

## **CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
301 E. OCEAN BLVD., SUITE 300  
LONG BEACH, CA 90802-4830  
(562) 590-5071



# **W12a**

**A-5-HNB-22-0053 (Ong)**

**November 16, 2022**

## **EXHIBITS**

### **Table of Contents**

Exhibit 1 – Vicinity Map and Project Site

Exhibit 2 – City Approved Plans

Exhibit 3 - City's Determination

Exhibit 4 – Appeal





# Ong Residence

## 16422 BARNSTABLE CIRCLE

DEFERRED SUBMITTAL
FIRE SPRINKLER SYSTEM ELECTRICAL METER UPGRADE
SPRINKLER NOTE THIS STRUCTURE SHALL UTILIZE AN APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM IN ACCORDANCE WITH N.F.P.A. 13D.
CALL BEFORE YOU DIG UNDERGROUND SERVICE ALERT 1-800-422-4133 TWO WORKING DAYS BEFORE YOU DIG
CANTILEVERED DECK IMPROVEMENT REQUIRE SEPARATE COASTAL COMMISSION APPROVAL AND BUILDING PERMITS.
UTILITIES NOTE ALL UTILITY SERVICES ARE TO BE UNDERGROUND (OCMA 7-1-14)
INSPECTION NOTE STRUCTURAL OBSERVATION WILL BE PERFORMED WHEN REQUIRED BY THE BUILDING OFFICIAL
SPECIAL INSPECTION NOTE IN ADDITION TO THE REGULAR INSPECTIONS, THE FOLLOWING CHECKED ITEMS WILL ALSO REQUIRE SPECIAL INSPECTION IN ACCORDANCE WITH SEC. 306 OF THE UNIFORM BUILDING CODE. CERTIFICATION FROM SOILS ENGINEER FOOTING EXCAVATION, SIZES, SOIL CONDITION PRESTRESSED STEEL FIELD WELD STRUCTURAL CONCRETE OVER 2200 PSI CONCRETE EXPOSED TO SULFATE SOILS COMPLIANCE PRIOR TO FOUNDATION INSPECTION PILES / CAISSONS DESIGNER - SPECIFIED OTHER/EXPORT ANCHORS

### SCOPE OF WORKS

ADDITION AND REMODEL TO EXISTING HOME WHICH  
CONSISTING OF NEW SECOND FLOOR AND THIRD  
FLOOR.

### LEGENDS

PROPOSED NEW STUD WALLS

ELECTRICAL MAIN AND SHUT-OFF VERIFY LOC.  
OUTDOOR MOTION SENSOR W/AUTOMATIC ON/OFF  
OPERATION AND PHOTO CELL TO KEEP LIGHTS OFF  
DURING DAYLIGHT  
(SENSOR MUST COMPLY WITH 30 MINUTE SHUT OFF  
REQUIREMENT AND VIEW AREA IT ILLUMINATES)

### LEGAL DESCRIPTION

OWNER: SCOT ONG, 16422 BARNSTABLE CIR, HUNTINGTON BEACH, CA  
92649.

3 BEDS, 3 BATHS, AND 1 POWERO

EXISTING LIVING AREA: 2,331 SQ. FT.

LOT SIZE: 5,116.6 SQ. FT., PARCEL NUMBER: 17806219

### NEW AREA TABULATION

FIRST FLOOR LIVING AREA: (EXISTING) 2,324 S.F.

SECOND FLOOR LIVING AREA: (NEW) 2,238 S.F.

THIRD FLOOR LIVING AREA: (NEW) 1,038 S.F.

TOTAL LIVING AREA: 5,600 S.F.

FRONT EXTERIOR ENTRANCE PORCH AREA: 45 S.F.

2ND FLOOR FRONT BALCONY AREA: 154 S.F.

2ND FLOOR REAR BALCONY AREA: 168 S.F.

CARAGE AREA: (EXISTING) 451 S.F.

LOT COVERAGE CALCULATIONS:  $2,324 + 451 + 2,275 / 5,116.6 = 54\%$

### CODES

UNLESS NOTED OTHERWISE, ALL REFERENCES PERTAIN TO THE  
CURRENT EDITION OF THE:

2019 CALIFORNIA BUILDING CODE (CBC).

2019 CALIFORNIA PLUMBING CODE (CPC)

2019 CALIFORNIA MECHANICAL CODE (CMC)

2019 CALIFORNIA ELECTRICAL CODE (CEC)

2019 CALIFORNIA FIRE CODE (CFC)

2019 CALIFORNIA GREEN BUILDING CODE

2019 CALIFORNIA ENERGY T-24 CA LCULATION

AND 2019 CBC

CONSTRUCTION TYPE VB, NUMBER OF STORY 3 - SPRINKLER

OCCUPANCY: R3, GARAGE - U-1

FRONT SETBACK: 15 FT.

SIDE SETBACK: 5 FT.

REAR SETBACK: 10 FT.

MAX. HEIGHT: 35 FT.

ACCESSORY STRUCT: 15 FT.

MIN. LOT AREA: 6,000 SQ. FT.

MAX. (FAR): NOT APPLICABLE

EASE PROJECTION: 18 INCHES

BALCONY PROJECTION: FRONT AND REAR: 2 FEET, SIDE: 0

GARAGE SETBACK: 20 FEET

CITY MAX. HEIGHT: 35 FEET

### OWNER

SCOT ONG

16422 ARDSLEY DRIVE

HUNTINGTON BEACH, CA 92649

(323) 770-1888

### DESIGNER

JOSEPH PHAN & ASSOCIATES

17927 TOYABE CIRCLE

FOUNTAIN VALLEY, CA 92708

(714) 454-0715

### ENGINEERING

TMC ENGINEERS, INC.

9542 PACIFIC AVENUE

ANAHEIM, CA 92804

(714) 829-5053

### SOILS ENGINEER

HAN TORO

TEL: 714-396-3888





### VICINITY MAP

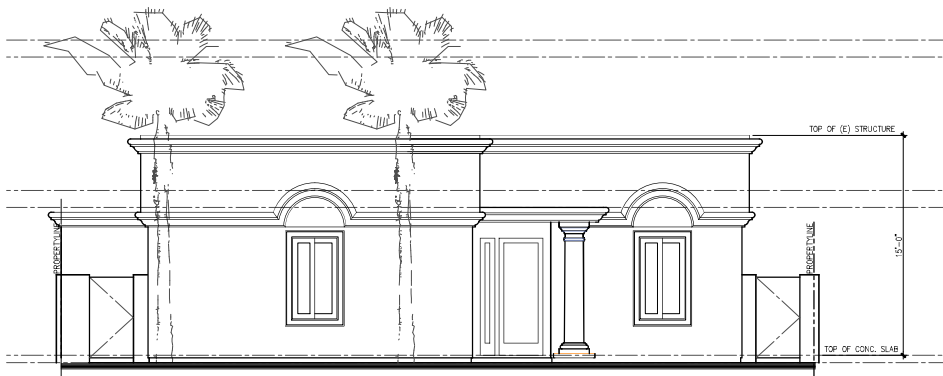
California Coastal Commission

A-5-HNB-22-0053

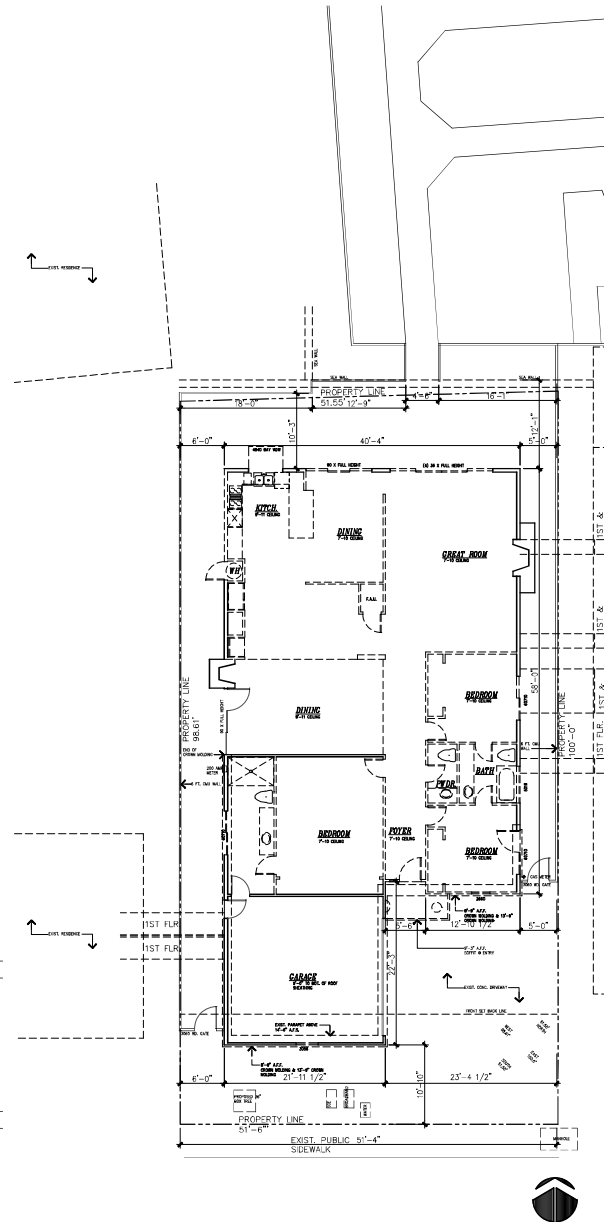
Exhibit 2

Page 1 of 7

 <b>JOSEPH PHAN &amp; ASSOCIATES</b> 17927 TOYABE CIR. FOUNTAIN VALLEY, CA 92708 714.454.0715
 DATE: JUNE 22, 2024
<small>COPYRIGHT: THESE DRAWINGS INCLUDE DESIGN, IDEAS AND CONSTRUCTION TECHNIQUES PERTAINING TO THE EXCLUSIVE PROPERTY OF JOSEPH PHAN &amp; ASSOCIATES. THEY SHALL NOT BE REPRODUCED, COPIED OR REPRODUCED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF JOSEPH PHAN &amp; ASSOCIATES. ALL RIGHTS RESERVED</small>
<b>CUSTOM HOME FOR:</b> <b>MR. SCOT ONG</b> <b>16422 BARNSTABLE CIR.</b> <b>HUNTINGTON BEACH, CA</b> <b>92649</b> <b>OWNER PHONE:</b>
<b>ISSUES &amp; REVISIONS</b> ▲ ▲ ▲ ▲ ▲ ▲ ▲ ▲ ▲ ▲
<b>PROJECT #</b> DATE: NOV. 20, 2020 <b>SCALE</b> DESIGNED BY: JOSEPH P. DRAWN BY: JOSEPH P.
<b>SHEET TITLE</b> COVER SHEET
<b>SHEET #</b> <b>CS</b> PLOT DATE: JUL 22, 2022



EXISTING FRONT ELEVATION SCALE : 1/4" = 1'-0"



EXISTING AND DEMO PLAN SCALE : 1/8" = 1'-0"



VICINITY MAP

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JOSEPH PHAN & ASSOCIATES  
17927 TOYABE CIR  
FOUNTAIN VALLEY • CALIFORNIA • 92708  
714.454.0715

DATE: JUNE 22, 2020

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CUSTOM HOME FOR:  
MR. SCOT ONG  
16422 BARNSTABLE CIR.  
HUNTINGTON BEACH, CA  
92649

OWNER PHONE:

## ISSUES & REVISIONS

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PROJECT #	
DATE	NOV. 20, 2020
SCALE	
DESIGNED BY	JOSEPH P.
DRAWN BY	JOSEPH P.

SHEET TITLE  
EXISTING AND DEMO PLANS

SHEET #

AO

PLOT DATE: JUL 22, 2022

California Coastal Commission

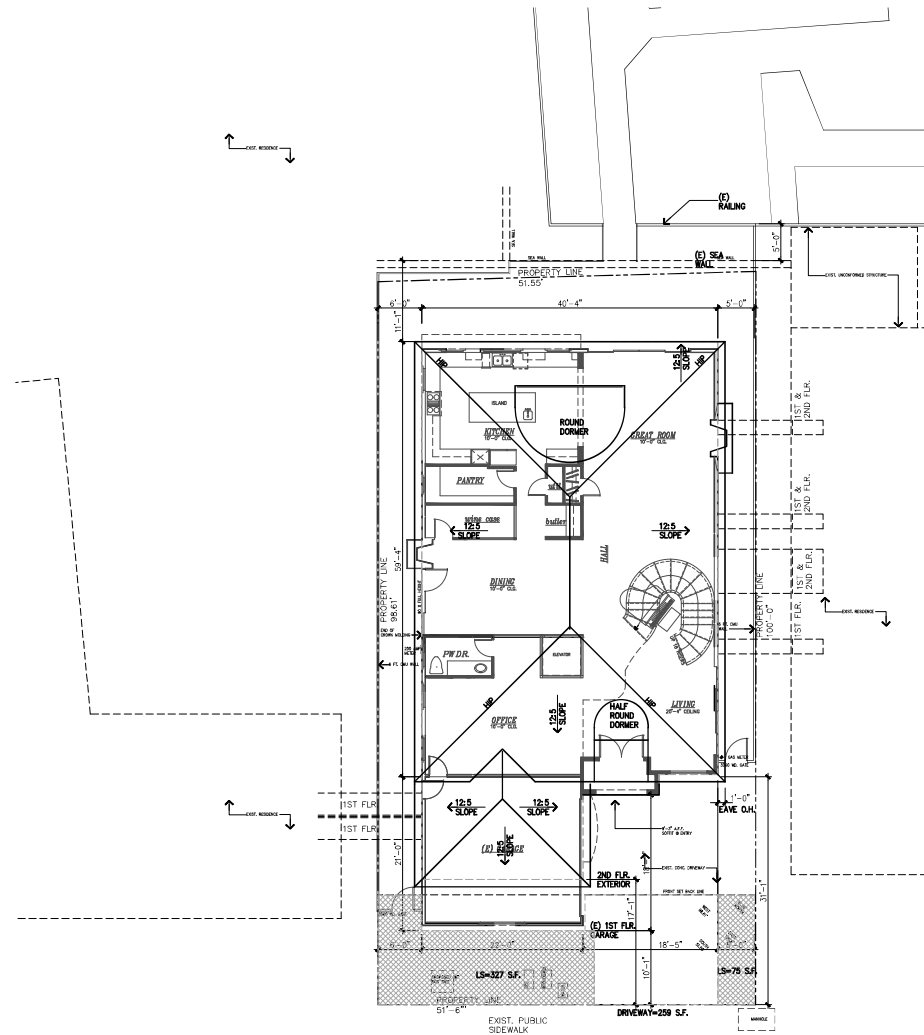
A-5-HNB-22-0053

Exhibit 2

Page 2 of 7

# Ong Residence

## 16422 BARNSTABLE CIRCLE



### SITE PLAN & ROOF PLAN

NOTES: ALL ROOF SLOPE ABOVE 30 FT. SHALL BE 5:12 MINIMUM

SCALE : 1/8" = 1'-0"

### SCOPE OF WORKS

ADDITION AND REMODEL TO EXISTING HOME WHICH CONSISTING OF NEW SECOND FLOOR AND THIRD FLOOR.

### LEGENDS

PROPOSED NEW STUD WALLS

ELECTRICAL MAIN AND SHUT-OFF VERIFY LOC.  
OUTDOOR MOTION SENSOR W/AUTOMATIC ON/OFF OPERATION AND PHOTO CELL TO KEEP LIGHTS OFF DURING DAYLIGHT  
(SENSOR MUST COMPLY WITH 30 MINUTE SHUT OFF REQUIREMENT AND VIEW AREA IT ILLUMINATES)

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SECOND FLOOR LIVING AREA (NEW)	2,338 S.F.
THIRD FLOOR LIVING AREA (NEW)	1,038 S.F.
<b>TOTAL LIVING AREA</b>	<b>5,600 S.F.</b>

FRONT EXTERIOR ENTRANCE PORCH AREA:	45 S.F.
2ND FLOOR FRONT BALCONY AREA:	154 S.F.
2ND FLOOR REAR BALCONY AREA:	168 S.F.
GARAGE AREA (EXISTING):	451 S.F.

LOT COVERAGE CALCULATIONS: 2,324+451+2,775/5,116.6=54%

### CODES

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2019 CALIFORNIA MECHANICAL CODE (CMC),  
2019 CALIFORNIA ELECTRICAL CODE (CEC),  
2019 CALIFORNIA FIRE CODE (CFC),  
2019 CALIFORNIA GREEN BUILDING CODE  
AND 2019 CBC.

CONSTRUCTION TYPE VB, NUMBER OF STORY 3 - SPRINKLER OCCUPANCY: R3, GARAGE - U-1

FRONT SETBACK:	15 FT.
SIDE SETBACK:	5 FT.
REAR SETBACK:	10 FT.
MAX. HEIGHT:	35 FT.
ACCESSORY STRUCT:	15 FT.
MIN. LOT AREA:	6,000 SQ. FT.
MAX. (FIRE):	NOT APPLICABLE
EASE PROJECTION:	18 INCHES
BALCONY PROJECTION:	FRONT AND REAR: 2 FEET, SIDE: 0
GARAGE SETBACK:	20 FEET
CITY MAX. HEIGHT:	35 FEET

### OWNER

SCOT ONG  
16422 ARDSLEY DRIVE  
HUNTINGTON BEACH, CA 92649  
(323) 770-1888

### DESIGNER

JOSEPH PHAN & ASSOCIATES  
17927 TOYABE CIRCLE  
FOUNTAIN VALLEY, CA 92708  
(714) 454-0715

### ENGINEERING

TMC ENGINEERS, INC.  
9542 PACIFIC AVENUE  
ANAHEIM, CA 92804  
(714) 829-5053

### SOILS ENGINEER

HAN TORO  
TEL: 714-396-3888



### VICINITY MAP



**JOSEPH PHAN & ASSOCIATES**  
17927 TOYABE CIR.  
FOUNTAIN VALLEY, CALIFORNIA 92708  
714.454.0715

DATE: JUNE 22, 2022

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CUSTOM HOME FOR:  
MR. SCOT ONG  
16422 BARNSTABLE CIR.  
HUNTINGTON BEACH, CA 92649

OWNER PHONE:

### ISSUES & REVISIONS

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### PROJECT #

DATE: NOV. 20, 2020

### SCALE

DESIGNED BY: JOSEPH P.

DRAWN BY: JOSEPH P.

### SHEET TITLE

SCOPE OF WORKS, VICINITY MAP, SITE PLAN STUDY

### SHEET #

A1

PLOT DATE: JUL 22, 2022

California Coastal Commission

A-5-HNB-22-0053

Exhibit 2

Page 3 of 7



JOSEPH PHAN &  
ASSOCIATES  
17927 TOYABE CIR.  
FOUNTAIN VALLEY, CA 92708  
714.454.0715

UNITE, JUNE 22, 2022

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MR. SCOT ONG  
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HUNTINGTON BEACH, CA  
92649  
OWNER PHONE:

#### ISSUES & REVISIONS

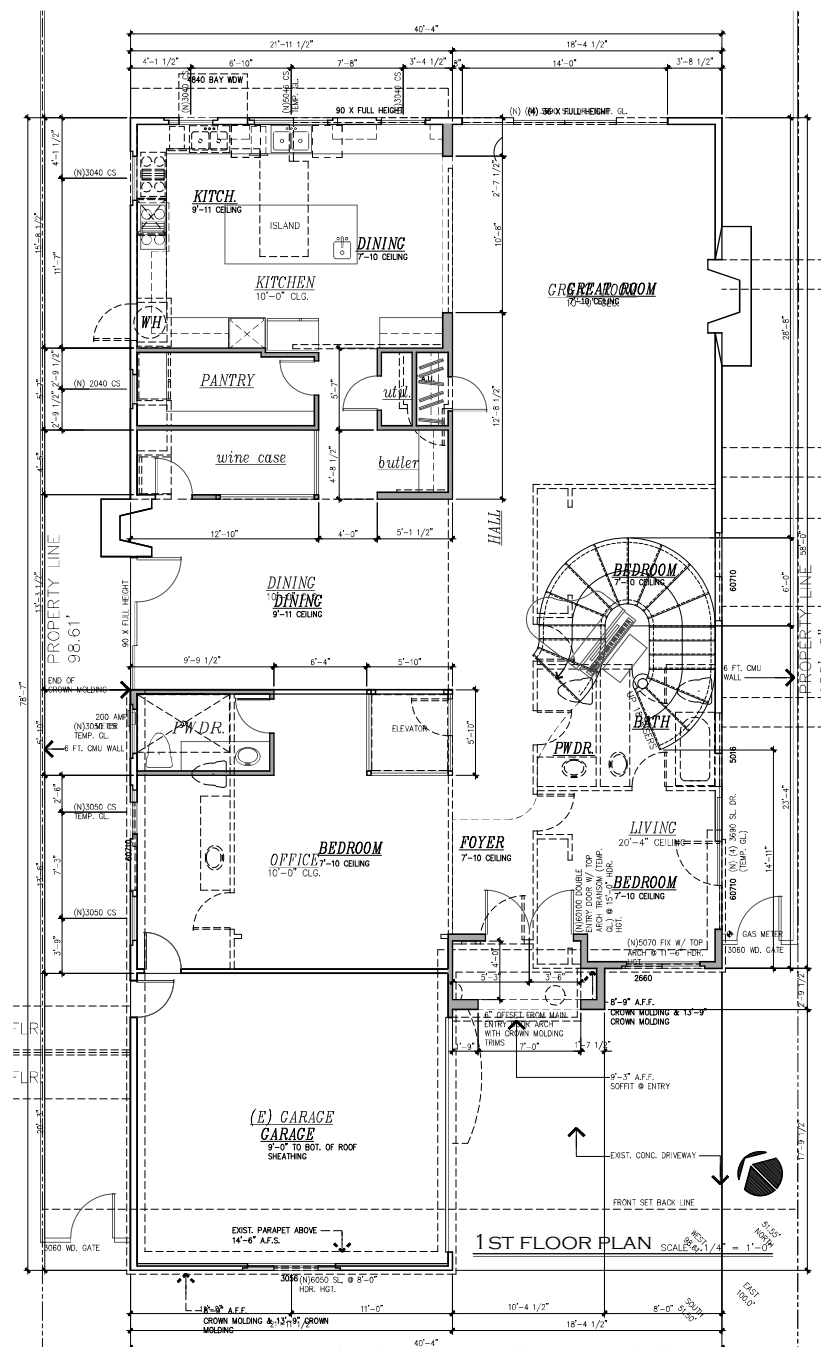
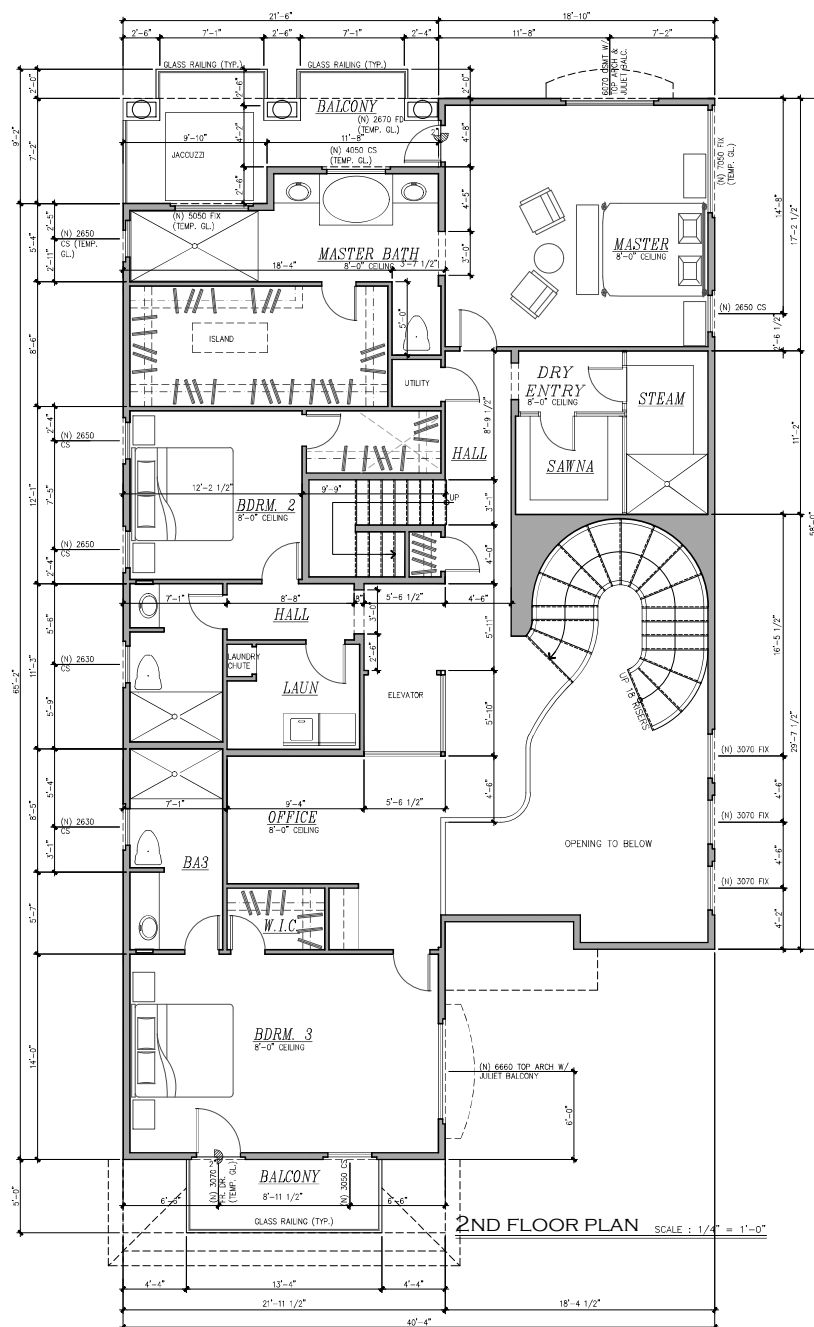
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PROJECT #  
DATE: NOV. 20, 2020  
SCALE  
DESIGNED BY JOSEPH P.  
DRAWN BY JOSEPH P.  
SHEET TITLE  
FLOOR PLANS

SHEET #

A2

PLOT DATE: JUL. 22, 2022



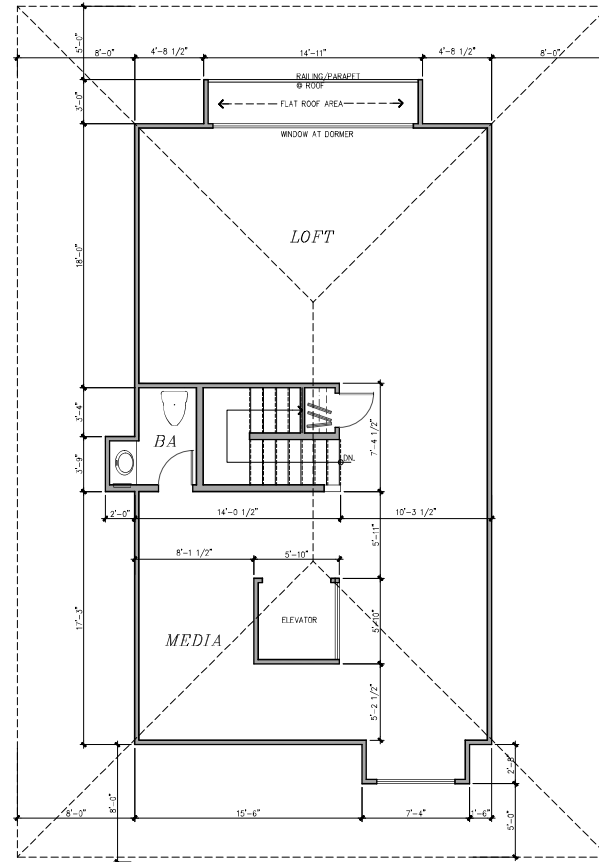
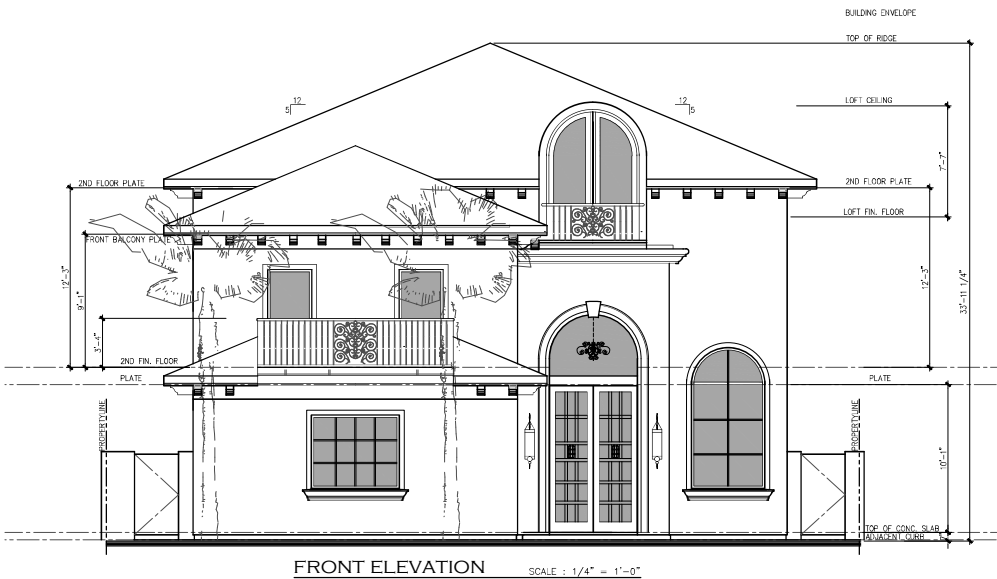
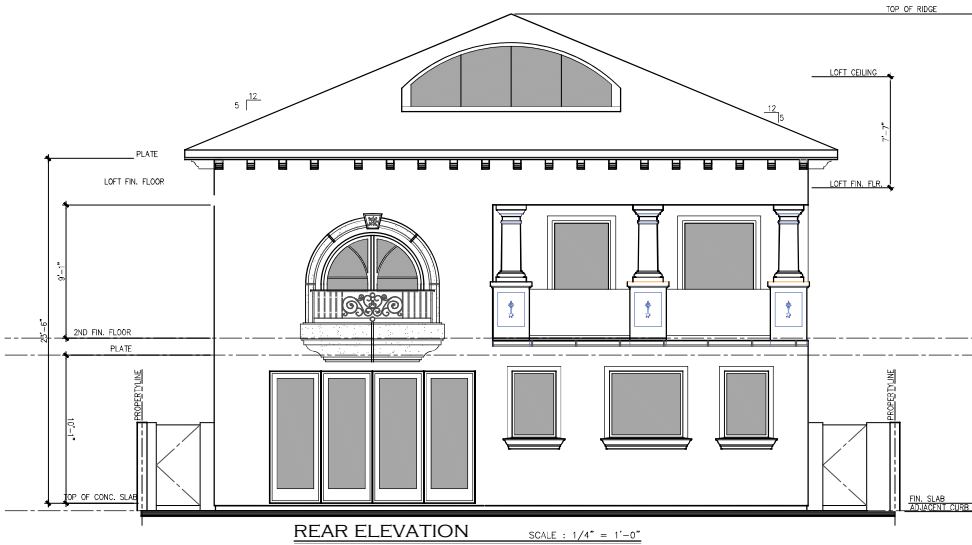
California Coastal Commission

A-5-HNB-22-0053

Exhibit 2

Page 4 of 7

1 ENVELOPE



3RD FLOOR PLAN SCALE: 1/4" = 1'-0"



JOSEPH PHAN & ASSOCIATES  
17927 TOYABE CIR.  
FOUNTAIN VALLEY, CA 92708  
714.454.0715

DATE: JUNE 22, 2022

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CUSTOM HOME FOR:  
MR. SCOT ONG  
16422 BARNSTABLE CIR.  
HUNTINGTON BEACH, CA  
92649  
OWNER PHONE:

ISSUES & REVISIONS  
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PROJECT #  
DATE: NOV. 20, 2020  
SCALE  
DESIGNED BY JOSEPH P.  
DRAWN BY JOSEPH P.

SHEET TITLE  
FLOOR PLANS

SHEET #

A3

PLOT DATE: JUL 22, 2022



**JOSEPH PHAN & ASSOCIATES**  
17927 TOYABE CIR.  
FOUNTAIN VALLEY, CALIFORNIA 92708  
714.454.0715

DATE: JUNE 22, 2024

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CUSTOM HOME FOR:  
MR. SCOT ONG  
16422 BARNSTABLE CIR.  
HUNTINGTON BEACH, CA  
92649

OWNER PHONE:

#### ISSUES & REVISIONS

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PROJECT #

DATE: NOV. 20, 2020

SCALE

DESIGNED BY JOSEPH P.

DRAWN BY JOSEPH P.

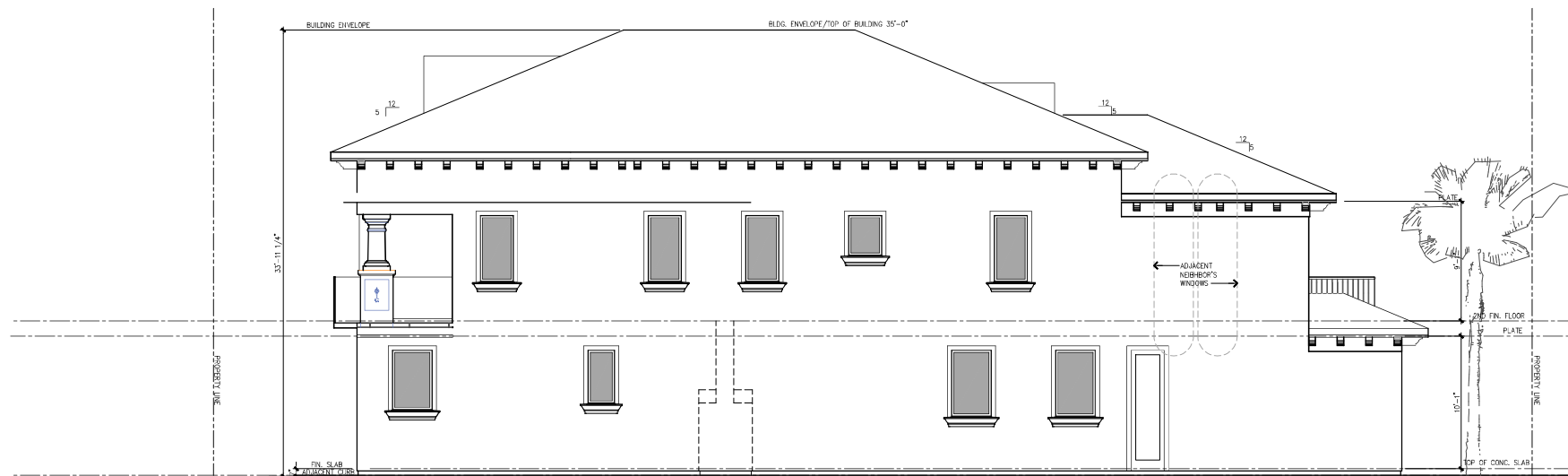
SHEET TITLE

EXTERIOR ELEVATIONS

SHEET #

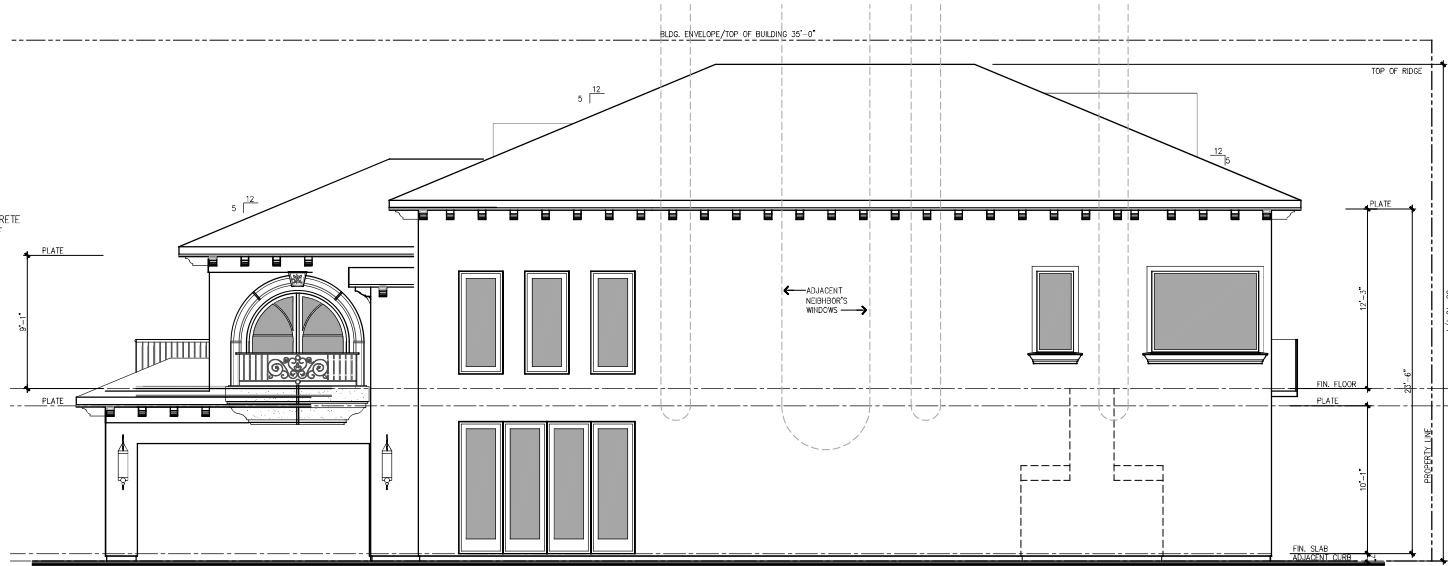
A4

PLOT DATE: JUL. 22, 2022



RIGHT ELEVATION

SCALE: 1/4" = 1'-0"

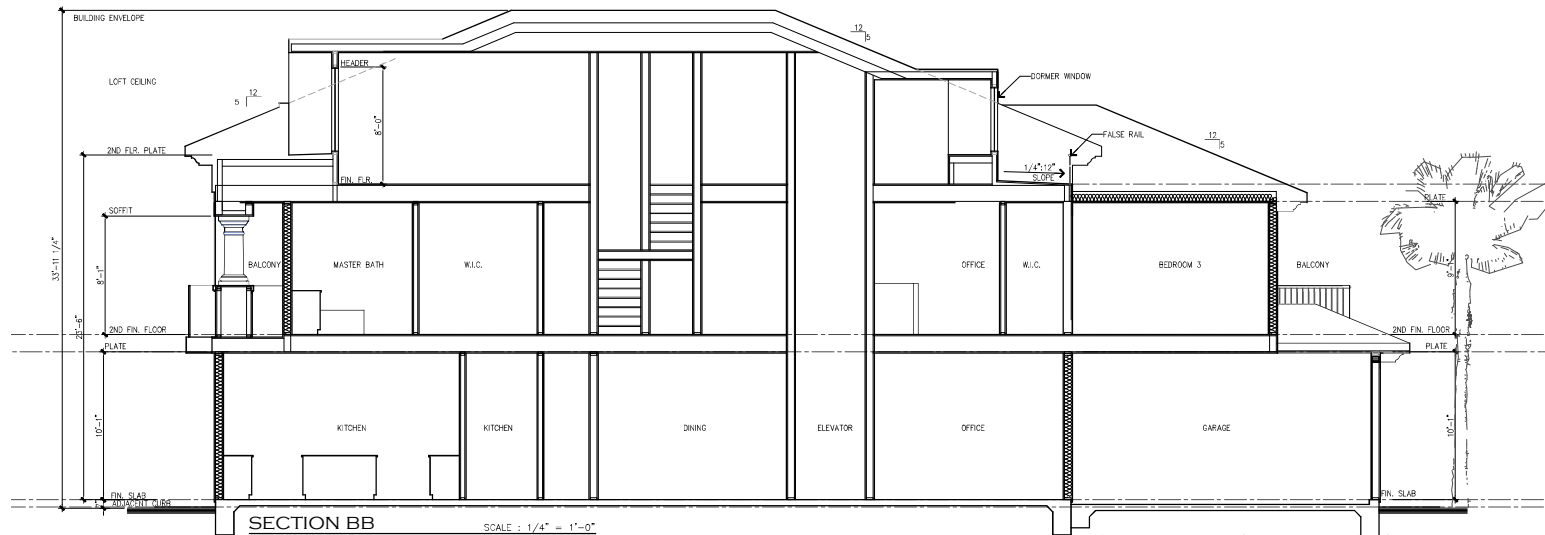
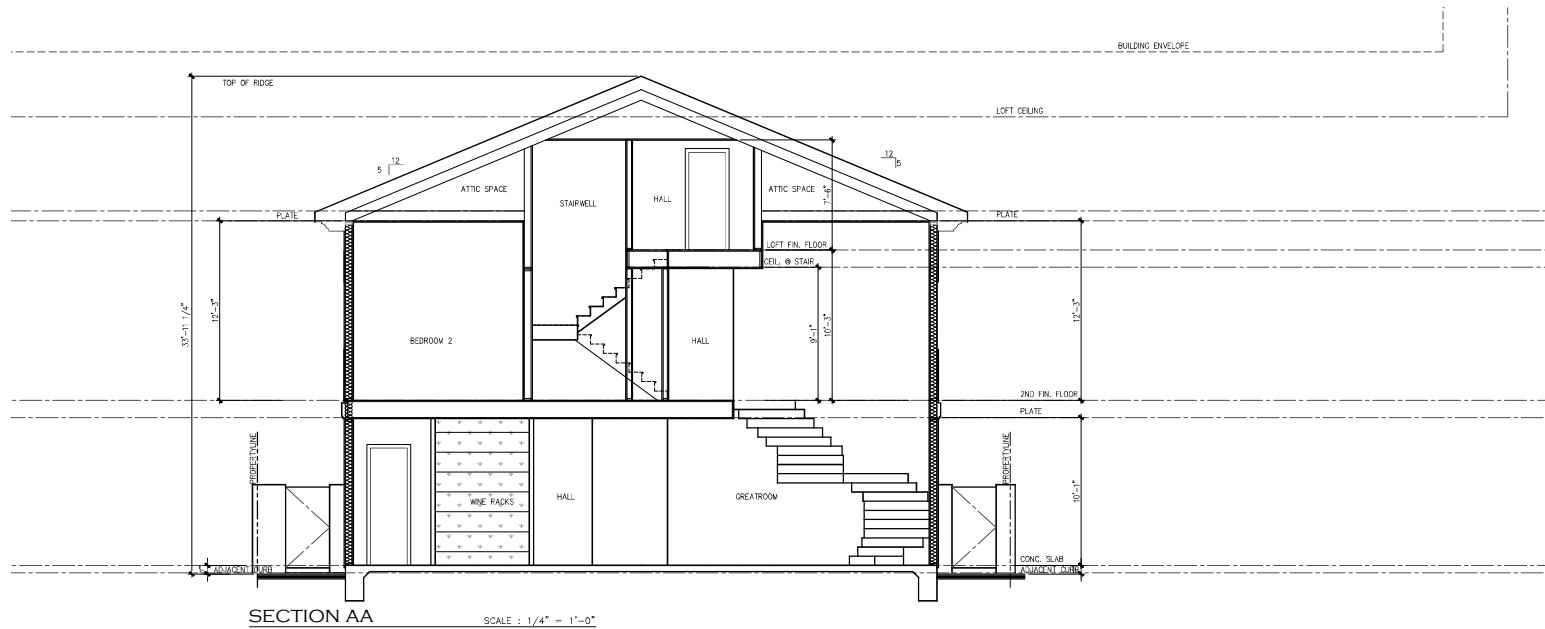


LEFT ELEVATION

SCALE: 1/4" = 1'-0"

#### MATERIAL SCHEDULE

ITEM	MATERIAL	COLOR
1	walls	stucco
2	walls (building corners)	stucco
3	roofing	two-piece clay tile
4	fascia trim	stucco
5	railings	wrought iron
6	ext. doors	wood
7	entry door	wrought iron / glass
8	window trim	wood/cid
9	garage door	mahogany
10	columns	cast concrete
11	gutters	copper
12	window sill	stucco
13	plant balcony	stucco
14	balcony	stucco



**JOSEPH PHAN & ASSOCIATES**  
17927 TOYABE CIR.  
FOUNTAIN VALLEY, CA 92708  
714.454.0715

DATE: JUNE 22, 2022

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**CUSTOM HOME FOR:**  
MR. SCOT ONG  
16422 BARNSTABLE CIR.  
HUNTINGTON BEACH, CA 92649  
**OWNER PHONE:**

**ISSUES & REVISIONS**

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**PROJECT #**  
DATE: NOV. 20, 2020  
**SCALE**  
DESIGNED BY: JOSEPH P.  
DRAWN BY: JOSEPH P.

**SHEET TITLE**  
BUILDING SECTIONS

**SHEET #**  
A5  
**PLOT DATE:** JUL. 22, 2022



**OFFICE of the ZONING ADMINISTRATOR  
CITY OF HUNTINGTON BEACH • CALIFORNIA**

P.O. BOX 190

CALIFORNIA 92648

**NOTICE OF ACTION**

(714) 536-5271

August 18, 2022

Joseph Plan  
17927 Toiyable Circle  
Fountain Valley CA 92708

**SUBJECT:** **CONDITIONAL USE PERMIT NO. 22-001 AND COASTAL  
DEVELOPMENT PERMIT NO. 22-001 (ONG RESIDENCE)**

**APPLICANT:** Joseph Plan, 17927 Toiyable Circle, Fountain Valley CA 92708

**REQUEST:** To construct a 3,276 sq. ft. addition, including a 1,038 sq. ft. third floor addition, with a total of 322 sq. ft. of balconies to an existing 2,324 sq. ft. one-story single family residence at an overall height of 33 ft.-11 in.

**PROPERTY OWNER:** Scott Ong, 16422 Barnstable Circle, Huntington Beach CA 92649

**LOCATION:** 16422 Barnstable Circle, 92649 (north side of Barnstable Circle, east of Humboldt Drive)

**CITY CONTACT:** Tess Nguyen

**DATE OF ACTION:** August 17, 2022

On Wednesday, **August 17, 2022**, 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 Two Hundred Eighty-Six Dollars (\$3,286.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and Four Thousand Five Hundred Thirty-Six Dollars (\$4,536.00) 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 **August 31, 2022, at 5:00 PM**, for the coastal development permit and **August 29, 2022, 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: Amber Dobson  
(562) 590-5071

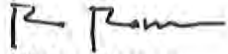
The Coastal Commission review period will commence after the City appeal period has ended and no appeals have been filed. Applicants will be notified by the Coastal Commission as to the date of the conclusion of the Coastal Commission review. Applicants are advised not to begin construction prior to 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 Tess Nguyen, the city contact, at (714) 374-1744 or via email at [TNguyen@surfcity-hb.org](mailto:TNguyen@surfcity-hb.org) or the Department of Community Development Zoning Counter at (714) 536-5271.

Sincerely,



Ricky Ramos  
Zoning Administrator

RR:TN:kdc  
Attachment

c: Honorable Mayor and City Council  
Chair and Planning Commission  
Al Zelinka, City Manager  
Travis Hopkins, Assistant City Manager  
Ursula Luna-Reynosa, Director of Community Development  
Matthew Schneider, Planning Manager  
Tim Andre, Fire Division Chief  
Bob Milani, Principal Civil Engineer  
Steve Eros, Fire Protection Analyst  
Jacob Worthy, Fire Protection Analyst  
Property Owner  
Project File

## ATTACHMENT NO. 1

### FINDINGS AND CONDITIONS OF APPROVAL

#### CONDITIONAL USE PERMIT NO. 22-001 COASTAL DEVELOPMENT PERMIT NO. 22-001

#### 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 - CONDITIONAL USE PERMIT NO. 22-001:

1. Conditional Use Permit No. 22-001 to construct a 3,276 sq. ft. addition, including a 1,038 sq. ft. third floor addition, with a total of 322 sq. ft. of balconies to an existing 2,324 sq. ft. one-story single family residence at an overall height of 33 ft.-11 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 at an overall height of 33 ft.-11 in. will be located within the confines of the second story roof volume. The third floor habitable area does not exceed the height limit and will be accessible only from the interior of the building.
2. The granting of the Conditional Use Permit No. 22-001 to construct a 3,276 sq. ft. addition, including a 1,038 sq. ft. third floor addition, with a total of 322 sq. ft. of balconies to an existing 2,324 sq. ft. one-story single family residence at an overall height of 33 ft.-11 in. will not adversely affect the General Plan because it is consistent with the Land Use Element designation RL (Residential Low Density) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

##### A. Land Use Element

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 third floor habitable area will be integrated within the confines of the second story roof volume.

3. Conditional Use Permit No. 22-001 to construct a 3,276 sq. ft. addition, including a 1,038 sq. ft. third floor addition, with a total of 322 sq. ft. of balconies to an existing 2,324 sq. ft. one-story single family residence at an overall height of 33 ft.-11 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 (HBZSO) because the project

complies with parking, building setbacks, building height, lot coverage, and privacy design standards. Furthermore, the third floor habitable area is within the confines of the second story second floor roof volume, as required by the HBZSO. Third floor habitable space 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. 22-001:**

1. Coastal Development Permit No. 22-001 to construct a 3,276 sq. ft. addition, including a 1,038 sq. ft. third floor addition, with a total of 322 sq. ft. of balconies to an existing 2,324 sq. ft. one-story single family residence at an overall height of 33 ft.-11 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. 22-001 to construct a 3,276 sq. ft. addition, including a 1,038 sq. ft. third floor addition, with a total of 322 sq. ft. of balconies to an existing 2,324 sq. ft. one-story single family residence at an overall height of 33 ft.-11 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. 22-001 to construct a 3,276 sq. ft. addition, including a 1,038 sq. ft. third floor addition, with a total of 322 sq. ft. of balconies to an existing 2,324 sq. ft. one-story single family residence at an overall height of 33 ft.-11 in. is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 22-001 to construct a 3,276 sq. ft. addition, including a 1,038 sq. ft. third floor addition, with a total of 322 sq. ft. of balconies to an existing 2,324 sq. ft. one-story single family residence at an overall height of 33 ft.-11 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 – CONDITIONAL USE PERMIT NO. 22-001 AND COASTAL DEVELOPMENT PERMIT NO. 22-001:**

1. The site plan, floor plans, and elevations received and dated July 22, 2022 shall be the conceptually approved design with the following modifications:
  - a. The minimum rear yard setback is 10 feet from the bulkhead per Use Variance No. 689. The rear building setback shall be drawn from the bulkhead to comply with this requirement.
  - b. The front porch shall be redesigned to have two open sides.

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. Conditional Use Permit No. 22-001 and Coastal Development Permit No. 22-001 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.

166422 Barnstable – Huntington Beach, CA

Following are objections to the approval of CDP/CUP:

1. The plans for this 3-story structure are required by the State of California Business and Professions Codes 5536 and 6745 to be designed, stamped and signed by a Calif. licensed Architect or Engineer prior to the issuance of any permit.
  - a. Business and Professions Code, section 5536.2: *Each county or city which requires the issuance of any permit as a condition precedent to the construction, alteration, improvement, or repair of any building or structure shall also require as a condition precedent to the issuance of the permit a signed statement that the person who prepared or was in responsible control of the plans and specifications for the construction, alteration, improvement, or repair of the building or structure is licensed under this chapter to prepare the plans and specifications, or is otherwise licensed in this state to prepare the plans and specifications.*
  - b. Refer to CA Business & Professions Code 5536 and 6745 for additional information.
2. Applicant has not demonstrated that this meets City of HB Zoning requirements. I could not find any zoning code references on the plans, project summary or application as they apply to this project. The standard Planning Application lists a Zoning Matrix, but none was provided. Per HB 2245.04 (H) a "*Coastal Development Permit includes all application materials, plans and conditions on which the approval is based*"
3. The existing Lot Coverage is 54%, which does not meet HB Zoning 210.06 RL standards.. Per the Zoning definition, a nonconforming structure is a structure that was lawfully erected, but which does not conform with the current development standards
4. HB236.06(C) and (E) applies to non-conforming structures, which states that "*The area of enlargement to a nonconforming structure in any five-year period shall not exceed 50% of the area of the structure on the effective date of the ordinance.*"
  - a. This existing plan is 2,324 SF living + 451 SF Garage = 2,765 SF (Existing)
  - b. Applicant is proposing addition of 2,238 (2<sup>nd</sup> flr) and 1,038 (3<sup>rd</sup> flr), for a total of 3,276 SF (Addition)
  - c. The addition is over 50% of the existing area and does not meet HB236.06 (E) as they are adding in excess of 50% of the area of the structure
5. Deck/Balconies are not counted in the lot coverage, if they are exempt zoning code should be referenced, with dimensions clearly on the plan on how far they are projecting from the structure. Decks are open to the sky, per Zoning Definition
6. Rear balcony does not state that it is projecting into setback, see #7.
7. The rear property line is incorrectly drawn, and setbacks may be not correct. Plans should be drawn per the recorded Tract Map as the rear property line is shown incorrectly

This objection is by: Cheryl DeMarco, AIA

16422 BARNSTABLE CIRCLE – HUNTINGTON BEACH, CA 92649

CDP22-001

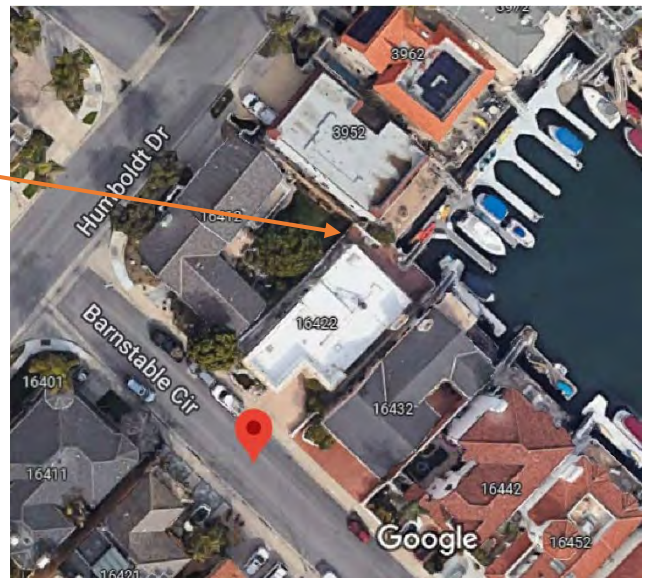
COASTAL COMMISSION APPEAL #5HNB-22-079779

## EXHIBIT 7

GROUND FORS APPEAL, BASED UPON CITY OF HUNTINGTON BEACH ZONING CODE/LOCAL LCP

### ZONING CODE DESCRIPTION

210.06 SETBACKS AT REAR PROPERTY  
TO BE 10'.  
EXISTING IS LESS THAN 10'. 2<sup>ND</sup>  
FLOOR WILL ADD ON AT SAME  
SETBACK WITH A 2<sup>ND</sup> FLOOR  
BALCONY/DECK PROJECTING OUT  
INTO REAR YARD. DISTANCE  
FROM NEIGHBORS DECK AND  
PROPOSED DECK WILL BE LESS  
THAN 12'



SEE GOOGLE MAP VIEW OF IMPACTED AREA

PROPOSED BALCONY PROJECTS INTO REAR YARD SETBACK MORE THAN 2'

210.06(C) MAX LOT COVERAGE ALLOWED IS 50%. PROPOSED LOT COVERAGE WILL BE 54%.  
ADDING A NEW FRONT ROOF AREA AND MAINTAINING THE EXISTING LOT  
COVERAGE MAKES THIS A NON-CONFORMING STRUCTURE

210.06(V) SOLID PATIO OPEN ON AT LEAST 2 SIDES MAY BE PERMITTED, 5% ADDITIONAL SITE  
COVERAGE – APPLICANT NEEDS TO SHOW HOW HE MEETS THIS. THIS IS PART OF  
THE NON-CONFORMING LOT COVERAGE.

231.04 REQUIRED PARKING NOT SHOWN, MIN. 2-CAR GARAGE NOT DIMENSIONED.  
TURN-IN GARAGE DOES NOT HAVE MINIMUM TURNING RADIUS

210.06(W) ORIENT UPPER STORY BALCONIES TOWARD THE SUBJECT HOME'S FRONT OR REAR YARD AREAS, A PUBLIC STREET, OR PERMANENT OPEN SPACE. THE YARD AREA OR DIRECTION FACED BY THE LONGEST SIDE OF THE BALCONY SHALL DETERMINE THE ORIENTATION. A MINIMUM 20-FOOT SEPARATION BETWEEN THE EXTERIOR FACE OF THE BALCONY OR DECK AND THE EXISTING ADJACENT STRUCTURE MAY BE PROVIDED IF ORIENTATION REQUIREMENTS CANNOT BE MET.

--BALCONY FACING THE NEIGHBORS CANNOT BE LESS THAN 20' FROM NEIGHBORS AND MUST BE SOLID, NOT GLASS AS SHOWN ON PLANS.

210.06(S) MIN. 40% LANDSCAPING IN FRONT

232.08

236.06 ALTERATIONS TO A NONCONFORMING STRUCTURE THE AREA OF ENLARGEMENT TO A NONCONFORMING STRUCTURE IN ANY FIVE-YEAR PERIOD SHALL NOT EXCEED 50% OF THE AREA OF THE STRUCTURE AS IT EXISTS ON THE EFFECTIVE DATE OF THE ORDINANCE CODIFIED IN THIS CHAPTER

THIS PROPERTY SHOULD NOT BE ALLOWED TO ADD MORE THAN 50% OF THE EXISTING AS IT IS NON-CONFORMING. IF THE PROPERTY OWNER WANTS TO ADD ON MORE THAN THAT, THEY MAY MAKE THE EXISTING REAR PORTION OF THE STRUCTURE CONFORM AND BRING IN THE LOT COVERAGE TO LESS THAN 50%.

THIS PROPOSED PROPERTY IS NON-CONFORMING TO CURRENT ZONING REGULATIONS. THE PLANNING DEPT REFERENCES TO A CONDITIONAL EXCEPTION #689, AKA "USE VARIANCE NO 689" THAT WAS USED FOR THE DEVELOPMENT OF HUNTINGTON HARBOUR. THE EXISTING PROPERTY IS NON-CONFORMING TO CURRENT ZONING SETBACKS AT THE REAR AS THE EXISTING HOME WAS SET TOO CLOSE AT THE ONE SIDE OF THE REAR PROPERTY. CITY OF HB IS ALLOWING THE NON-CONFORMANCE TO CONTINUE TO THE 2<sup>ND</sup> FLOOR, ALLOW A BALCONY TO PROJECT LESS THAN 20' TO NEIGHBORS. THIS IS NOT OK FOR THE NEIGHBORS, OR TO BE CONSISTENT WITH THE LOCAL COASTAL PLAN. I AM AVAILABLE TO DISCUSS MORE DETAILS IF NEEDED.

CHERYL DEMARCO