

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Hayden Beckman, Planning Aide
DATE: November 21, 2012

SUBJECT: CONDITIONAL USE PERMIT NO. 12-15/VARIANCE NO. 12-07 (SMITH FRONT YARD WALL)

LOCATION: 422 7th Street, 92648 (southeast of 7th Street, at Pecan Avenue)

**Applicant/
Property
Owner:**

Vanessa Smith, 422 7th Street, Huntington Beach, CA 92648

Request: **CUP:** To permit the existing approximately 24 linear ft. wall with pilasters and a gate measuring 3 ft., 3 in. high in lieu of a maximum height of 1ft., 6 in. permitted within 3 ft. of the front property line. **VAR:** To permit the existing approximately 50 in. high freestanding fireplace in lieu of the maximum 42 in. high at a setback of approximately 2 ft. in lieu of the minimum 3 ft. within the front yard setback.

Environmental Status: This request is covered by Categorical Exemption, Section 15303, Class 3, California Environmental Quality Act.

Zone: RMH-A (Residential Medium High Density – small Lot Subdistrict)

General Plan: RMH – 25 – d (Residential Medium High Density - maximum 25 dwelling units/acre)

Existing Use: Single-family Residence

RECOMMENDATION: Staff recommends approval with modifications of the proposed project based upon the following findings:

SUGGESTED 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 small accessory structures (new wall/fence and freestanding fireplace) on property developed with a single-family home.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 12-15:

1. Conditional Use Permit No. 12-15 for the construction of an approximately 24 linear ft. wall and gate with pilasters measuring 3 ft. 6 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 be located on an interior lot and constructed at a height that will not create any significant traffic or safety concerns. The proposed wall will not negatively impact the visual character of the neighborhood because boxwood hedges and other vegetation are proposed behind the wall to soften its overall appearance. The wall is consistent with other walls and fences in the neighborhood in terms of setback, materials 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, materials and height. The wall will be further improved through the addition of enhanced landscaping through the use of hedges and other vegetation behind the wall that will visually soften its overall 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 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 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 in the vicinity have similar setbacks for walls. Landscaping will be planted behind the wall including stone veneer treated pilasters which softens its overall appearance. The subject property will maintain a minimum 40% landscaping within the front yard, in addition to a 2 ft. wide interior landscape planter.

SUGGESTED FINDINGS FOR APPROVAL - VARIANCE NO. 12-07:

1. The granting of Variance No. 12-07 to permit an existing approximately 50 in. high freestanding fireplace in lieu of the maximum 42 in. high at a setback of approximately 2 ft. in lieu of the minimum 3 ft. within the front yard setback will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The variance is for a freestanding accessory fireplace structure measuring 50 in. high in lieu of the maximum 42 in. high constructed within a front yard patio area with an existing 1 foot grade differential between the nearest adjacent top of curb datum. Due to the location of existing 42 in. high pilasters and the small lot sub-district property width of 25 feet, the location of freestanding accessory structures is limited within the front yard in order to achieve maximum use of open front yard area. The freestanding fireplace at the proposed setback location and height is centered between the side yard property lines. With suggested conditions of approval, greater visual compatibility with similar freestanding accessory structures otherwise permitted to be located within the front yard setback area of identical residential properties located within the RMH-A zone will be provided.
2. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, 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. Freestanding accessory structures are permitted within the front yard setback of residential properties located within the RMH-A zone provided they measure 42 in. high or less and are located a minimum of 3 ft. from the front yard property line. The project includes a freestanding fireplace at a height of 50 in. located approximately 2 ft. from the front yard property line. Due to the property width of 25 feet, the location of freestanding accessory structures is limited within the front yard in order to achieve maximum use of open front yard area.
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, the subject property is afforded the right to construct freestanding accessory structures within the front yard setback. The exercise of this substantial property right is contingent upon applicable setbacks for freestanding accessory structures within the front yard setback area. With suggested conditions of approval, visual enhancement of the subject property will be provided by adding landscaping to the streetscape in a manner consistent with the existing conditions of the surrounding neighborhood.
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 supports an aesthetically pleasing treatment of the subject property's visual appeal as the freestanding accessory structure will be treated with an exterior stone material matching the front yard wall and pilasters in an aesthetically pleasing manner. With suggested conditions of approval, the appearance of the accessory structure will be brought into greater conformity with the surrounding properties. The structure does not impede vehicular or pedestrian traffic along the adjacent public right-of-way. No detrimental impacts to the surrounding residential properties are anticipated.
5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Residential Medium High Density – Small Lot Sub-

district which permits single-family dwellings on the subject property. The variance for a freestanding accessory structure located within the front yard setback does not conflict with any General Plan goals and policies that encourage a variety of residential developments and projects of high quality architectural design. In addition, the proposed request is consistent with the following General Plan policies:

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 3) front yard setbacks to maintain the existing residential neighborhood character.

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

The proposed freestanding accessory structure will not be detrimental to the character of the neighborhood. Other properties in the vicinity have similar freestanding accessory structures located within the front yard setback area. Landscaping is planted surrounding the freestanding accessory structure in a manner that softens its overall appearance.

SUGGESTED CONDITIONS OF APPROVAL CONDITIONAL USE PERMIT NO. 12-15/VARIANCE NO. 12-07:

1. The site plan received and dated September 21, 2012 shall be the conceptually approved design with the following modifications:
 - a. Reduce the height of 5 linear feet of the front yard property line wall immediately adjacent to the freestanding accessory structure to a height that allows for a landscaped area between the freestanding fireplace and the property line.
2. Prior to issuance of building permits, the following shall be completed:
 - a. A revised site plan and elevation drawing demonstrating compliance with Condition No. 1(a) above shall be submitted for review and approval. The approved site plan and elevation drawing shall be included in the entitlement file.
3. The use shall comply with the following:
 - a. All landscaping within the front yard setback area shall be maintained in a neat and clean manner.
4. CUP No. 12-15 and/or VAR No. 12-07 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.