

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

TO: Zoning Administrator
FROM: Jill Arabe, Assistant Planner
DATE: January 19, 2011

SUBJECT: CONDITIONAL USE PERMIT NO. 10-029 (MATEJKA FRONT YARD WALL)

LOCATION: 521 11th Street, 92648 (west side of 11th Street, south of Acacia Avenue)

**Applicant/
Property**

Owner: Dennis Matejka, 627 8th Street, Huntington Beach, CA 92648

Request: To permit the construction of an approximately 47 linear ft. wall measuring 2 ft. 6 in. high with a total of six (6) 3 ft. 6 in. high pilasters in lieu of a maximum height of 1 ft. 6 in. permitted.

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)

General Plan: RMH-25-d (Residential Medium High Density-25 du/ac max.-design review)

Existing Use: Single Family Residence

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 new fence on a property developed with a single family residence.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 10-029:

1. Conditional Use Permit No. 10-029 for the construction of an approximately 47 linear ft. wall measuring 2 ft. 6 in. high with a total of six (6) 3 ft. 6 in. high pilasters in lieu of a maximum

height of 1 ft. 6 in. permitted 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 pose any significant traffic or safety concerns. The proposed wall will not negatively impact the visual character of the neighborhood because a 2 ft. wide landscape planter will be located in front of the wall that will soften the wall's overall appearance. In addition to the planter, the subject property will maintain a minimum 40% landscaping within the front yard.

2. The conditional use permit will be compatible with walls in the surrounding area in terms of setback, height, and design. The wall will be further enhanced through the construction of a landscape planter in conjunction with pilasters that will visually soften its appearance and assist in blending it in with the surrounding environment. Furthermore, the site will be provided with a minimum 40% landscaping within the front yard area which exceeds the typical amount found on similar sites in the area.
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 1 ft. 6 in. within the first 3 ft. of the front yard in the RMH-A zone subject to the 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 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 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 in front of the wall including the installation of pilasters which will soften its overall appearance. The subject property will maintain a minimum of 40% landscaping within the front yard, in addition to a 2 ft. wide landscape planter.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 10-029:

1. The site plan and elevation dated January 11, 2011, shall be the conceptually approved design.
2. CUP No. 10-029 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 and Building Department a minimum 30 days prior to the expiration date.

3. 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.