

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

WEDNESDAY, NOVEMBER 6, 2013 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Hayden Beckman, Jill Arabe, Ethan Edwards, Judy Demers
(recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 13-027 (WILLIAMS FRONT YARD WALL)

APPLICANT: Harry Monck, Architect, 303 Cleveland Drive, Huntington Beach, CA 92648
PROPERTY OWNER: Teri Williams, 208 7th Street, Huntington Beach, CA 92648
REQUEST: To permit the construction of an existing approximately 53 linear foot wall measuring 3 ft. 3 in. high in lieu of a maximum height of 1 ft. 6 in. permitted within 3 ft. of the front property line.
LOCATION: 208 7th Street, 92648 (northeast of Walnut Avenue at 7th Street)
PROJECT PLANNER: Hayden Beckman

Hayden Beckman, Project Planner, displayed project plans and photographs 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.

Ricky Ramos, Zoning Administrator, asked staff if the planters mentioned in Condition 1 (a) would be 6' or less in height. Mr. Beckman verified that the planters would be 6" or less.

THE PUBLIC HEARING WAS OPENED.

Harry Monck, applicant, verified that the planter boxes would be placed on the side wall. A brief discussion took place regarding the landscape requirements.

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

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 13-027 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 small accessory structure (new wall/fence) on a property developed with a single family home.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 13-027:

1. Conditional Use Permit No. 13-027 for the construction of an approximately 53 linear ft. wall measuring 3 ft. 3 in. high in lieu of maximum height 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 not negatively impact the visual character of the neighborhood because the front yard setback area will comply with the minimum landscaping requirement, which will soften its overall appearance. In addition, the wall is consistent with other walls and fences in the neighborhood in terms of setback, height, and materials.
2. The conditional use permit will be compatible with other residential properties containing similar walls in the surrounding area in terms of setback, materials and height. The appearance of the wall will be improved through the addition of required front yard landscaping that will visually soften its appearance and assist in blending it in 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 a wall to exceed the 1 ft. 6 in. maximum height within 3 ft. of the front property line in the RMH-A zone subject to 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 following goals 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 identities.

The proposed wall will not change the residential character of the neighborhood. Other properties in the vicinity have similar setbacks for walls. Landscaping will be integrated with the wall to soften the overall appearance of the wall. The subject property will maintain a minimum 40% landscaping within the front yard.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 13-027:

1. The site plan and elevations received and dated September 17, 2013 shall be the conceptually approved design with the modification to indicate a minimum 40% landscape area to be provided within the front yard setback area (HBZSO Section 210.06 (S))
2. Submit plans revised pursuant to Condition No. 1 for review and approval by Planning staff and inclusion in the file within 30 days of this approval.
3. All landscaping within the front yard setback area shall be maintained in a neat and clean manner.
4. CUP No. 13-027 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 Department a minimum 30 days prior to the expiration date.
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.

ITEM 2: VARIANCE NO. 13-010/ COASTAL DEVELOPMENT PERMIT NO. 13-018 (ODDO RESIDENCE):

APPLICANT: Louie Hernandez, The Louie Group, 19092 Calloway Circle, Huntington Beach, CA 92648

PROPERTY OWNER: Dave Oddo, 815 Main Street, Huntington Beach, CA 92648

REQUEST: To permit the construction of a three-story 2,587 sq. ft. single family residence and 428 sq. ft. attached two-car garage with (a) reduced side yard setbacks to one foot for the garage and two feet for the house in lieu of three feet and (b) 55% lot coverage in lieu of the maximum 50%.

LOCATION: 112 12th Street (east side of 12th Street, between Pacific Coast Highway and Walnut Avenue)

PROJECT PLANNER: Jill Arabe

Jill Arabe, Project Planner, displayed project plans and photographs 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. Ms. Arabe noted that she received one letter in opposition of the project citing concerns with the possibility of an increase of future requests for variances.

Ricky Ramos, Zoning Administrator, verified with staff the lot size and setback locations. Mr. Ramos stated that he had no further questions for staff.

THE PUBLIC HEARING WAS OPENED.

Louie Hernandez, applicant, stated that he had no comments or concerns with staff's recommendations.

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

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff.

VARIANCE NO. 13-010/ COASTAL DEVELOPMENT PERMIT NO. 13-018 WERE 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 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 involves the construction of a new single-family residence.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 13-018:

1. Coastal Development Permit No. 13-018 for the construction of a three-story approximately 2,586 sq. ft. single-family dwelling and 428 sq. ft. attached two-car garage with reduced side yard setbacks in lieu of the minimum three feet and 53% lot coverage in lieu of the maximum 50%, conforms with the General Plan, including the Local Coastal Program. The project is consistent with Coastal Element Policy C 1.1.1, which encourages development within, or contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a developed site, contiguous to existing single-family residential developments.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code except for the variance for reduced setbacks and increased lot coverage. The project complies with the minimum onsite parking, minimum front and rear setbacks, maximum floor area, and maximum building height requirements. The site's adjacency to alleys along the side and rear property lines minimizes the amount of buildable area for the single-family dwelling. The requested variance provides the opportunity to remain consistent with other residences in the vicinity.

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. The proposed single-family dwelling will be constructed on a site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed dwelling will not impede public access, recreation, or views to coastal resources.

FINDINGS FOR APPROVAL - VARIANCE NO. 13-010:

1. The granting of Variance No. 13-010 for the construction of a single-family dwelling at a minimum one-foot side yard setback in lieu of three feet and 53% lot coverage in lieu of the maximum 50% will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. Due to required dedications for alley widening along the side and rear property lines, the site is reduced in area by approximately 287 sq. ft. and in width by 2.5 ft. in comparison to other properties in the vicinity. The proposed development is consistent with the development density standard applicable to the subject property (one dwelling unit per 2,500 sq. ft. of lot area). The requested variance will provide for construction of one single-family dwelling on a 2,587.5 sq. ft. lot after required dedications. Other variances have been previously approved for similar requests.
2. Because of special circumstances applicable to the subject property including size, 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 required to provide alley dedications on two sides. The effect of the required dedications is a reduction in the lot area and width, thus limiting the amount of buildable area and rendering the site substandard. Strict application of the zoning ordinance would deprive the subject property of development rights enjoyed by identically zoned properties in the vicinity.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. Based on the applicable zoning and General Plan designation, and the existing lot size and dimensions, the subject property is afforded the right to construct one single-family dwelling. The exercise of this substantial property right is contingent upon dedication for public alley purposes, which renders the lot width substandard. Consequently, the requested variance to allow construction of a single-family dwelling with less than the required side yard setbacks and increased lot coverage on a property with a substandard lot width and reduced lot area is necessary to preserve the development rights afforded by the property's residential land use designation.
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 requested variance will not result in any intensification of development impacts beyond that which is permitted under the corresponding land use regulations and development standards based on the existing (pre-dedication) lot size and width.
5. The granting of the variance will not adversely affect the General Plan. The proposed development of a one dwelling unit on a 2,587.5 sq. ft. lot (after required dedications) is consistent with the Land Use Element designation of RH->30-d-sp (Residential High Density – 30 dwelling units/acre – Design Overlay – Specific Plan Overlay) on the subject property.

In addition, the proposed project is consistent with the following General Plan policy and objective:

Policy LU 9.1.1: Accommodate the development of single- and multi-family residential units in areas designed by the Land Use Plan Map, as stipulated by the Land Use and Density Schedules.

Objective LU 15.5: Ensure that development achieves the visual and physical character intended for the district in which it is located.

The three-story residence is similar in size and scale to other residences in the vicinity. The requested variance allows for the construction of the single-family dwelling at reduced setbacks and increased lot coverage on a property made substandard in width due to required dedications for alley widening. Prior to side yard dedication, the dwelling would comply with setbacks and lot coverage on a standard 25 ft. wide and 115 ft. deep site.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 13-018 / VARIANCE NO. 13-010:

1. The site plan, floor plans, and elevations received and dated October 22, 2013 shall be the conceptually approved design with the following modifications:
 - a. One 24-inch box tree shall be depicted on the site plan within the front setback area.
 - b. The first floor plan shall depict the two posts/columns of the front porch.
 - c. The one-foot side yard setback shall apply along the north property line to the second floor habitable area located directly above the garage.
2. VAR No. 13-010 in conjunction with CDP No. 13-018 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. 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.

THE MEETING WAS ADJOURNED AT 1:48 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, NOVEMBER 20, 2013, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:jd