

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

WEDNESDAY, MAY 24, 2006 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBER: Rami Talleh, Ron Santos, Ramona Kohlmann (recording secretary)

MINUTES: May 10, 2006

APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2006-016 (BUI BLOCK WALL)

APPLICANT/
PROPERTY OWNER: Hao and Kim Bui, 219 Hartford Avenue, Huntington Beach, CA 92648

REQUEST: To permit the construction a 48-in. high block wall with 59.5-in. high pilasters in lieu of the maximum allowed height of 42 in. within the front yard setback.

LOCATION: 219 Hartford Avenue (north side of Hartford Avenue, between Huntington and Alabama Streets)

PROJECT PLANNER: Rami Talleh

Rami Talleh, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as outlined in the executive summary and because the proposed project is consistent with surrounding uses. No written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, reviewed the project plans and confirmed that landscaping would be provided in front of the wall consistent with other properties in the neighborhood.

THE PUBLIC HEARING WAS OPENED.

Hao Bui, 219 Hartford Avenue, applicant, spoke on behalf of the proposed project stating children's safety as the primary reason for the request. Mr. Bui explained that the high and low measurements of the wall are due to the property's downward slope.

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

Ms. Broeren engaged in discussions concerning the landscaping next to the wall along the parkway.

CONDITIONAL USE PERMIT NO. 2006-016 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN 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 15311 of the CEQA Guidelines, because the project consists of minor construction of accessory structures on a property developed with a single-family home.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2006-016

1. Conditional Use Permit No. 2006-016 for the construction of a 48-in. high block wall with 59.5-in. high pilasters in lieu of the maximum allowed height of 42 in. within the front yard setback 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 in that the wall is designed with decorative materials and is consistent with other block walls in the neighborhood.
2. The conditional use permit will be compatible with surrounding uses because several adjacent single-family dwellings are developed with walls built of similar materials and at the same height or even higher.
3. The proposed Conditional Use Permit No. 05-42 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. The HBZSO authorizes deviations from the fence height restrictions subject to approval of a Conditional Use Permit. In addition, a three-foot wide landscape planter consistent with other properties in the neighborhood will be provided in front of the wall, as required by code.

4. The granting of this conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Residential Medium High-Density (RMH-A) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - a. LU 9.2.1: Require that new development within existing residential neighborhoods be compatible with existing structures, including:
 - Maintenance of the predominant or median existing front yard setback and;
 - Use of complementary building materials, colors, and forms, while allowing flexibility for unique design solutions.
 - b. UD 1.3.5: Require that privately developed walls make a positive visual contribution to the public streetscape including provisions for plant material enhancements such as vine pockets or decorative plantings, and design features such as sculptured or textured masonry units.

The proposed wall will be designed with decorative materials consistent with other block walls in the neighborhood, which will make a positive visual contribution to the public streetscape. A three-foot wide landscape planter will be provided in front of the wall, which is consistent with the predominant landscaped setback along the street frontage.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2006-016:

The site plan and elevations received and dated April 10, 2006, shall be the conceptually approved design.

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: CONDITIONAL USE PERMIT NO. 2006-012 (LAKE BLOCK WALL)

APPLICANT/
PROPERTY OWNER: David Lake, 16961 Concord Lane, Huntington Beach, CA 92649
REQUEST: To permit the construction of a curvilinear block wall at a varied setback ranging from 5 ft.-6 in. to 11 ft.-6 in. within the sloped rear yard of through lot. The block wall is proposed at an overall height of 12 ft.-6 in. (measured from the top of curb along Westport Dr.) in lieu of the maximum allowed height of 42 in. within the 15 ft. rear setback of a through lot.
LOCATION: 16961 Concord Lane (west side of Concord Lane, south of Davenport Drive)
PROJECT PLANNER: Rami Talleh

Rami Talleh, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the executive summary and because the proposed project will be compatible with surrounding uses. Staff stated that approval has been received from the homeowner's association. No other written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, engaged in discussions concerning the proposed wall's use and varied setback.

THE PUBLIC HEARING WAS OPENED.

David Lake, 16961 Concord Lane, applicant, spoke on behalf of the proposed project and stated that the lower wall at Westport Drive would be non-retaining.

Shirley Doo, 17041 Westport Drive, neighboring property owner, spoke in support of the proposed project.

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

CONDITIONAL USE PERMIT NO. 2006-012 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN 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 15301 of the CEQA Guidelines, because the project consists of minor construction of accessory structures on a property developed with a single-family home.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2006-012

1. Conditional Use Permit No. 2006-012 for the construction of a curvilinear block wall at a varied setback ranging from 5 ft.-6 in. to 11 ft.-6 in. within the sloped rear yard of through lot at an overall height of 12 ft.-6 in. in lieu of the maximum allowed height of 42 in. within the 15 ft. rear setback of a through lot 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 wall is proposed with quality materials including concrete block, stucco finish, and a curvilinear design, which will be aesthetically appealing when viewed from the street. Several of the through lots along Concord Lane have been developed with similar walls.
2. The conditional use permit will be compatible with surrounding uses that includes properties developed with similar walls within the rear yard setback. The adjacent property to the north is developed with an approximately 10-foot high combination retaining/screen block wall at the rear property line. The subject wall will have varied setback that provides landscape areas to soften the appearance of the wall when viewed from Westport Drive.
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 (HBZSO). The HBZSO allows for a deviation to the maximum wall and fence height requirements within required setbacks with the 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 Residential Low Density on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - a. LU 9.1.2.b: Avoid building materials, colors, and construction elements that visually dominate their setting and contrast significantly with the character of the neighborhood.
 - b. LU 9.2.1.e: Include an adequate landscape setback along the street frontage that is integrated with abutting sidewalks and provides continuity throughout the neighborhood.

The subject site is currently developed with a minimally landscaped slope along the rear property line. The project will be developed with a landscape setback ranging from 5 ft.-6 in. to 11 ft. - 6 in., which will improve the aesthetics along the frontage of the property and soften the appearance of the proposed wall. In addition the use of a stucco finish and curvilinear design will break up the massing of the proposed wall.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2006-012:

1. The site plan and elevations received and dated March 13, 2006, shall be the conceptually approved design.
2. Prior to issuance of block wall permits a planting and irrigation plan shall be reviewed and approved by the departments of Planning and Public Works.

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 BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, MAY 31, 2006 AT 1:30 PM.

Mary Beth Broeren
Zoning Administrator

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