

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

TO: Zoning Administrator
FROM: Hayden Beckman, Planning Aide
DATE: November 6, 2013

SUBJECT: **CONDITIONAL USE PERMIT NO. 13-027 (WILLIAMS FRONT YARD WALL)**

LOCATION: 208 7th Street, 92648 (northeast of Walnut Avenue at 7th Street)

Applicant: Harry Monck, Architect, 303 Cleveland Drive, Huntington Beach, CA 92648

Property Owner: Teri Williams, 208 7th Street, Huntington Beach, CA 92648

Request: To permit the construction of an existing approximately 53 linear foot wall measuring 3 ft. 3 in. high in lieu of a maximum height of 1 ft. 6 in. permitted within 3 ft. of the front property line.

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 Sub-district)

General Plan: RMH – 25 – d (Residential Medium High density – 25 du/ac – Design Overlay)

Existing Use: Existing Attached Single Family Dwelling

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 a property developed with a single family home.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 13-027:

1. Conditional Use Permit No. 13-027 for the construction of an approximately 53 linear ft. wall measuring 3 ft. 3 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 not negatively impact the visual character of the neighborhood because planter boxes placed on top of the wall will soften its overall appearance. In addition, the wall is consistent with other walls and fences in the neighborhood in terms of setback, height, and materials.
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 landscaping through the use of planter boxes placed on top of the wall that will visually soften its 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 wall 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 and is consistent with following goals 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 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 integrated with the wall in the form of elevated planter boxes to soften the overall appearance of the wall. The subject property will maintain a minimum 40% landscaping within the front yard.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 13-027:

1. The site plan, floor plans, and elevations received and dated September 17, 2013 shall be the conceptually approved design with the following modifications:
 - a. Upon completion of the wall, planter boxes shall be placed and maintained upon the wall providing vegetated areas.
 - b. Indicate a minimum 40% landscape area to be provided within the front yard setback area.

2. All landscaping within the front yard setback area shall be maintained in a neat and clean manner.
3. CUP No. 13-027 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.
4. 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.