Development, 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. The structure cannot be occupied and the final building permit(s) cannot be approved until the following have been 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.
4. Coastal Development Permit No. 22-003 shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval or 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.
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. 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.

ITEM 2: COASTAL DEVELOPMENT PERMIT NO. 22-004 (LE ADDITION):

APPLICANT: Karen Otis, Otis Architecture, 16845 E. Avenue of the Fountains #107, Fountain Hills, AZ, 85268
PROPERTY OWNER: Don and Jade Le, 16251 San Clemente Circle, Huntington Beach, CA 92649
REQUEST: To permit a 745 sq. ft. addition to the second floor of an existing two-story single family residence at an overall height of 30 feet.
ENVIRONMENTAL STATUS: This request is covered by Categorical Exemption Section 15301, Class 1, California Environmental Quality Act. Appealable
LOCATION: 16251 San Clemente, 92649 (located at the terminus of San Clemente Cir.)
CITY CONTACT: Joanna Cortez

Joanna Cortez, Associate Planner, displayed project plans and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary. She reviewed minor corrections for Finding Nos. 2 and 4. Staff received no public comments on the proposed project.

Ricky Ramos, Zoning Administrator, had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Karen Otis, applicant, spoke in support of Item No. 2, noting that the design maintained the original character of the home, and stated that she had received a letter of approval from the Homeowner's Association.

Brett Nemeth, attorney for adjacent resident, spoke in opposition to Item No. 2, stating that the property owner of the subject site has built unpermitted walls and needed to resolve the code enforcement case prior to receiving any other city approvals. Mr. Nemeth stated that the property owner has been combative with, and issued death threats against, his client. Additionally, Mr. Nemeth cited concerns with the potential property value impacts from the proposed project and the unpermitted wall.

Mr. Ramos indicated that he could not provide a nexus for the code enforcement case and the proposed project and could not use the case to inform any findings for denial.

THERE WAS NO ONE ELSE PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos stated that he would approve the request as recommended by staff with staff's proposed modifications.

COASTAL DEVELOPMENT PERMIT NO. 22-004 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

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 15301 of the CEQA Guidelines because the project consists of a remodel and addition to an existing single-family residence within a residential zone.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 22-004:

1. Coastal Development Permit No. 22-004 to permit a 745 sq. ft. addition to the second floor of an existing two-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 addition will occur entirely on a developed site, contiguous to existing single-family residential development.
2. The request to permit a 745 sq. ft. addition to the second floor of an existing two-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, as proposed, complies with all applicable development regulations, including setbacks, parking, and lot 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 because Coastal Development Permit No. 22-004 to permit a 745 sq. ft. addition to the second floor of an existing two-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. 22-004 to permit a 745 sq. ft. addition to the second floor of an existing two-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 - COASTAL DEVELOPMENT PERMIT NO. 22-004:

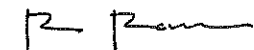
1. The site plan, floor plans, and elevations received and dated April 25, 2022 shall be the conceptually approved layout with the following modification: the balcony projection along the front elevation shall not exceed 1/3 of the building length (**HBZSO 230.68**)
2. The final building permit(s) cannot be approved until the following have been 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.

3. Prior to submittal of building permits, zoning entitlement conditions of approval and code requirements identified in separately transmitted memorandum from the Departments of Fire, Community Development, 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.
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. Coastal Development Permit No. 22-004 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 Community Development Department a minimum 30 days prior to the expiration date.
6. 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.

THE MEETING WAS ADJOURNED AT 2:18 P.M. TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, JUNE 15, 2022, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:kdc