

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

TO: Zoning Administrator
FROM: Kristi Rojas, Project Planner
DATE: October 2, 2013
SUBJECT: **CONDITIONAL USE PERMIT NO. 13-023 (DIBBLEE RESIDENCE)**
LOCATION: 320 17th Street, 92648 (south side of 17th Street, between Olive Avenue and Orange Avenue)

**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.

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

Zone: RMH – A - O (Residential Medium High Density – Small Lot Sub-district – Oil Overlay)

General Plan: RMH -25 – D (Residential Medium High Density – 25 d/u per ac - Design Overlay)

Existing Use: Residential

RECOMMENDATION: Staff recommends approval 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 a small accessory structure (new wall/fence) on property developed with a single-family home.

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

1. Conditional Use Permit No. 13-023 is 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. Based upon the conditions imposed, the removal of the proposed 24 in. wrought iron and permitting of the 42 in. retaining wall, 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 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:

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.

A. 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.

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

1. The site plan, floor plans, and elevations received and August 1, 2013 shall be the conceptually approved design with the following modifications:

- a. Remove the 24 in. wrought iron railing on top of the retaining wall and depict a maximum wall height of 42 in.
 - b. Provide dimensions on the plans to show that the subject property will maintain the minimum 40% landscaped area within the front yard setback area.
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.