

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

WEDNESDAY, SEPTEMBER 6, 2006 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBER: Jennifer Villasenor, Ron Santos, Ramona Kohlmann
(recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2006-032 (MATTHEWS FENCE)

APPLICANT/
PROPERTY OWNER: Chris Matthews, 714 Alabama Street, Huntington Beach, CA
92648

REQUEST: To permit a 42" tall fence with a zero setback from the front
property line, in lieu of the required 3-ft. setback in the RMH-A
zoning district.

LOCATION: 714 Alabama Street (east side of Alabama Street, south of
Hartford Avenue)

PROJECT PLANNER: Jennifer Villasenor

Jennifer Villasenor, 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 stated that the subject fence was built without a permit. Staff visited the subject site and stated that similar fences exist in the area.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the executive summary. Staff stated that one resident inquired into the nature of the proposed project. No other written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, reviewed photographs. Discussion ensued with staff concerning the code requirements for a three-foot setback.

THE PUBLIC HEARING WAS OPENED.

Chris Matthews, 714 Alabama Street, applicant, spoke on behalf of the proposed project, in particular, the landscape/lawn plans. Mr. Matthews urged the Zoning Administrator's approval.

Mike Horton, 723 Alabama Street, neighboring property owner, spoke in support of the proposed project stating that the project is aesthetically pleasing and would not result in any pedestrian related problems.

Joshua Stock, 813 Alabama Street, neighboring property owner, concurred with Mr. Horton.

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

Ms. Broeren reviewed photographs and the parcel map.

Discussion ensued concerning the lot's shallowness due to the less than standard lot and lawn dimensions and placement of a gate.

Ms. Broeren reviewed the suggested findings for approval and stated that, in general, there is concern where a precedent is being established. She stated that the subject lawn dimensions are comparable to that of a standard lot and ultimately achieves more, or at least the same amount, of greenscape. Ms. Broeren stated that the request is not intrusive and achieves the objective for greenscape even if the lawn were to be placed behind the fence.

CONDITIONAL USE PERMIT NO. 2006-032 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. 2006-032:

1. Conditional Use Permit No. 2006-032 to allow a 42" tall fence with a zero setback from the front property line, in lieu of the required 3-ft. setback in the RMH-A zoning district 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 42" high wall along the front property line will not obstruct visibility within the visibility triangle at the alley intersection along the south side property line of the subject site. The entire front yard setback is landscaped with the exception of a 4-foot wide walkway and will be visible from the public right of ways softening the appearance of the wall.
2. The conditional use permit will be compatible with surrounding uses because properties in the immediate vicinity are developed with similar walls at the front property line.

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 and any specific condition required for the proposed use in the district in which it is located. The HBZSO authorizes deviations from the fence height restrictions 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 RMH-25-d (Residential Medium High Density – 25 du/acre – Design Overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

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 setbacks and;
- Use of complementary building materials, colors, and forms, while allowing flexibility for unique design solutions.

The proposed wall, consisting of wrought iron material, provides for visibility to the subject site's fully landscaped front yard setback area. It is consistent with other property line walls in the neighborhood.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2006-032:

1. The site plan received and dated August 4, 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.

THE MEETING WAS ADJOURNED AT 1:45 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, SEPTEMBER 13, 2006 AT 1:30 PM.

Mary Beth Broeren
Zoning Administrator

:rmk