

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

WEDNESDAY, OCTOBER 2, 2013 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Kristi Rojas, Ethan Edwards, Judy Demers (recording secretary)

MINUTES: April 3, 2013
April 17, 2013
May 1, 2013
July 3, 2013

APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 13-023 (DIBBLEE RESIDENCE)

APPLICANT/

PROPERTY OWNER: Ian Dibblee, 320 17th Street, Huntington Beach, CA 92648

REQUEST: To permit the construction of an approximately 21 linear ft. wall measuring 42 in. high (retaining wall) with 44 in. high columns and is topped with a 42 in. high decorative wrought iron railing for a total height of 7 ft. (84 inches) in lieu of the maximum height of 18 in. within three feet from the front property line.

LOCATION: 320 17th Street, 92648 (south side of 17th Street, between Olive Avenue and Orange Avenue)

PROJECT PLANNER: Kristi Rojas

Kristi Rojas, 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. She noted that she had received one letter supporting the proposed project.

Ricky Ramos, Zoning Administrator, verified with staff that the wall will be 42 in. high with columns.

THE PUBLIC HEARING WAS OPENED.

Mrs. Dibblee, applicant, gave a brief history of the wall. She noted that there were similar walls in the area. She also noted that the wall may assist in keeping area children from climbing over for access to nearby locations.

Anthony Perratto, resident, spoke in favor of the proposed project.

Mark Alvarez, resident, spoke in favor of the proposed project. He noted that he had a wall the same height located at the adjacent property.

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

Mr. Ramos stated that he could make the findings to approve the 42 in. retaining wall and columns. However, he could not make the findings to approve the wrought iron railing.

CONDITIONAL USE PERMIT NO. 13-023 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 property developed with a single-family home.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 13-023:

1. Conditional Use Permit No. 13-023 for the construction of a 5.5 ft. high decorative wall in lieu of the maximum allowed height of 18 in. and a zero setback in lieu of the minimum 3 ft. front yard setback for fencing within the RMH-A (Residential Medium High Density – Small Lot Subdivision) zone, as modified by conditions to remove the proposed 24 in. high wrought iron railing and permit only a 42 in. high retaining wall and two 44 in. high columns, 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 of the overall design of materials and incorporation of a landscape planter behind the wall to soften the appearance.
2. The conditional use permit, as modified by conditions, will be compatible with surrounding uses and will be compatible with other residential properties containing similar walls in the surrounding area in terms of setback and height. The design will be improved with a landscaped planter behind the wall that will visually soften its overall appearance and provide compatibility 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. 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. It is consistent with the Land Use Element designation of RM-25-d (Residential Medium High Density – 25 du/ac—Design Overlay) on the subject property. In addition, it is consistent with the 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 their identities.

The proposed wall will not change the residential character of the neighborhood, as there are other properties in the vicinity that have similar setbacks for similar walls. The materials and design used to construct the proposed wall is attractive and does not negatively impact the neighborhood. Landscaping will be planted behind the retaining wall will help soften its overall appearance.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 13-023:

1. The site plan, floor plans, and elevations received and dated August 29, 2013 shall be the conceptually approved design with the following modification: Remove the 24 in. high wrought iron railing on top of the retaining wall and depict a maximum wall height of 42 in. and two 44 in. high columns.
2. Prior to issuance of a building permit, the applicant shall submit revised plans pursuant to Condition No. 1 to the Planning Division for review, approval and inclusion in the file.
3. All landscaping within the front yard setback area shall be maintained in a neat and clean manner.
4. CUP No. 13-023 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.
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: COASTAL DEVELOPMENT PERMIT NO. 12-016 (PEDERSON SINGLE FAMILY RESIDENCE)

APPLICANT: John Hamilton, Hamilton Architects, 12240 Venice Boulevard Suite 25, Los Angeles, CA 90066
PROPERTY OWNER: Alan Pederson, 16532 Cotuit Circle, Huntington Beach, CA 92649
REQUEST: To permit the demolition of the existing single-family residence and construction of a new approximately 5,154 sf. ft., two-story single-family residence. The request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/ privacy issues, such as window alignments, building pad height, and floor plan layout.
LOCATION: 16532 Cotuit Circle, 92649 (south of Humboldt Drive at the terminus of Cotuit Circle)
PROJECT PLANNER: Ethan Edwards

Ethan Edwards, Associate 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 verified with staff that there were no issues with the window placements. Mr. Edwards confirmed there were no issues.

THE PUBLIC HEARING WAS OPENED.

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

Pradeep Gunaratne, resident, stated that he is not opposed to the project, however, was concerned that his property's private view may be impacted. Mr. Ramos explained that the City does not protect the right to a private view.

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.

COASTAL DEVELOPMENT PERMIT NO. 12-016 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 15303 of the CEQA Guidelines, because the project is located within an urbanized residential zone and involves the reconstruction of a new single-family dwelling.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 12-016:

1. Coastal Development Permit No. 12-016 for the demolition of an existing single-family residence and construction of an approximately 5,154 sq. ft., two-story single family residence conforms with the General Plan, including the Local Coastal Program land use designation of Residential Low-Density (RL). 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 residential development.
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. The project complies with the minimum onsite parking, minimum building setbacks, maximum lot coverage, and maximum building height requirements.
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 residence will be constructed on a previously developed site in an urbanized area with all the 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 residence will not impede public access, recreation, or views to coastal resources.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 12-016:

1. The site plan, conceptual landscaping plan, floor plans, roof plan, exterior elevation plans received and dated November 6, 2012, shall be the conceptually approved design.
2. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties immediately adjacent to the project site. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning and Building Department.
3. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Building & Planning, Fire 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. During demolition, grading, site development, and/or construction, the following shall be adhered to:

- 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.
5. The final building permit cannot be approved until the following has been completed:
- a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Planning and Building 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.
6. CDP No. 12-016 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.
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. 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 1:45 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, OCTOBER 16, 2013, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:jd