

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, JANUARY 20, 2016- 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos
STAFF MEMBER: John Ramirez, Ethan Edwards, Kim De Coite
MINUTES: **NONE**
ORAL COMMUNICATION: **NONE**

ITEM 1: TENTATIVE PARCEL MAP NO. 15-190/ COASTAL DEVELOPMENT PERMIT NO. 15-032/ VARIANCE 15-006 (ARMONA DUPLEX)

APPLICANT: Carlos Losada, Merona Inc., 9451 Firestone Boulevard, Suite B, Downey, CA 90241
PROPERTY OWNER: Luis and Margaret Armona, Merona Inc., 9451 Firestone Boulevard, Suite B, Downey, CA 90241
REQUEST: **TPM:** To permit the one-lot subdivision of a 2,700 sq. ft. parcel for two residential condominium units. **CDP:** To "approve in concept" the demolition of an existing 980 sq. ft. single family home with an accessory unit and the construction of a new 4,910 sq. ft. 3-story duplex with a rooftop deck and a one-lot subdivision. **VAR:** To permit a building height of 37 feet in lieu of the maximum allowed height of 35 feet.
LOCATION: 16926 10th Street, 90742 (south side of 10th St. between North Pacific Ave. and PCH)
CITY CONTACT: John Ramirez

John Ramirez, Project Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary. Mr. Ramirez noted that staff received three emails opposing the proposed project and two phone calls in opposition; however, after speaking to staff the callers withdrew their statements of opposition.

Ricky Ramos, Zoning Administrator, verified that the reason for the Variance is based on location. Staff verified that the variance was based on the location as well as the existence of another property in the zoning area that has the same development.

THE PUBLIC HEARING WAS OPENED.

Carlos Losada, applicant, stated that he had no comments or concerns with staff's recommendations.

Tim McCormack, Chair of the Sunset Beach Local Coastal Plan Advisory Board, spoke in opposition of the proposed project. He stated that the board recommends denial of the Variance. He stated that he has received several emails from Sunset Beach residents who

oppose the increased height of the structure. Mr. McCormack noted that the LCP Board believes it is important to enforce the 35 ft. height limit.

THERE WAS NO ONE ELSE PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos stated that he understands the uniqueness of the location. He would like further clarification on the hardship the location presents to the proposed project.

Carlos Losada explained that the project was submitted in October of 2015. However, changes to the code were approved in November of 2015, which changed the standards which were in place at the time the project was submitted.

Mr. Ramos inquired if staff discussed the issue of the change of the standards as a finding? Mr. Ramirez stated that staff did discuss it as part of the original analysis but determined that it cannot be used as a finding for approval.

Mr. Ramos explained that he would approve the request as recommend by staff, with a denial of the variance as he was not able not make the findings needed to approve the variance.

COASTAL DEVELOPMENT PERMIT NO. 15-032/ TENTATIVE PARCEL MAP NO. 15-190 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. VARIANCE 15-006 WAS DENIED WITH FINDINGS FOR DENIAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10)WORKING DAYS.

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 involves the construction and subdivision of a duplex, totaling less than four dwelling units.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 15-032:

1. Coastal Development Permit No. 15-032 to "approve in concept" the establishment of a one-lot subdivision of a 2,700 sq. ft. parcel for two residential condominium units in conjunction with the demolition of an existing 980 sq. ft. single family home with an accessory unit and the construction of a new 4,910 sq. ft. 3-story duplex with a roof top deck conforms to the General Plan land use designation of RH-30 (Residential High Density – 30 dwelling units/acre) on the subject property. The Land Use Plan establishes and designates areas of residential and commercial development that will not impair coastal resources or public access to the coast. Since the project site is in the uncertified portion of the Local Coastal Program, the applicant will be submitting a coastal development permit application to the California Coastal Commission for the proposed development for final approval after City action on the project. While the City will not be issuing a coastal development permit, the applicant has submitted site plans, floor plans, and elevations for the new 4,910 sq. ft. 3-story duplex with a roof top deck, which staff has reviewed for compliance with the Draft Sunset Beach Specific Plan, Sunset Beach Residential zoning designation and other applicable provisions of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The project is consistent with Coastal Element Policy C 1.1.1, which encourages development within, or contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on

a developed site, contiguous to existing commercial and multifamily residential developments.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code with the exception of the height variance requested concurrently. The project will comply with all applicable development regulations, including minimum setbacks and onsite parking, and required recreation area.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Draft Local Coastal Program and Draft Sunset Beach Specific Plan Zoning designation. The project will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roads.
4. The development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access, recreation, or views to coastal resources as it is located on a previously developed site and is consistent in height with other structures in the vicinity and within the Draft Sunset Beach Specific Plan.

FINDINGS FOR APPROVAL - TENTATIVE PARCEL MAP NO. 2015-190:

1. Tentative Parcel Map No. 2015-190 for the one-lot subdivision of a 2,700 sq. ft. parcel proposed for the development of two residential units for condominium purposes is consistent with the General Plan land use designation of RH-30 (Residential High Density – 30 dwelling units/acre) on the subject property. The Land Use Plan establishes and designates areas of residential and commercial development that will not impair coastal resources or public access to the coast. This tentative parcel map is consistent with the Draft Sunset Beach Specific Plan, Sunset Beach Residential zoning designation and other applicable provisions of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) because the proposed subdivision will create a total of two residential condominium units.
2. The site is physically suitable for the type and density of development. The site consists of one parcel of land, approximately 2,700 sq. ft. in area developed with an existing 980 sq. ft. single family home with an accessory unit that would be demolished to facilitate the construction of a new 4,910 sq. ft. 3-story duplex with a rooftop deck. The project involves a one-lot subdivision for condominium purposes. The site will comply with maximum density requirements of the Draft Sunset Beach Specific Plan and the HBZSO.
3. The design of the subdivision and the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subdivision is proposed on property currently zoned for residential development, and located in an urbanized area. The subject parcel does not serve as habitat for fish or wildlife and is currently developed with a duplex apartment structure. The proposed condominium map will comply with the Draft Sunset Beach Specific Plan and the HBZSO.
4. The design of the subdivision and the proposed improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision since no easements acquired by the public at large for access through or use of the property exist within the proposed subdivision. Vehicular access to the site would be along 10th Street abutting the front property line and along the rear property line

abutting the alley. No easements for street or alley widening would be required as a part of this proposed tentative parcel map.

FINDINGS FOR DENIAL - VARIANCE NO. 15-006:

1. The granting of Variance No. 15-006 to permit a building height of 37 feet in lieu of the maximum allowed height of 35 feet will constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification because no special hardship affecting the property has been identified.
2. No special circumstance that is applicable to the subject property has been identified such that the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
3. The granting of a variance is not necessary to preserve the enjoyment of one or more substantial property rights. A project that complies with the maximum building height can be built on the property.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 15-032 /TENTATIVE PARCEL MAP NO. 2015-190:

1. The site plan, floor plans, and elevations received and dated December 29, 2015 shall be the conceptually approved design.
2. Prior to submittal for building permits, the following shall be completed:
 - a. Evidence of Coastal Development Permit approval by the California Coastal Commission shall be submitted to the Planning and Building Department.
 - b. Zoning entitlement conditions of approval, California Coastal Commission conditions of approval, and code requirements 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.
3. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - c. Truck idling shall be prohibited for periods longer than 5 minutes.
 - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.
 - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/grading activity.

4. Any conditions of approval, imposed by the California Coastal Commission that are more restrictive than those set forth in this approval shall be adhered to.
5. The final building permit(s) cannot be approved until the following have been completed:
 - a. All improvements must be completed in accordance with approved plans.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Community Development Department.
 - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
6. The applicant and/or applicant's representative shall be responsible for ensuring that accuracy of all plans and information submitted to the City for review and approval.
7. The development/subdivision shall comply with all applicable requirements of the Municipal Code, Community Development Department, and Fire Department, as well as all applicable local, State and Federal Codes, Ordinances and standards, except as noted herein. **(City Charter, Article V)**
8. Tentative Parcel Map No. 2015-190 in conjunction with Coastal Development Permit No. 15-032 shall become null and void unless exercised within two years of the date of final Coastal Commission approval, or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
9. The final map for Tentative Parcel Map No. 2015-190 shall not be approved by the City Engineer until the California Coastal Commission has approved the Coastal Development Permit for the development.
10. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
11. 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.

ITEM 2: COASTAL DEVELOPMENT PERMIT NO. 15-015/ VARIANCE 15-005 (ALABAMA SINGLE FAMILY RESIDENCE)

APPLICANT: Art Kent, Kent Architects, 619 16th Street, Huntington Beach CA 92648
PROPERTY OWNER: Nasser Mahgerefteh, 518 Geneva Avenue, Huntington Beach CA 92648
REQUEST: **CDP:** To permit the construction of a new 2,950 sq. ft. 3-story single family home. **VAR:** To permit a building height of 35 feet within the front and rear 25-foot setback areas in lieu of the maximum allowed height of 25 feet.
LOCATION: 101 Alabama Street, 92648 (northwest corner of Alabama St. and Atlanta Ave.)
CITY CONTACT: John Ramirez

John Ramirez, Project Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary. Mr. Ramirez noted that staff received one comment in opposition. Mr. Ramirez stated that staff recommends adding a Condition requiring the applicant submit a new grading plan to Public Works. Mr. Ramirez also noted that staff received one call opposing the proposed project.

Ricky Ramos, Zoning Administrator, verified that the driveway location will be handled through the grading plan process. Mr. Ramos stated that he had no other questions for staff.

THE PUBLIC HEARING WAS OPENED.

Art Kent, applicant, stated that he had no comments or concerns with staff's recommendations.

Steve Manon, resident, spoke in opposition of the proposed project. He stated that he was told by the City that he was the only property owner that could develop the property. He also noted that he disagrees with the location of the lot-line. He cited his concern for the number of windows proposed, parking issues, negative impact to area traffic, exemption for the driveway, and the location of the proposed electrical pole.

Larry Harrell, resident, shared his concern for the location of the proposed driveway and the proposed location of the electrical pole.

Mr. Ramos verified with staff the the proposed project was subject to the infill ordinance. Mr. Ramirez, stated that the proposed project met the infill ordinance requirements.

THERE WAS NO ONE ELSE PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos noted that he could make the necessary findings for the variance request. He would approve the request as recommend by staff.

COASTAL DEVELOPMENT PERMIT NO. 15-015/ VARIANCE 15-005 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

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 involves the construction of a new single family home.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 15-015:

1. Coastal Development Permit No. 15-015 for the construction of a new 2,950 sq. ft. 3-story single family home conforms with the General Plan, including the Local Coastal Program. The project is consistent with Coastal Element Policy C 1.1.1, which encourages development within, or contiguous to or in close proximity to existing developed area able to accommodate it. The proposed construction will occur on a vacant site, immediately contiguous to existing single-family residential development. ,
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code except for the variance for building height within the setback areas. The project complies with the minimum onsite parking, minimum front and rear setbacks, maximum floor area, and all other zoning requirements. The site's unusual shape with street frontages on all but one side and tapering of the site at the rear minimizes the amount of buildable area for the single-family dwelling at the third floor level. The requested variance provides the opportunity to remain consistent with other residences in the vicinity.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed single-family dwelling will be constructed on a site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed dwelling will not impede public access, recreation, or views to coastal resources.

SUGGESTED FINDINGS FOR APPROVAL - VARIANCE NO. 15-005:

1. The granting of Variance No. 15-005 for the construction of a new 2,950 sq. ft. 3-story single family home to permit a building height of 35 feet within the front and rear 25-foot setback areas in lieu of the maximum allowed height of 25 feet will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. Due to the irregular parabolic shape of the property and the tapering of the property at the west end, the setback requirements limit the buildable area

of the lot more significantly than a standard rectangular-shaped lot would be limited, especially on the third floor. A standard rectangular lot in this zone would be able to accommodate a third floor area (above 25 feet in height) approximately 1,425 sq. ft. in size, and be in compliance with the underlying zoning. Due to the irregular shape of this property, a third floor area of only 929 sq. ft. is possible while complying with code – about 35% less than buildable areas of other lots in the vicinity and in the same zone. With the request to permit a building height of 35 feet within the front and rear 25-foot setback areas in lieu of the maximum allowed height of 25 feet, the third floor area will be increased to 1,110 sq. ft. – still within the range of what could be accommodated by other lots in the vicinity and in the same zone. The proposed development is consistent with the development density standards applicable to the subject property (one dwelling unit per 2,500 sq. ft. of lot area) Based on the unique shape of the lot, the approval of this variance will not constitute a grant of a special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification

2. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. Due to the irregular shape of the property and the tapering of the property at the west end, the setback requirements limit the buildable area of the lot more significantly than a standard rectangular-shaped lot would be limited, especially on the third floor. As a result of this unique shape of the lot, the buildable area on the third floor is significantly less than the buildable area on a standard rectangular lot. As such, this property is deprived privileges enjoyed by other properties in the vicinity and under identical zone classification.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. Based on the applicable zoning and General Plan designation, and the existing lot size and dimensions, the subject property is afforded the right to construct one three story single-family dwelling of proportionate size to the setback, height and floor area ratio requirements of the underlying zone. Due to the irregular parabolic shape of the property and the tapering of the property at the west end, the setback requirements reduce buildable area of the lot more than a standard rectangular-shaped lot. The requested variance for the construction of the new single family home with the increased height within the front and rear 25-foot setback areas is being sought to construct a larger third floor area (consistent with other properties in the area). Consequently, the granting of this variance is necessary to preserve the development rights afforded by the property's residential land use designation.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The requested variance will not result in any intensification of development impacts beyond that which is permitted under the corresponding land use regulations and development standards based on the net lot size and width.
5. The granting of the variance will not adversely affect the General Plan. The proposed development of one dwelling unit on a 2,961 sq. t. lot is consistent with the Land Use Element designation of RMH-25-d (Residential Medium High Density – 25 dwelling units/acre) on the subject property. In addition, the proposed project is consistent with the following General Plan policy and objective:

Policy LU 9.1.1: Accommodate the development of single- and multi-family residential units in areas designated by the Land Use Plan Map, as stipulated by the Land Use and Density Schedules.

Objective LU 15.5: Ensure that development achieves the visual and physical character intended for the district in which it is located.

The proposed three-story residence is similar in size and scale to other residences in the vicinity. The requested variance allows for the construction of the third floor area of the single family home above 25 feet in height at reduced setbacks on an irregularly-shaped property in a manner consistent with other single family residences in the vicinity.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 15-015
VARIANCE NO. 15-005:

1. The site plan, floor plans, and elevations received and dated July 15, 2015 shall be the conceptually approved design.
2. A precise grading plan, prepared by a licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. The plans shall comply with the Public Works plan preparation guidelines and include, at minimum, the following improvements on the plan:
 - a. An ADA compliant access ramp at the corner of Atlanta Avenue/Alabama Street per Caltrans Standard Plan A88A.
 - b. Driveway approach on Alabama Street shall be ADA compliant driveway approach per Public Works Standard Plan No. 209.
 - c. Relocate the existing utility pole and guy wire located on the Alabama Street frontage.
3. Prior to submittal of building permits, Zoning entitlement conditions of approval and code requirements identified in separately transmitted memorandum from the Departments of Fire, Community Development, 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 street index. The minimum font size utilized for printed text shall be 12 point.
4. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - c. Truck idling shall be prohibited for periods longer than 10 minutes.
 - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.

- f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/grading activity.
5. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
6. The structure(s) cannot be occupied and the final building permit(s) cannot be approved until the following have been completed:
 - a. All improvements must be completed in accordance with approved plans.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Community Development Department.
 - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
7. VAR No.15-005 in conjunction with CDP 15-015 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 Community Development Department a minimum 30 days prior to the expiration date.
8. 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>
9. The Development Services Departments and divisions (Building and Safety, Fire, Planning, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.

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.

ITEM 3: CONDITIONAL USE PERMIT NO. 15-059 (FARRELL WALL)

APPLICANT: City of Huntington Beach, Public Works Department, c/o James Wagner, 2000 Main Street, Huntington Beach, CA 92648
PROPERTY OWNER: Patrick Farrell, 216 Crest Avenue, Huntington Beach, CA 92648
REQUEST: To construct a 6 ft. high block wall (approx. 80 lf.) at a 1 ft. front yard setback in lieu of maximum 42 inches within the front yard setback area.
LOCATION: 815 Lake Street, 92648 (west side of Lake St., between 10th St. and Crest Ave.)
CITY CONTACT: Ethan Edwards

Ethan Edwards, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

Ricky Ramos, Zoning Administrator, verified with staff that the wooden fence will be pushed back to align with the proposed wall. Mr. Edwards verified that the wooden fence will be pushed back.

THE PUBLIC HEARING WAS OPENED.

James Wagner, applicant, stated that he had no comments or concerns with staff's recommendations.

Mr. Ramos verified that the property owner is aware the he will be responsible for the maintenance of the area. Mr. Edwards stated that the property owner called and verified that he had no comments or concerns with staff's recommendations.

THERE WERE NO PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos stated he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 15-059 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

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 involves construction of a wall, ancillary to a single family residence.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 15-059:

1. Conditional Use Permit No. 15-059 for the construction of a 6 ft. high block wall (approx. 80 lf.) at a 1 ft. front yard setback in lieu of maximum 42 inches high within the front yard setback area 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. Although the wall exceeds the maximum allowed height in the front yard setback, the proposed height will not pose a safety/traffic hazard because minimum visual clearance is maintained abutting the alley. The visual character of the neighborhood will not be negatively impacted because the proposed wall is consistent with other legally established walls or fences located along front property lines in the vicinity. The proposed design is composed of 6 ft. high tan colored split-face concrete masonry units (CMU) setback 1 foot along the property line. As conditioned, the wall will be buffered by native California or other drought tolerant landscaping consistent with the City's Parkway Design Guidelines, creating an attractive appearance in conjunction with the adjacent parkway landscaping.

2. The 6 ft. high block wall (approx. 80 lf.) at a 1 ft. front yard setback in lieu of maximum 42 inches high within the front yard setback area will be compatible with surrounding uses because landscaping proposed between the wall and sidewalk will soften the aesthetic appearance of the structure and the wall is consistent with the location and height of other legally established walls in the vicinity.
3. The proposed 6 ft. high block wall 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 maximum height within the front yard setback with 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 RM-15 (Residential Medium Density – 15 du/ac) on the subject property. In addition, it 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.

Landscaping is proposed between the wall and the sidewalk which improves the aesthetics of the streetscape. The visual character of the neighborhood will not be negatively impacted because the proposed wall is consistent with other legally established walls or fences located along property lines in the vicinity. In addition, the proposed wall will assist in effectuating the City's Lake Street Rehabilitation Project, which includes new sidewalk, curb/gutter, and trees within the Lake Street public right of way.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 15 15-059:

1. The site and elevation plan received and dated October 14, 2015 shall be the conceptually approved design.
2. Landscaping between the wall and sidewalk shall be maintained in a neat and clean manner by the property owner and include native California or other drought tolerant landscaping consistent with the City of Huntington Beach Parkway Design Guidelines http://www.huntingtonbeachca.gov/files/users/public_works/HB-Parkway-Brochure-Final-10-05-15.pdf.
3. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
4. The applicant shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
5. CUP No. 15-059 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.
6. 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.

THE MEETING WAS ADJOURNED AT 2:18 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, FEBRUARY 3, 2016, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:EE:jd