

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Council Chambers - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, SEPTEMBER 3, 2025 - 1:30 P.M.

ZONING ADMINISTRATOR: Wayne Carvalho

STAFF MEMBER: Jason Kelley, Marco Cuevas Jr., Michelle Lopez

PUBLIC COMMENTS:

ITEM 1: CONDITIONAL USE PERMIT NO. 24-022 (COURT RESIDENCE WALL):

APPLICANT/
PROPERTY OWNER: Dain and Natasha Court, 427 Lake Street, Huntington Beach, CA 92648

REQUEST: To permit the installation of a 7 ft. tall block/retaining wall and wrought iron fence (measured from top of curb) in lieu of a maximum 42 inches above the retaining wall allowable within the front setback.

ENVIRONMENTAL STATUS: The proposed project is covered by Section 15303, Class 3 of the California Environmental Quality Act (CEQA).

LOCATION: 427 Lake Street, 92648 (West side of Lake Street, South of Pecan Avenue and North of Orange Avenue)

CITY CONTACT: Marco Cuevas Jr.

THE PUBLIC HEARING REMAINED OPENED FROM THE LAST HEARING FOR THE CONTINUED ITEM.

Marco Cuevas Jr., Associate Planner, displayed project plans 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. Staff modified plans and removed the wrought iron fence topper. Staff received no public comments on this item.

Wayne Carvalho, Zoning Administrator, had no questions for staff.

John Dilauro, architect, stated the front elevation is 42 in. in the adjacent grade in the property and has a five feet enclosure. He confirmed that the 7 ft. wall was measured from the sidewalk.

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

Mr. Carvalho stated that he understood all the modifications to the request.

CONDITIONAL USE PERMIT NO. 24-022 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 consists of the construction of a block/retaining wall and wrought iron fence, ancillary to a single-family residence.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 24-022:

1. Conditional Use Permit No. 24-022 to permit the installation of a 7 ft. tall block/retaining wall and wrought iron fence (measured from top of curb) in lieu of a maximum 42 inches above the retaining wall allowable within the front setback as modified by conditions 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 block/retaining wall and wrought iron fence exceeds the maximum height allowed within the front yard setback, the proposed height, as modified, will not pose a safety or traffic hazard, as the subject site is an interior lot and because it maintains visual clearances along the front property line and setback. The interior decorative wood gate is conditioned to match the height of the proposed front block/retaining wall within the front setback. The front block/retaining wall as proposed is allowed by right as the Downtown Specific Plan No. 5 Development Standards allows a wall up to 42 in. height to be constructed on top of the retaining wall. The retaining walls are allowed up to a height that accounts for the difference in grade separation, which in this case is 24 in. Thus, the front block/retaining wall as proposed is allowed, however, the subject Conditional Use Permit request is applicable to the proposed side block/retaining wall and fence within the front setback area.

The visual character of the neighborhood will not be negatively impacted because landscaping will be provided along the front property line to enhance the appearance of the blockwall/fence along the street frontage. A 6 in. retaining wall incorporating a 3 ft. landscape planter will be installed in front of the block wall/fence and will be street visible which will serve to soften the appearance of the fence creating an attractive streetscape. The fence is consistent with other legally established walls or fences located along the front property line in other residential districts.

2. The granting of the Conditional Use Permit No. 24-022 to permit the installation of 7 ft. tall block/retaining wall and wrought iron fence (measured from top of curb) in lieu of a maximum 42 inches above the retaining wall allowable within the front setback as modified by conditions will not adversely affect the General Plan because it is consistent with the Land Use Element designation of M-SP (Mixed Use - Residential Medium Density). In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

Policy LU-1(D): Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

Goal LU-2: New development preserves and enhances a distinct Surf City identity, culture, and character in neighborhoods, corridors, and centers.

Policy LU-2(C): Distinguish neighborhoods and subareas by character and appearance and strengthen physical and visual distinction, architecture, edge and entry treatment, landscape, streetscape, and other elements. Evaluate the potential for enhancement of neighborhood entrances and perimeter walls.

The overall height of the wall with fence will match the surrounding properties because the neighborhood is developed with single-family residences with similar wall and fence heights and the proposed wrought iron fence consists of an open slat design, which creates an attractive appearance. The interior decorative wood gate as conditioned will match the height of the proposed front block/retaining wall within the front setback. In addition, landscaping exists between the wall and the sidewalk improving the aesthetics of the streetscape. The visual character of the neighborhood will not be negatively impacted because the block/retaining wall facing Lake Street will be set back 3 ft. from the property line and landscaping will be maintained in front of the wall, which will soften the appearance of the fence.

3. Conditional Use Permit No. 24-022 to permit 7 ft. tall block/retaining wall and wrought iron fence (measured from top of curb) in lieu of a maximum 42 inches above the retaining wall allowable within the front setback as modified by conditions will comply with the provisions of the applicable base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) because it allows walls/fences to exceed the maximum height within the front yard setback upon approval of a Conditional Use Permit.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 24-022

1. The site plan and elevations received and dated August 26, 2025, shall be the conceptually approved design layout with the following modifications:
 - a. The proposed planter area fronting the block/retaining wall along the front setback on Lake Street shall incorporate sufficient mature landscape plantings to provide a visibly enhanced landscaped area.
 - b. The interior decorative wood gate shall not exceed 42 in. in height to match the height of the proposed front block, retaining wall within the front setback.
2. 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.
3. The applicant shall submit a landscaping plan to the Community Development Department for review and approval prior to installation of landscaping. Landscaping shall incorporate

plantings of sufficient height (i.e. shrubs, etc.) to visually soften the appearance of the proposed wall/fence.

4. 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.
5. The building permit shall be obtained within 30 days of the CUP approval and shall adhere to all building permit expiration dates.
6. Conditional Use Permit No. 24-022 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 day prior to the expiration date.
7. 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.

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. 25-004/CONDITIONAL USE PERMIT NO. 25-008 (HOANG RESIDENCE WALL):

APPLICANT:	Jim Brophy, 932 Palo Verde Avenue, Long Beach, CA 90815
PROPERTY OWNER:	Huy Hoang, 16542 Mariana Circle, Huntington Beach, CA 92649
REQUEST:	To permit the construction of a block/retaining wall with glass top at a setback of 10 ft. within the sloped rear yard of a through lot proposed at a height of 7 ft. 3 in. as measured from the slope grade with an overall height of 13 ft. 4 in. as measured from the top of curb along Somerset Lane in lieu of the maximum allowed height of 42 in. within the sloped rear yard setback of a through lot.
ENVIRONMENTAL STATUS:	This request is covered by Categorical Exemption, Section 15303, Class 3, California Environmental Quality Act (CEQA).

LOCATION: 16542 Mariana Circle, 92649 (North side of Mariana Circle, East of the terminus of Mariana Circle)
CITY CONTACT: Marco Cuevas Jr.

THE PUBLIC HEARING REMAINED OPENED FROM THE LAST HEARING FOR THE CONTINUED ITEM.

Marco Cuevas Jr., Associate Planner, displayed project plans 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. He stated that the applicant has submitted a landscape rendering plan. Staff received no public comments on this item.

Wayne Carvalho, Zoning Administrator, reviewed the setbacks with the plans.

Jim Brophy, applicant, had no comments or concerns with staff's recommendations.

Mr. Cuevas confirmed that in the previous hearing there was a resident for public comment that spoke regarding concerns with the integrity of the neighborhood.

Mr. Carvalho confirmed that the proposed request is for the wall and building permits for the structure have been issued.

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

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

CONDITIONAL USE PERMIT NO. 25-008 & COASTAL DEVELOPMENT PERMIT NO. 25-004 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 consists of the construction of a wall that is considered a small structure.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 25-008:

1. Conditional Use Permit No. 25-008 to permit the construction of a block/retaining wall with glass top at a setback of 10 ft. within the sloped rear yard of a through lot proposed at a height of 7 ft. 3 in. as measured from the slope grade with an overall height of 13 ft. 4 in. as measured from the top of curb along Somerset Lane in lieu of the maximum allowed height of 42 in. within the sloped rear yard setback of a through lot 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 wall is proposed with quality materials including concrete block with a glass at the top of the block/retaining wall. Furthermore, the

block/retaining wall will be setback 10 ft. from the rear property line to include landscaping which will be aesthetically appealing when viewed from the street. There are similar through lots along the vicinity that have been approved with similar walls.

2. The granting of the Conditional Use Permit No. 25-008 to permit the construction of a block/retaining wall with glass top at a setback of 10 ft. within the sloped rear yard of a through lot proposed at a height of 7 ft. 3 in. as measured from the slope grade with an overall height of 13 ft. 4 in. as measured from the top of curb along Somerset Lane in lieu of the maximum allowed height of 42 in. within the sloped rear yard setback of a through lot will not adversely affect the General Plan because it is consistent with the Land Use Element designation RL (Residential Low Density) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

Policy LU-4 (D): Ensure that single-family residences are of compatible proportion, scale and character to surrounding neighborhoods.

The project will be developed with a landscaped setback of 10 ft., which will improve the aesthetics along the rear of the property and soften the appearance of the proposed wall. The visual character of the neighborhood will not be negatively impacted because the proposed wall is consistent with other legally established walls for through lots in the vicinity.

3. Conditional Use Permit No. 25-008 to permit the construction of a block/retaining wall with glass top at a setback of 10 ft. within the sloped rear yard of a through lot proposed at a height of 7 ft. 3 in. as measured from the slope grade with an overall height of 13 ft. 4 in. as measured from the top of curb along Somerset Lane in lieu of the maximum allowed height of 42 in. within the sloped rear yard setback of a through lot 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 (HBZSO) because it allows walls to exceed the maximum height within the rear yard setback for through lots upon approval of a Conditional Use Permit. In addition, the proposed landscaped area fronting the retaining wall reduces the overall bulk and appearance of the wall.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 25-004:

1. Coastal Development Permit No. 25-004 to permit the construction of a block/retaining wall with glass top at a setback of 10 ft. within the sloped rear yard of a through lot proposed at a height of 7 ft. 3 in. as measured from the slope grade with an overall height of 13 ft. 4 in. as measured from the top of curb along Somerset Lane in lieu of the maximum allowed height of 42 in. within the sloped rear yard setback of a through lot conforms with the General Plan, including the Local Coastal Program because the project is consistent with the Coastal Element Land use Policy C 1.1.1 to encourage new development to locate within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed wall will occur entirely on a developed site, contiguous to existing residential development.

2. The request to permit the construction of a block/retaining wall with glass top at a setback of 10 ft. within the sloped rear yard of a through lot proposed at a height of 7 ft. 3 in. as measured from the slope grade with an overall height of 13 ft. 4 in. as measured from the top of curb along Somerset Lane in lieu of the maximum allowed height of 42 in. within the sloped rear yard setback of a through lot is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code because the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) allows a deviation from the standards for height of walls within a required setback subject to a Conditional Use Permit. The proposed development will conform with all applicable requirements as allowed by the Conditional Use Permit.
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 because Coastal Development Permit No. 25-004 to permit the construction of a block/retaining wall with glass top at a setback of 10 ft. within the sloped rear yard of a through lot proposed at a height of 7 ft. 3 in. as measured from the slope grade with an overall height of 13 ft. 4 in. as measured from the top of curb along Somerset Lane in lieu of the maximum allowed height of 42 in. within the sloped rear yard setback of a through lot is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 25-004 to permit the construction of a block/retaining wall with glass top at a setback of 10 ft. within the sloped rear yard of a through lot proposed at a height of 7 ft. 3 in. as measured from the slope grade with an overall height of 13 ft. 4 in. as measured from the top of curb along Somerset Lane in lieu of the maximum allowed height of 42 in. within the sloped rear yard setback of a through lot conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act in that the project will not impede public access, recreation, or views to coastal resources.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 25-008/COASTAL DEVELOPMENT PERMIT NO. 25-004:

1. The site plan and elevations received and dated July 17, 2025, and landscape plan received and dated August 28, 2025, shall be the conceptually approved layout.
2. Prior to submittal of building permits, zoning entitlement 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.
 - g. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays.
4. Prior to issuance of final building permits, the following shall be completed:
- a. The applicant shall submit a landscaping plan to the Community Development Department for review and approval prior to installation of landscaping. Landscaping shall incorporate plantings of sufficient density and height to visually soften the appearance of the proposed block/retaining wall.
 - b. All improvements must be completed in accordance with approved plans.
 - c. Compliance with all conditions of approval specified herein shall be verified by the Community Development Department.
 - d. 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.
5. The landscaped slope fronting the block/retaining wall shall be maintained regularly to serve as a landscaped buffer at all times.
6. 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.
7. Conditional Use Permit No. 25-008 and Coastal Development Permit No. 25-004 shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval by the City or by the Coastal Commission if the Coastal Development Permit is appealed, 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. 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.

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 1:49 P.M. TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, SEPTEMBER 17, 2025, AT 1:30 P.M.



Wayne Carvalho
Zoning Administrator

WC:ml