

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

TO: Zoning Administrator
FROM: Jill Arabe, Planning Aide
DATE: December 3, 2008

**SUBJECT: RECONSIDERATION OF CONDITIONAL USE PERMIT NO. 2008-037
(RICHARDSON FENCE)**

LOCATION: 17292 Goldenwest Street, 92647 (east side of Goldenwest Street, south of Warner Avenue)

**Applicant/
Property**

Owner: Candy Richardson, 17292 Goldenwest Street, Huntington Beach, CA 92647

Request: To permit the construction of a 112 linear feet, six (6) foot high fence and vehicular privacy gate along the front property line, in lieu of the maximum allowed height of 42 inches for a fence and gate located within the minimum required 15-foot front yard setback.

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

Zone: RL – FP2 (Residential Low Density – Floodplain 2)

General Plan: RL – 7 (Residential Low Density – 7 dwelling units per 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 a new fence on a property developed with a single-family home.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-037:

1. Conditional Use Permit No. 2008-037 for the establishment, maintenance and operation of a 112 linear feet, six (6) foot high fence and vehicular privacy gate at an average setback of 10 feet and 12 feet respectively, in lieu of the maximum allowed height of 42 inches within the front yard setback, as conditioned, 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. As conditioned, the fence will be setback outside of the required ten-foot visibility triangle at the intersection of the driveway and public right-of-way, thus reducing possible safety/traffic hazards along an arterial. The gate will be setback at a minimum of 12 feet from the front property line. The measurement from the front property line to the curb is eight (8) feet including sidewalk, parkway, and curb. A total of 20 feet from the gate to the curb will provide the minimum setback for vehicular stacking outside of the arterial street. The gate will be electronically operated with a remote, which will decrease the amount of time within the eight-foot public right-of-way. Stacking will thus be temporary and not interfere with vehicular and pedestrian traffic. Additionally, an average 10 ft. wide landscaped (minimum five-foot wide) planter will be provided to soften the fence's appearance. The landscaping as an aesthetic improvement will enrich the visual character of the neighborhood.
2. The conditional use permit will be compatible with surrounding uses because, as conditioned, landscaping will be provided in front of the fence. The fence will be constructed of iron fencing and decorative pilasters. The proposed fence elevation incorporates the use of pilasters and a minimum four-foot high view fencing section, consistent with the Urban Design Guidelines. A landscape buffer will make the fence more consistent with the surrounding area and enhance aesthetics along an arterial.
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 within front yard areas to exceed the maximum height of 42 inches pursuant 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 General Plan policies:

LU 9.2: Provide for the preservation of existing residential neighborhoods.

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

The proposed fence, composed of iron fencing and decorative pilasters, breaks up the walled appearance along an arterial. The landscaping in front of the fence is compatible within the landscape corridor of Goldenwest Street.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2008-037:

1. The site plan and elevations received and dated November 5, 2008 shall be the conceptually approved design with the following modifications:
 - e. The vehicular privacy gate shall be setback a minimum of 12 feet from the front property line (**PW**).

- f. The fence shall be at an average landscaped setback of 10 feet with a minimum of five feet from the front property line.
 - g. The fence and gate shall not encroach into the required 10-foot visibility triangle at the intersections of the driveway and public right-of-way.
2. Prior to submittal for building permits a revised plan modified per Condition No. 1 shall be submitted to the Planning Department for review, approval, and inclusion in the entitlement files.
3. Prior to submittal for building permits, zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire and Public Works 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.
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/index.cfm?fuseaction=guidelines>).

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.