

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

WEDNESDAY, NOVEMBER 20, 2024 - 1:30 P.M.

ZONING ADMINISTRATOR: Joanna Cortez

STAFF MEMBER: Hayden Beckman, Marco Cuevas Jr., Michelle Romero

PUBLIC COMMENTS: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 24-026 (SECURITY FENCE):

APPLICANT: David L. Bailey, 23183 La Cadena Drive, 101, Laguna Hills, CA 92653

PROPERTY OWNER: Whitaker, Steven L & Whitaker, Aimee, 16105 Challis St, Fountain Valley, CA 92708

REQUEST: To permit the construction of a six ft. tall open slat wrought iron security fence within the front setback in lieu of the maximum height of 42 in. This request also includes a reduced vehicle stacking distance of 11 ft. in lieu of the required 20 ft., and to allow the proposed fence within portions of the required 10 ft. visibility triangles located at the front entry, the rear alley exit, and along the rear adjacent property located at 619 Main Street.

ENVIRONMENTAL STATUS: Categorically Exempt pursuant to Section 15303, Class 3, New Construction or conversion of small structures of the California Environmental Quality Act (CEQA).

LOCATION: 625 and 627 Main St, Huntington Beach, CA 92648 (near the intersection of Main St., 7th Street and Palm Ave.)

CITY CONTACT: Marco Cuevas Jr.

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 received no public comments on the proposed project.

Joanna Cortez, Zoning Administrator, had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

David L. Bailey, applicant, had concerns with staff's recommendations on condition 1b, regarding the landscape hindering the pedestrian access gate.

Vanessa Martinez, adjacent resident, stated that she is in opposition of the proposed project, it is incompatible with the residential zoning for the historic character in the existing neighborhood. Ms. Martinez cited zoning concerns with the commercial style security fence and also the proposed setbacks. She also expressed concern with the scheduled time of the Zoning

Administrator meeting and said many neighbors share her same concerns. She noted that if the proposed project is approved by the Zoning Administrator that it be appealed to the Planning Commission.

Tiffany Tina Dubar, adjacent resident, stated that her neighborhood has been a safe heaven to grow a family in and that her kids learned how to ride their bikes on the parking lot of the commercial use property. Ms. Dubar commented that the change of the setbacks is unwarranted due to the parking lot being vacant and that currently it is occupied by construction materials. She stated that she isn't in opposition of a fence, but in support of one that complies with the existing regulations and the newly rezoned 600 block.

David L. Bailey, applicant, stated the security fence is being requested because there are people camping out in the parking lot during the evenings. Mr. Bailey noted that he understands that in the past the parking lot was used for the neighborhood kids to play, however now it has become a liability to the property owners. He commented that the fence will be decorative, and that they are requesting it to be 6 ft. because it is in sense a security fence.

Bill Heneria, adjacent resident, spoke in opposition of the proposed setbacks.

Rick Wood, with applicant, spoke regarding the fence and stated that it is being requested for security purposes. Mr. Wood also noted that his request isn't for a zone change but for a Conditional Use Permit. He cited that the 600 block zone change was for the residential homes and did not affect the commercial use property. He restated that he respectfully is requesting the security fence so that the owner can properly secure the property, for an existing business primarily of women.

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

Mr. Cuevas confirmed that this a commercial zoned property and has always served as a commercial property. He also confirmed that there have been similar request approved within a residential zone.

Ms. Cortez sympathized with the residents' concerns and states that, this is a unique commercial zoned property that is surrounded by residential property. There has been similar request for residential properties to raise above what the code allows and this is the process. She states that she is going to approve the request because the findings can be made, along with modifications to soften the look.

Ms. Cortez stated that she would approve the request along with the following modifications to conditions of approval.

- Omit Condition 1b
- Modify 1a that the existing planter areas fronting the fence along the front setback on Main Street and along a portion of 7th Street shall incorporate lush landscape plantings to provide an visibly enhanced landscaped area.

CONDITIONAL USE PERMIT NO. 24-026 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED 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 fence, ancillary to a commercial property.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2024-026:

1. Conditional Use Permit No. 2024-026 to permit the construction of a 6 ft. tall open slat wrought iron security fence within the front setback in lieu of the maximum height of 42 in. within the front yard setback 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 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 the fence is an open slat design which allows visual clearances along the front property line.

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 fence along the street frontage. A six-foot planter will be maintained in front of the fence and landscaping in front of the fence will be 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 the surrounding residential districts and similarity zoned districts.

This request also includes a reduced front entrance vehicle stacking distance of 11 ft. in lieu of the required 20 ft. Since the front entrance fence/gate will remain open during regular business hours, this concern will be mitigated as it will enable vehicles to enter further into the parking drive isle eliminating any backup into the street. In addition, this request includes allowing the proposed 6 ft. tall fence/gate in lieu of the required height of 42 in. within a portion of the required 10 ft. visibility triangles located at the rear exit leading into the alley. Since the fence/gate is an open slat design and serves as an exit only, visibility is maintained mitigating line of sight obstruction concerns. Lastly, the 10 ft by 5 ft visibility triangle applicable to the neighboring property's rear garage located at 619 Main Street will be maintained and unobstructed.

2. The granting of the Conditional Use Permit No. 2024-026 to permit the construction of a 6 ft tall open slat wrought iron fence within the front setback in lieu of the maximum height of 42 in. within the front yard setback area will not adversely affect the General Plan because it is consistent with the Land Use Element designation of CG (Commercial General). 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.

The overall height of the fence will match the surrounding properties because the neighborhood is developed with single-family residences with similar wall heights and the proposed fence consists of an open slat wrought iron fence, which creates an attractive appearance. The visual character of the neighborhood will not be negatively impacted because the fence facing Main Street will be set back 6 ft. from the front property line and landscaping will be maintained in front of the fence, which will soften the appearance of the fence. The proposed rear fence will be constructed along the rear property line and does not require a setback or reduction in height, with exception of the rear visibility triangles present at the driveway exit. Since the wrought iron fence will be an open slat design, visibility will be maintained thereby minimizing any visual obstructions.

3. Conditional Use Permit No. 2024-026 to permit the construction of a 6 ft tall open slat wrought iron security fence within the front yard setback in lieu of the maximum height of 42 in. within the front yard setback area 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. 2024-026

1. The site plan and elevations received and dated October 2, 2024, shall be the conceptually approved layout with the following modifications:
 - a. The existing planter areas fronting the fence along the front setback on Main Street and along a portion of 7th Street shall incorporate lush landscape plantings to provide an visibly enhanced landscaped area.
 - b. An additional planter area shall be added to form an expanded planter area along the 7th Street side near the junction of the rear alley.
 - c. The fence/gate entrance and exit shall remain open during regular business hours.
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 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. 24-026 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. 24-008 (CIRKS RESIDENCE):

APPLICANT:	Mark Wheeler, 350 Main Street, # D3, Seal Beach, CA 90740
PROPERTY OWNER:	Ken and Kathy Cirks, 18442 Lincoln Circle, Villa Park, CA 92861
REQUEST:	To permit the remodel of an existing 2,847 sq. ft. two-story single family residence by permitting a 142 sq. ft. family room addition to the first floor, a 504 sq. ft primary suite and new bedroom addition to the second floor, remove and replace the existing 687 sq. ft. covered patio/balcony, and add a roof cover over the second-floor balcony at an overall height of 27 ft.-7 in.
ENVIRONMENTAL STATUS:	Categorically Exempt pursuant to Section 15303, Class 3, New Construction or conversion of small structures of the California Environmental Quality Act (CEQA).

LOCATION: 3542 Venture Drive, 92649 (near the terminus of Venture Drive and Sundancer Lane)
CITY CONTACT: Marco Cuevas Jr.

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 received no public comments on the proposed project.

Joanna Cortez, Zoning Administrator, had no questions for staff.

THE PUBLIC HEARING WAS OPENED.

Mr. Cuevas stated that the applicant was not present but was aware of the public hearing meeting and had no comments or concerns with staff's recommendations.

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

Ms. Cortez stated that she would approve the request as recommended by staff.

COASTAL DEVELOPMENT PERMIT NO. 24-008 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) 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 15301 of the CEQA Guidelines because the project would develop an addition less than 50 percent of existing floor area of an existing single-family residence within an existing urbanized residential zone.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 24-008:

1. Coastal Development Permit No. 24-008 to permit the remodel of an existing 2,847 sq. ft. 2-story single family residence by permitting a 142 sq. ft. family room addition to the first floor, a 504 sq. ft primary suite and new bedroom addition to the second floor, remove and replace the existing 687 sq. ft. covered patio/balcony, and add a roof cover over the second-floor balcony at an overall height of 27 ft 7 in., 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 development will occur entirely on a developed site, contiguous to properties developed with existing single-family residential uses.
2. Coastal Development Permit No. 24-008 to permit to permit the remodel of an existing 2,847 sq. ft. 2-story single family residence by permitting a 142 sq. ft. family room addition to the first floor, a 504 sq. ft primary suite and new bedroom addition to the second floor, remove

and replace the existing 687 sq. ft. covered patio/balcony, and add a roof cover over the second-floor balcony at an overall height of 27 ft 7 in., 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 project will comply with all applicable development regulations, including maximum building height, minimum yard setbacks, lot coverage, and privacy design standards.

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. 24-008 to permit the remodel of an existing 2,847 sq. ft. 2-story single family residence by permitting a 142 sq. ft. family room addition to the first floor, a 504 sq. ft primary suite and new bedroom addition to the second floor, remove and replace the existing 687 sq. ft. covered patio/balcony, and add a roof cover over the second-floor balcony at an overall height of 27 ft 7 in. is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 24-008 to permit the remodel of an existing 2,847 sq. ft. 2-story single family residence by permitting a 142 sq. ft. family room addition to the first floor, a 504 sq. ft primary suite and new bedroom addition to the second floor, remove and replace the existing 687 sq. ft. covered patio/balcony, and add a roof cover over the second-floor balcony at an overall height of 27 ft 7 in. 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 – COASTAL DEVELOPMENT PERMIT NO. 24-008:

1. The site plan, floor plans, and elevations received April 1, 2024, shall be the conceptually approved layout.
2. Prior to submittal of building permits, the following shall be completed: Zoning entitlement conditions of approval 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 completed:
 - 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.
4. Prior to issuance of final building permits, the following shall be 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.
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. Coastal Development Permit No. 24-008 shall become null and void unless exercised within two years of the date of final approval or within one year of the date of final Coastal Development Permit approval 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.
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.

THE MEETING WAS ADJOURNED AT 1:57 P.M. TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, DECEMBER 4, 2024, AT 1:30 P. M.

Joanna Cortez
Zoning Administrator

JC:mr