

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

**TO:** Zoning Administrator  
**FROM:** Jill Arabe, Assistant Planner  
**DATE:** March 23, 2011

**SUBJECT:** **CONDITIONAL USE PERMIT NO. 11-002 (COSTA FRONT YARD WALL-CONTINUED FROM THE MARCH 16, 2011 MEETING)**

**LOCATION:** 222 11<sup>th</sup> Street, 92648 (south of 11<sup>th</sup> Street, between Walnut Avenue and Olive Avenue)

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**Applicant/  
Property**

**Owner:** Vince Costa, P.O. Box 12276, Newport Beach, CA 92658

**Request:** To permit the construction of approximately 31 linear ft. wall and gate measuring 3 ft. 6 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)

**General Plan:** RMH - 25 - d (Residential Medium High Density – 25 dwelling units per acre – Design Overlay)

**Existing Use:** Single family residence

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**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 wall/fence on a property developed with a single-family home.

**SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-002:**

1. Conditional Use Permit No. 11-002 for the construction of 31 linear ft. wall and gate measuring 3 ft. 6 in. high in lieu of maximum height of 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 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 potted palms are proposed behind the wall to soften its overall appearance. The wall will be consistent with other walls and fences in the neighborhood in terms of setback and height.

2. The conditional use permit will be compatible with other residential properties containing similar walls in the surrounding area in terms of setback and height. The wall will be further improved through the addition of enhanced landscaping through the usage of potted palms behind the wall that will visually soften its overall appearance and assist in blending it 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. height maximum within 3 ft. of the front property line 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 within the project vicinity have similar setbacks for existing walls and fences. Potted palms will be located behind the wall to soften its overall appearance.

**SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 11-002:**

1. The site plan and elevations received and dated January 27, 2011, shall be the conceptually approved design with the modification that the site plan shall clearly specify, with appropriate dimensions and square footage, the percentage of landscaping located within the front yard setback. A minimum of 30% landscaping shall be provided within the front yard area.
2. Within 30 days of the Zoning Administrator's action, the following shall be completed:

- a. The site plan shall be amended in accordance with Condition No. 1 and submitted to the Planning Division for inclusion into the entitlement file.
  - b. The minimum required landscaping per CUP No. 11-002 shall be provided and maintained on-site.
3. CUP No. 11-002 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.
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.