

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-7 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, MARCH 23, 2011 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Jill Arabe, Andrew Gonzales, Kim De Coite (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

**ITEM 1: CONDITIONAL USE PERMIT NO. 11-002 (COSTA FRONT YARD WALL-
CONTINUED FROM THE MARCH 16, 2011 MEETING)**

APPLICANT/
PROPERTY

OWNER: Vince Costa

REQUEST: To permit the construction of approximately 31 linear ft. wall and gate measuring 3 ft. 6 in. high in lieu of a maximum height of 1 ft. 6 in. permitted within 3 ft. of the front property line.

LOCATION: 222 11th Street, 92648 (south of 11th Street, between Walnut Avenue and Olive Avenue)

PROJECT PLANNER: Jill Arabe

Jill Arabe, Assistant Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

Ms. Arabe stated that she had received two letters opposing the project citing concerns with aesthetics.

Ricky Ramos, Zoning Administrator, verified the length of the wall along the property line.

THE PUBLIC HEARING WAS OPENED.

Vince Costa, applicant, stated that he has no comments or concerns with staff's recommended conditions of approval.

Dave Israelsky, 224 11th Street, spoke in opposition to the wall stating he believes that it detracts from the visual appearance of the neighborhood.

Paul Sievers, a legal representative of residents of 220 11th Street, asked for clarification regarding the encroachment into private property. He also stated that his client believes that the aesthetics of the community would be compromised by allowing the wall to stay in its present condition.

Mr. Ramos verified that the encroachment issue is not being decided on at the hearing.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED

Mr. Ramos briefly explained the necessary findings he needs to make to approve this project. He went on to state that based on the information provided, he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 11-002 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) CALENDAR 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 15303 of the CEQA Guidelines, because the project consists of construction of a new wall/fence on a property developed with a single-family home.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-002:

1. Conditional Use Permit No. 11-002 for the construction of 31 linear ft. wall and gate measuring 3 ft. 6 in. high in lieu of maximum height of 1 ft. 6 in. within 3 ft. of the front property line 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 proposed wall will be located on an interior lot and constructed at a height that will not pose any significant traffic or safety concerns. The proposed wall will not negatively impact the visual character of the neighborhood because potted palms are proposed behind the wall to soften its overall appearance. The wall will be consistent with other walls and fences in the neighborhood in terms of setback and height.
2. The conditional use permit will be compatible with other residential properties containing similar walls in the surrounding area in terms of setback and height. The wall will be further improved through the addition of enhanced landscaping through the usage of potted palms behind the wall that will visually soften its overall appearance and assist in blending it with the surrounding environment.
3. The proposed conditional use permit 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, which allows walls to exceed the 1 ft. 6 in. height maximum within 3 ft. of the front property line in the RMH-A zone subject to the approval of a Conditional Use Permit.
4. The granting of the conditional use permit will not adversely affect the General Plan and is consistent with the following objectives and policies of the General Plan:

A. Land Use Element

Objective LU 9.2: Provide for the preservation of existing residential neighborhoods.

Policy LU 16.1.1: Accommodate development of the City's neighborhoods, boulevards, and districts according to the Community Districts and Subarea Schedules, which requires (Subarea 3b) front yard setbacks to maintain the existing residential neighborhood character.

B. Urban Design Element

Policy UD 1.1.1: Coordinate streetscape and landscape design in all residential neighborhoods to strengthen their identities.

The proposed wall will not change the residential character of the neighborhood. Other properties within the project vicinity have similar setbacks for existing walls and fences. Potted palms will be located behind the wall to soften its overall appearance.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 11-002:

1. The site plan and elevations received and dated January 27, 2011, shall be the conceptually approved design with the modification that the site plan shall clearly specify, with appropriate dimensions and square footage, the percentage of landscaping located within the front yard setback. A minimum of 30% landscaping consisting of plant material shall be provided within the front yard area.
2. Within 30 days of the Zoning Administrator's action, the following shall be completed:
 - a. The site plan shall be amended in accordance with Condition No. 1 and submitted to the Planning Division for inclusion into the entitlement file.
 - b. The minimum required landscaping per CUP No. 11-002 shall be provided and maintained on-site.
3. CUP No. 11-002 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 Division a minimum 30 days prior to the expiration date.
4. 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/index.cfm?fuseaction=guidelines>).

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 1:46 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, APRIL 6, 2011, AT 1:30 PM.



Ricky Ramos
Zoning Administrator

RR:jd