



OFFICE of the ZONING ADMINISTRATOR

CITY OF HUNTINGTON BEACH • CALIFORNIA

P. O. Box 190, Huntington Beach, California 92648

NOTICE OF ACTION

November 21, 2024

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

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

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

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.

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

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.

DATE OF ACTION: November 20, 2024

On Wednesday, November 20, 2024, the Huntington Beach Zoning Administrator took action on your application, and your application was **conditionally approved**. Attached to this letter are the findings and conditions of approval.

Please be advised that the Zoning Administrator reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion

of your total application. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

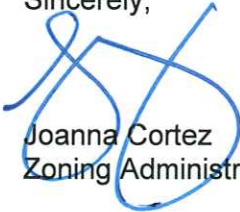
Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator becomes final at the expiration of the appeal period. A person desiring to appeal the decision shall file a written notice of appeal to the Secretary of the Planning Commission within ten (10) calendar days of the date of the Zoning Administrator's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal. Said appeal must be accompanied by a filing fee of Three Thousand Seven Hundred Sixty-Two Dollars (\$3,762.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and Five Thousand One Hundred Ninety-Three Dollars (\$5,193.00) if the appeal is filed by any other party. In your case, the last day for filing an appeal and paying the filing fee is **December 2, 2024, at 5:00 PM.**

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, unless *actual construction has begun/the use has been established*, or as modified by condition of approval.

Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020.

If you have any questions regarding this Notice of Action letter or the processing of your application, please contact Marco Cuevas Jr., the city contact at (714) 536-5224 or via email at marco.cuevas@surfcity-hb.org or the Department of Community Development Zoning Counter at (714) 536-5271.

Sincerely,



Joanna Cortez
Zoning Administrator

JC:MC:mr
Attachment

c: Honorable Mayor and City Council
Chair and Planning Commission
Travis Hopkins, Acting City Manager
Jennifer Villasenor, Director of Community Development
Ricky Ramos, Planning Manager
Martin Ortiz, Fire Deputy Chief
Bob Milani, Principal Civil Engineer
Steve Eros, Fire Protection Analyst
Jacob Worthy, Fire Protection Analyst

Jasmine Daley, Building Official
Marco Cuevas Jr., Associate Planner
Property Owner
Project File

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 24-026

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. 24-026:

1. Conditional Use Permit No. 24-026 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., 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 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. 24-026 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., 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 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. 24-026 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., 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 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. 24-026

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 a visibly enhanced landscaped area.
 - b. 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.