

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

**TO:** Zoning Administrator  
**FROM:** Joanna Cortez, Assistant Planner  
**DATE:** May 17, 2017

**SUBJECT: CONDITIONAL USE PERMIT NO. 17-003/ VARIANCE NO. 17-001  
(WILFERT RESIDENCE)**

**LOCATION:** 840 14<sup>th</sup> Street, 92648 (near the southwest corner of 14<sup>th</sup> St. and Main St.)

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**Applicant:** Harry Monck, 303 Cleveland Dr., Huntington Beach, CA 92648

**Property Owner:** David and Rachell Wilfert, P.O. Box 698, Huntington Beach, CA 92648

**Request:** **CUP:** To construct one two-story single-family dwelling and one accessory dwelling unit on a lot with a grade differential greater than three feet between the high and low points. **VAR:** To permit a reduced front yard setback of 12 ft. in lieu of the required minimum 15 ft.; and permit a reduced side yard setback of four feet in lieu of the required minimum five feet. The proposed dwellings total approximately 3,439 sq. ft. with an overall height of 24 ft. 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

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

**Zone:** RL (Residential Low Density)

**General Plan:** RL-7 (Residential Low Density – 7 DU/Acre)

**Existing Use:** Vacant

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**RECOMMENDATION: Staff recommends approval CUP No. 17-003 and denial of Variance No. 17-001 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 the construction of a single-family residence in a residential zone, in an urbanized area.

**SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 17-003:**

1. Conditional Use Permit No. 17-003 to construct a two-story single-family dwelling and one accessory dwelling unit on a lot with a grade differential greater than three feet between the high and low points 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 finished surface is within two feet of the existing grade and the finished floor of the proposed building is within less than a foot of the finished surface. From the top of the curb, the maximum height of the dwelling is 24 feet.
2. The conditional use permit to construct a two-story single-family dwelling and one accessory dwelling unit on a lot with a grade differential greater than three feet between the high and low points. The proposed development will be compatible with other residential structures in the area taking into account the proposed building massing, height, and grade of existing properties in the immediate vicinity.
3. The proposed conditional use permit to construct a two-story single-family dwelling and one accessory dwelling unit on a lot with a grade differential greater than three feet between the high and low points 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 project, as conditioned, complies with all applicable development standards and code requirements, including maximum building height, minimum yard setbacks, maximum site coverage and minimum onsite parking. The HBZSO allows development on parcels with a grade differential exceeding three feet between the high and low points of the lot with approval of a conditional use permit.
4. The granting of the conditional use permit to construct a two-story single-family dwelling and one accessory dwelling unit on a lot with a grade differential greater than three feet between the high and low points will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL-7 (Residential Low Density – 7 units/acre maximum) on the subject property. In addition, it is consistent with the following policies of the General Plan:
  - A. Land Use Element  
Policy LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character.  
  
Policy LU 9.1.2: Require that single family residential units be designed to convey a high level of quality and character.  
  
Policy LU 9.2.1: Require that all new residential development within existing residential neighborhoods (i.e., infill) be compatible with existing structures including the use of building heights, grade elevations, orientation, and bulk that are compatible with the surrounding development.

The conditional use permit accounts for the unique characteristics of the project site, by allowing for development on a lot with a grade differential, based on plans which propose minimal alteration of the existing site grades. The proposed project incorporates quality materials and design. The grade elevations, building orientation, and massing will be compatible with other residential properties existing in the neighborhood.

**SUGGESTED FINDINGS FOR DENIAL - VARIANCE NO. 17-001:**

1. The granting of Variance No. 17-001 to permit a reduced front yard setback of 12 ft. in lieu of the required minimum 15 ft. and permit a reduced side yard setback of four feet in lieu of the required minimum five feet will constitute a grant of special privilege inconsistent with limitations upon other nonconforming structures under an identical zone classification. No special circumstance applicable to the subject property that does not exist in other vacant lots/properties in an identical zone classification has been identified to support the variance. Approval of a variance without a special circumstance constitutes a grant of special privilege.
2. The granting of the variance is not necessary to preserve the enjoyment of one or more substantial property rights. Although the shape of the lot is not a traditional rectangular shaped lot, the size of the lot (7,210 sq. ft.) is larger than the surrounding properties and greater than the minimum lot size (6,000 sq. ft.) required for properties located in an identical zone classification. Due to the fact that the lot is currently vacant, a single family dwelling with an accessory dwelling unit can be adequately designed to conform to the minimum development standards for this zone classification.

**SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 17-003:**

1. The site plan, floor plans, elevations, and grading plan received and dated April 4, 2017 shall be the conceptually approved design with the following modifications:
  - a. The open parking space along the east (rear) property line shall have a minimum back-up distance of 25 ft. to the property line on the opposite side (north) of the alley. **(HBZSO 210.06(K))**
  - b. The site plan shall be revised to provide a 15 ft. setback for the proposed front porch and a five ft. setback along the north (side) property line. **(HBZSO 210.06)**
  - c. The six-foot high fence along property lines shall not encroach into the minimum front yard setback of 15 ft. and the 10 ft. visibility triangle along the driveways intersecting with the alley. **(HBZSO Section 230.88)**
2. Prior to submittal for building permits, the following shall be completed:
  - a. One set of revised site plan, grading plan and elevations in accordance with Condition No. 1 shall be submitted to the Planning Division for review and approval and inclusion in the entitlement file.
  - b. Zoning entitlement conditions of approval and code requirements 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.
3. 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.
4. The final building permit cannot be approved until the following have been completed:
    - a. All improvements must be completed in accordance with approved plans, except as modified by conditions of approval.
    - b. Compliance with all conditions of approval specified herein shall be verified by the Community Development 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
  5. 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.
  6. CUP No. 17-003 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 Community Development Department a minimum 30 days prior to the expiration date.
  7. The Development Services Departments and divisions (Community Development, Fire, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
  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.