

Estanislau, Robin

From: Peter Dawson <pdawson@hbcasd.us>
Sent: Monday, May 16, 2022 7:33 PM
To: Luna-Reynosa, Ursula
Cc: Joyce, Sean; Estanislau, Robin; Hoang, Jimmy
Subject: Re: FW: Accessory Structure City Council Meeting May 17

Dear Ursula,

Thank you for your email. I really appreciate the detailed reply you sent. I want to be sure I respond to your request for me to clearly state my position on the ZTA. In its current iteration, I would not support the ZTA. I would be in favor of a small modification, though. Here is my concern. The Tuff Shed in my yard is 8' wide x 14' long, so it is less than the 120 cap on structures which do not require a building permit; however, it also measures 8' 8" tall. Therefore, the 8' proposed height limit would not benefit me, or the typical consumer who goes out and buys a Tuff Shed at Home Depot. (The several sample sheds in the Home Depot parking lot are a bit higher than 8 feet). For the council's convenience, I have reached out to Tuff Shed so that they can provide insight on the subject for the council members to consider. The Tuff Shed representative I spoke to today (Jason) has agreed to compose an informative email, which he will send the council tonight. I believe he raises some excellent points, which will be important. I look forward to attending tomorrow's meeting. I hope we can arrive at a resolution that works for the many people who own accessory structures similar to mine.

Thank you,
Peter Dawson

Peter Dawson, M.S.Ed.
Education Specialist,
Early Childhood Education
Eader Elementary, HBCSD
(714) 962-2451

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 5/17/2022
Agenda Item No.: #22(22-361)

On Mon, May 16, 2022 at 3:36 PM Luna-Reynosa, Ursula <ursula.luna-reynosa@surfcity-hb.org> wrote:

Dear Mr. Dawson (City Council Blind Copied),

Your letter addressed to the City Council has been forwarded to me for response. I'm the Director of Community Development and Code Enforcement is one of the divisions I oversee.

Thank you for taking the time to write the attached, detailed letter. You certainly did a good job of describing the hardship of placing a compliant storage shed on your property. It is for this reason, that placing a storage shed in a legal, compliant manner is so difficult under the current zoning code, staff initiated a Zone Text Amendment (ZTA) to change the zoning code to make it easier. You rightfully indicated that a structure equal to or less than 120 SF is exempt from requiring a *Building Permit*. Building Permits are issued under the California Building Code (CBC) which is a state code and all cities are required to adopt the CBC. Cities also regulate land use and development standards through local zoning ordinances; these ordinances affect

aesthetics in addition to other issues such as health and safety. In the case of Huntington Beach, the current Zoning Code only exempts ancillary structures (e.g. storage sheds) from setbacks if they are less than 64 SF and less than or equal to 6' in height. The proposed ZTA being considered by the City Council at their regularly scheduled meeting tomorrow evening would increase the area from 64 SF to 120 SF and increase the height from up to 6' to up to 8'.

It is my understanding that you have two storage sheds on your property that are both non-compliant with the CURRENT Zoning Code. However, if the City Council approves the ZTA and your sheds are each 120 SF or less and no taller than 8' then your sheds will be compliant with the new code provisions and your code case will be resolved. Per the attached email that was sent to you by Code Enforcement Supervisor (Jimmy Hoang) on February 13, 2022, your code case was suspended until the outcome of the ZTA is known.

I would like to provide you with some background as to how this matter of storage sheds and the need to amend the zoning code came to my attention. I received a phone call some months back from a gentleman who recently received a Notice of Violation regarding their shed. Like you, his shed had been erected for many years (30 in his particular case) without complaint. So he was quite surprised to learn that someone had complained about his shed. The person that files a complaint is referred to as a "reporting party". In this case, as well as your case, the reporting party is an aggrieved gentleman (whose shed was subject to a separate complaint and found to not be in compliance) because his shed was being "prosecuted" while he was aware of numerous illegal sheds throughout the City. He generated a list of 30 properties that he submitted to Code Enforcement. There is not a particular, targeted geographic area and staff was not able to identify any particular pattern to the selected properties. It is our belief that the properties were selected through a Google Map search which is a possible explanation for why properties in certain neighborhoods were selected but not all, or even most, in a particular neighborhood. Once a complaint is received, Code Enforcement is obligated to investigate and follow up on identified violations.

This high volume of cases was brought to my attention. I immediately recognized the difficulty posed by having a Building Code provision (i.e. no permit required for sheds 120 sf or less) and a Zoning Code provision (i.e. only sheds 64 SF or less exempt from setback requirements) out of alignment. I directed Code Enforcement staff to immediately suspend enforcement on the shed cases while Planning prepared a ZTA. At tomorrow's City Council meeting a public hearing will provide an opportunity to provide public testimony on the ZTA. This testimony can be provided orally at the meeting (or via ZOOM) or in writing. Written testimony carries the same weight as oral testimony. I encourage you to provide your testimony on the ZTA to the City Council. Perhaps your below email and letter was meant to be such testimony but it is important to state whether you support or oppose the ZTA. In your case, if the ZTA is approved it appears that it will benefit you in resolving your code enforcement cases.

I want to take this time to address a couple of additional concerns raised in your letter:

- I hope you agree the City's policy to follow up on all complaints by reporting parties removes the City's discretion to pick and choose Code Enforcement cases; we are simply responding to concerns of residents with

the understanding that not all complaints result in violations. The investigation and review of evidence is what constitutes whether there is a legitimate case or not, based on the City's codes.

- I also want to address your concern that Code Enforcement is soliciting complaints and pitting neighbor against neighbor. It is human nature to be upset over unjust treatment, whether actual or perceived. When a property owner is provided a Notice of Violation for an action that they see others doing without receiving similar notices they are understandably upset and bring those other issues to the attention of Code Enforcement. Code Enforcement Officers are left with little choice than to explain our policy that we are complaint driven (on non-health and safety matters) and to explain the process of how to file a complaint. This information is not meant to be a solicitation for complaints, rather an explanation for the process.

I hope this detailed email answers your questions and provides some context for the City's actions. I will follow up with a phone call, per your request.

Best Regards,

Ursula Luna-Reynosa, Director of Community Development

City of Huntington Beach

(714) 536-5554

From: Peter Dawson <pdawson@hbcscd.us>

Date: Sunday, May 15, 2022 at 8:56 PM

To: CITY COUNCIL <city.council@surfcity-hb.org>

Subject: Accessory Structure City Council Meeting May 17

Dear Council Members,

I am a resident of Huntington Beach, currently impacted by the accessory structure topic. **I'm attaching a pdf to this email** which contains my situation, my concerns, and my request to the council to have my violation dismissed immediately. I'm concerned that my situation may, or may not be improved by changing the height requirement alone. I would like my shed "grandfathered" as it has been in place for over 15 years, is attractive, well maintained, is

now no longer visible from the street, and does not pose a safety issue in its current location. Thank you in advance for your time and attention to the matter, as the outcome will certainly have the potential to impact a tsunami of residents for the better here in our fine city!

Sincerely,

Pete Dawson

Peter Dawson, M.S.Ed.

Education Specialist,

Early Childhood Education

**Eader Elementary, HBCSD
(714) 962-2451**

Dear Members of the City Council,

I'd like to introduce myself. My name is Peter Dawson. I am a pre-school special education teacher. I currently work for the Huntington Beach City School District. My family and I live at 17431 Almelo Lane. This past December I received a notice of violation in my mailbox (APN: 163-023-17 Case Number: CV2021-22046). The violation is for a Tuff Shed, located on the side of my home. It is 114 square feet (structures larger than 120 square feet require a permit, therefore, mine does not).

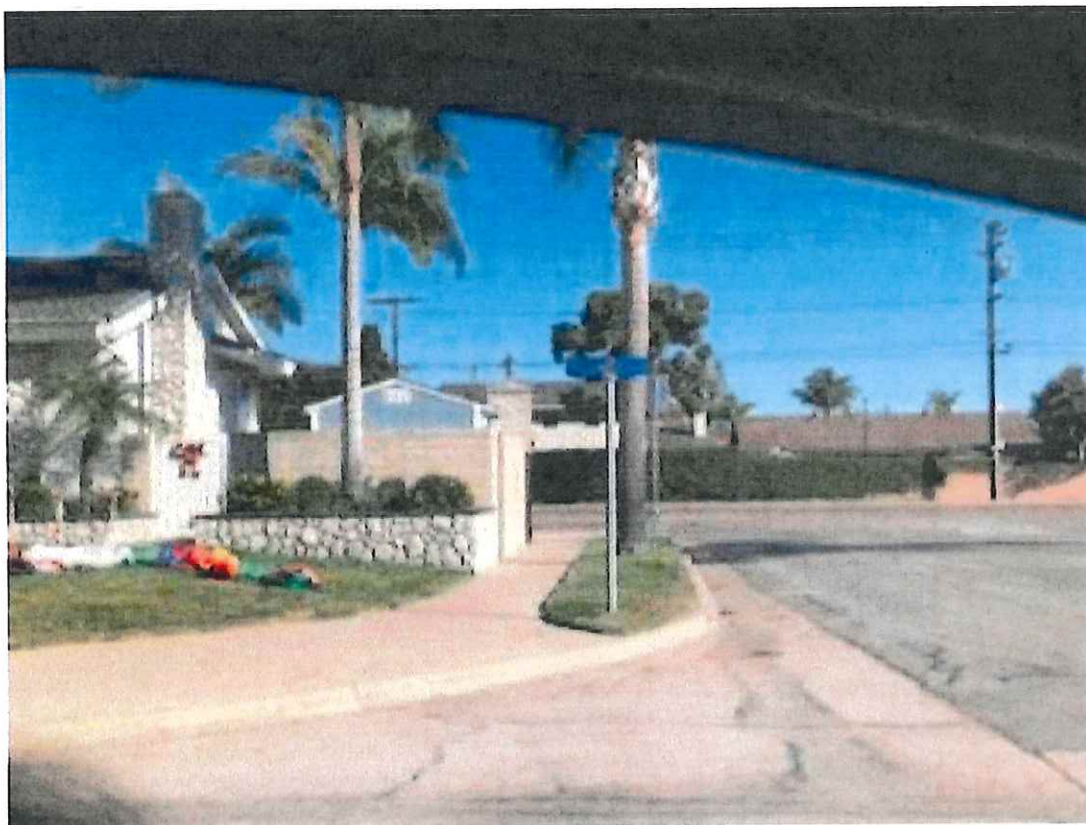
I am requesting that the citation against my house be dropped **immediately**, based on:

- 1) The original complaint against my home is utterly **arbitrary**. It targets a small **fraction** of the total population of HB residents across the city who also have storage sheds located close to their wall and/or dwelling.
- 2) I have erected a 2' lattice topper around the perimeter of my block wall. The shed is now **invisible** from the street and backyards of **all** of my surrounding neighbors. My shed has no effect on anyone outside of the yard. Why would code enforcement care at this point?
- 3) When I asked the man who was the city's planning department representative after the planning commission meeting on April 12 if there is a safety concern caused by sheds being inside the setback or higher than 8 ft., he stated that he wasn't aware of any safety-related issues.
- 4) My neighbors have all supported our 2' topper solution.
- 5) Finally, and perhaps most disturbing, Roy Hernandez, the city Code Enforcement Officer, directed me in an email, to gather the addresses of my neighbors who appear to be in violation, and then submit these addresses to him, so he can open up new cases against all of these homes (!) Roy will then, no doubt, direct these people to "consult with the City's Planning/Zoning Division to further discuss possible variances" as he did with me. This gives the appearance of a system that turns neighbor against neighbor (informing on each other in the hopes that if enough complaints arise, the city will change the code), meanwhile Roy appears to be helping the city clean up on fees, selling variances to desperate homeowners? I will not be a part of that.

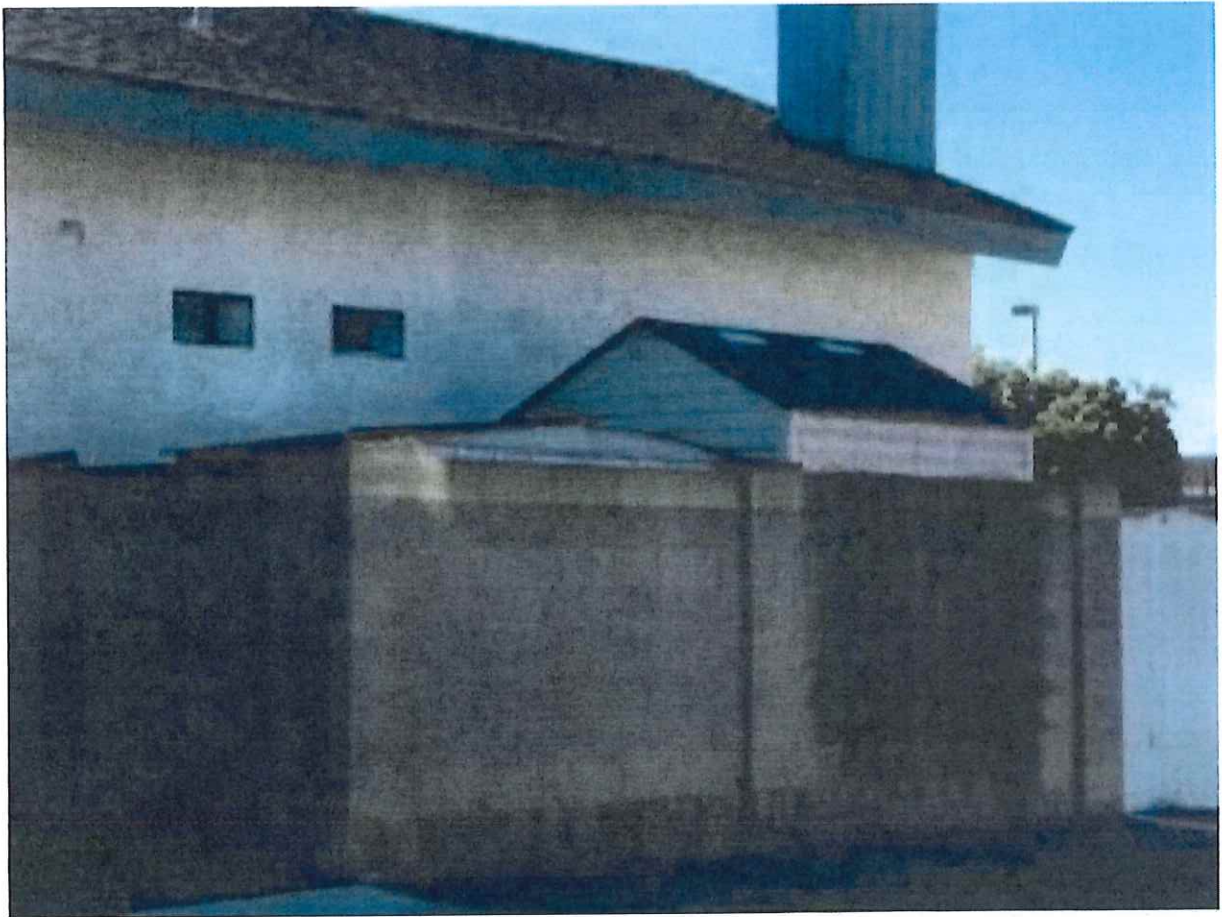
What follows is a part of the correspondence about this matter I had with the City Code Enforcement Officer, Roy Hernandez:

Thank you for asking about my illness, Mr. Hernandez. I've been out of work for a week, but fortunately, have been recovering steadily. So, to address the matter at hand, let me just make sure I understand everything correctly.

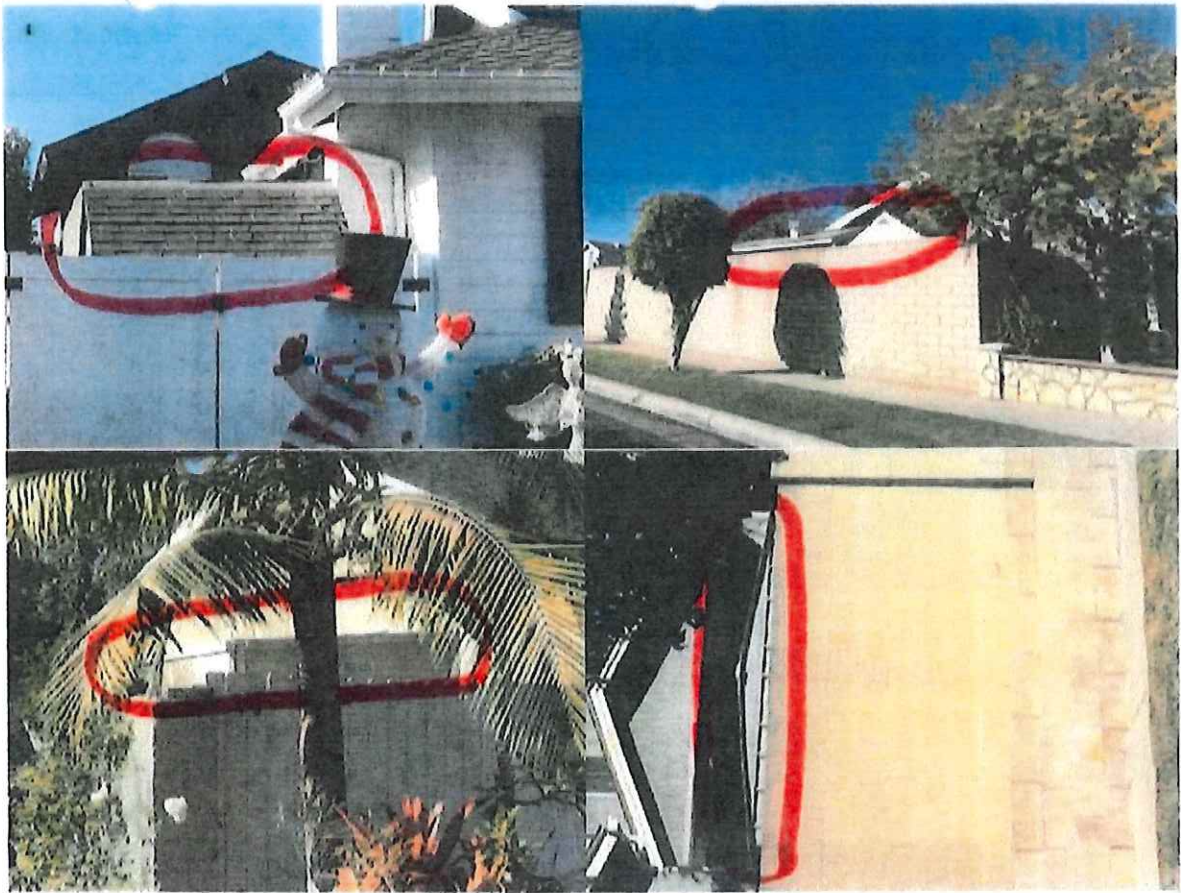
1) You initially told me over the phone that in December, during a pandemic, two weeks before Christmas, a random stranger who is angry with the city about "accessory structure location violations" (and who DOES NOT reside anywhere in, or near MY neighborhood) turned off of Springdale, into my tract, **directly passing and IGNORING** this house (which has a shed that violates the city code because it is over 6.5 feet, inside of the 10 foot setback against the street wall, and also possibly also inside the 5 foot setback from the dwelling):

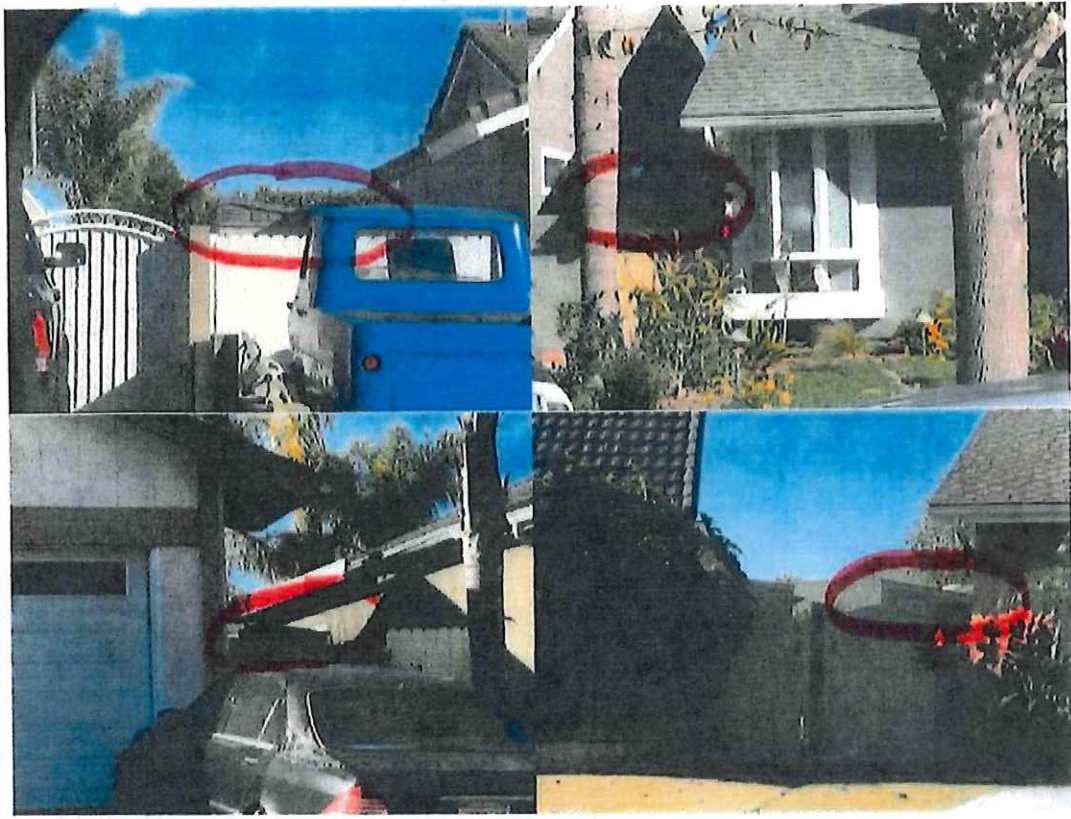


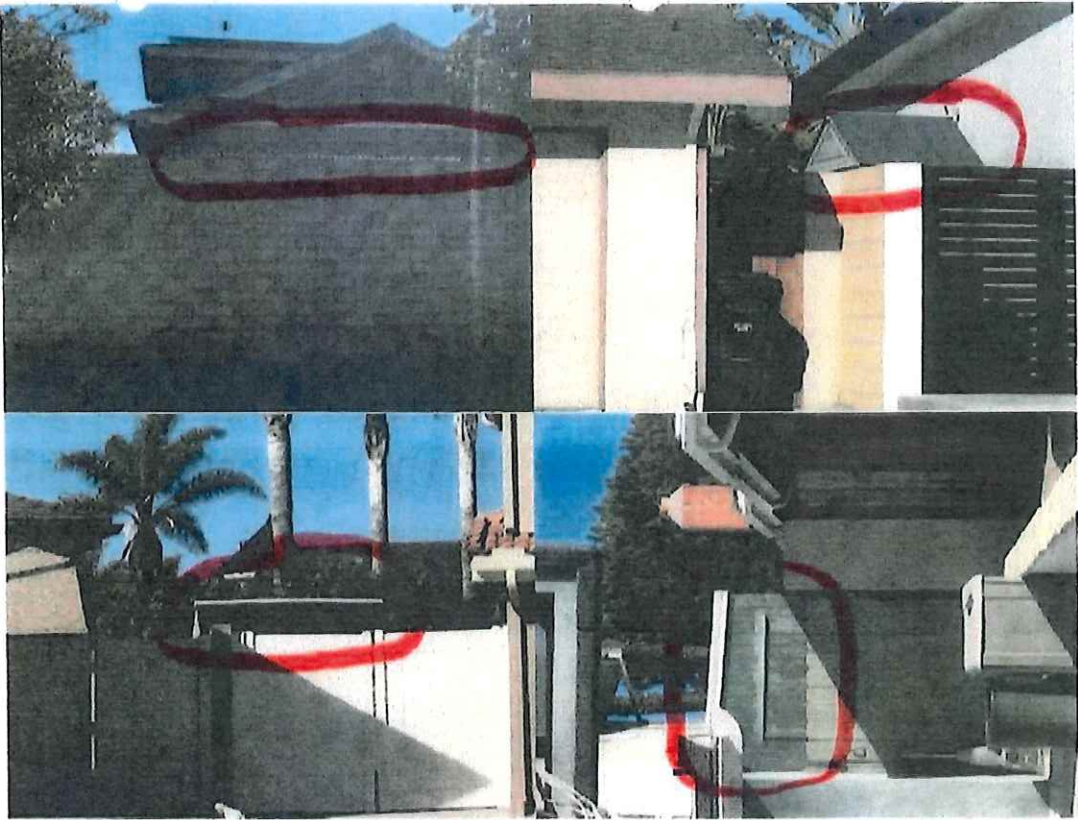
2). This random ANGRY individual then proceeded to drive through my neighborhood, again, passing and ignoring this house, as they searched for accessory structure violations:

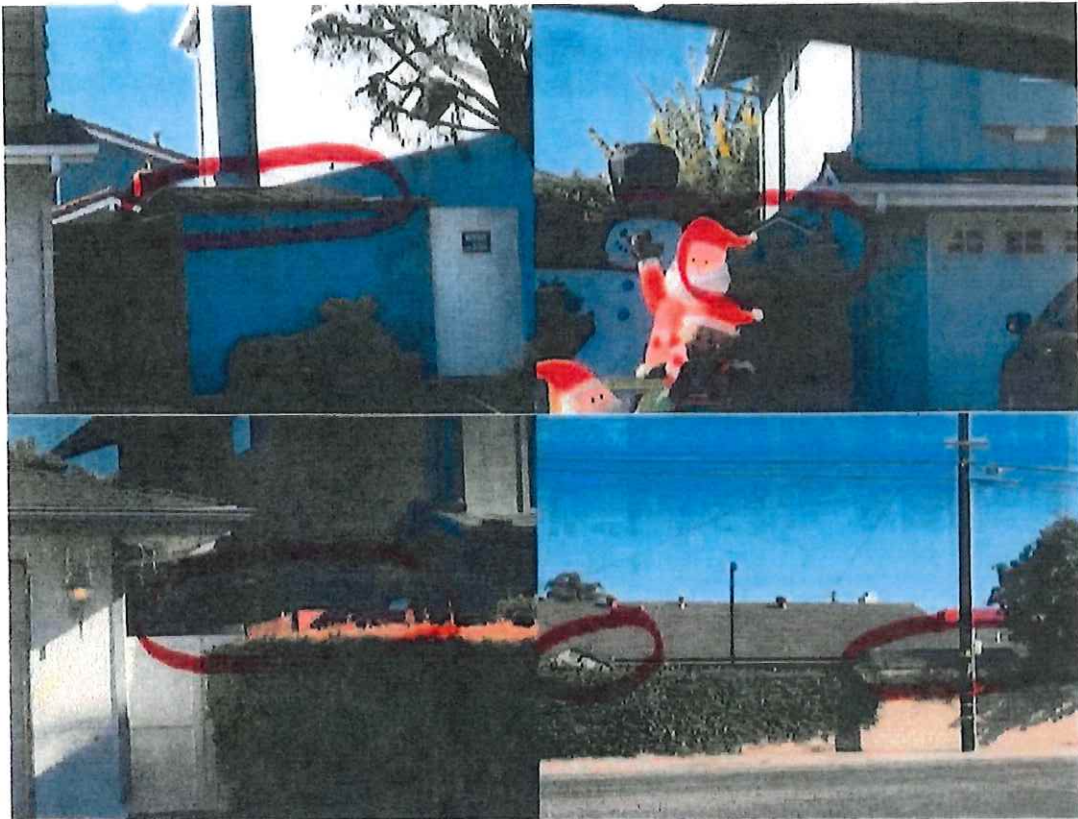


They also failed to notice:









HOWEVER, somehow, as soon as they drove through the neighborhood, it was only 17431 Almelo lane (MY HOUSE) that stood out:



Upon seeing MY shed, angry "Mr. Magoo" was UNCONTROLLABLY COMPELLED to pull over, write down MY address, and demand the city respond IMMEDIATELY to force me, AND ONLY ME to remove MY shed (which has been in its present location, with shudders, fresh paint, and trim to match the house, passed by every student and parent on their way to/from Marine View Middle School each day, without EVER bothering ANYONE over the past 14-15 years)?

Mr. Hernandez, you do realize that in order to issue me a citation, **YOU** also drove past many of these homes pictured above?

At the very least, you **CANNOT** get **in or out** of either entry to our tract **WITHOUT DRIVING PAST** one or both of **THESE**:

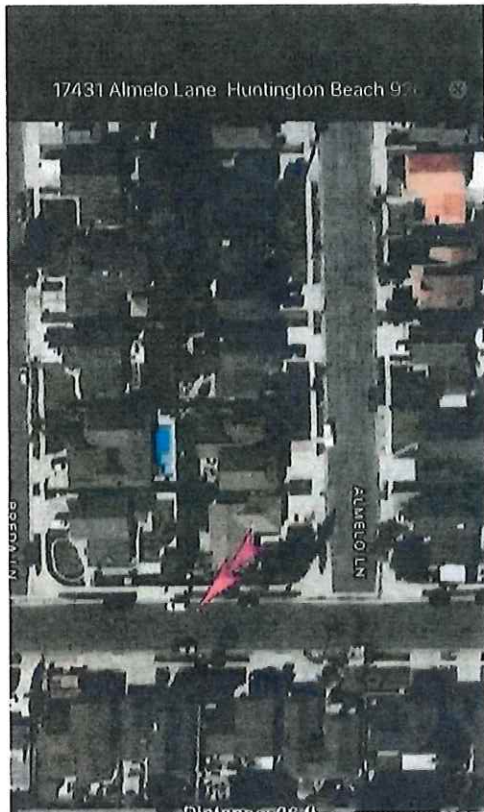


3). After driving past many of these similar violations in my neighborhood to confirm the violation at MY house, you issued a citation to my residence on December 9. I did not receive this violation in the mail until 6pm on December 15 (10 days before Christmas). It clearly stated that I had 15 days from Dec 9 to comply. That meant from the day I received it, there were only 9 more days until I would face consequences if my shed was not moved **by December 24, 2021 (Christmas Eve!!!)**. This was during the holidays after we already had travel plans made and many businesses who possibly might've helped me were closed. I contacted you the day after receiving the letter, but did not hear from you until the week after I received the violation. As a result, my wife, 13 year old son, 12 year old daughter, and I set to work, buying the materials and building a topper (after a mutually agreed upon resolution was decided between our family and our neighbors), **ALL OF THIS HAPPENED DURING OUR FAMILY CHRISTMAS BREAK - Talk about STRESSFUL!**

Currently, according to the city code, the only place where the shed can be relocated, is in the middle of our lawn in the backyard. We live on a small lot and this will utterly destroy the kids and pets play space and ruin the aesthetics and functionality of our sanctuary in the backyard. The only place it fits is in its current spot, next to the house.

If I am forced to comply with the code, in order to move the shed, I have spoken to Tuff Shed and they will not disassemble the shed. Instead, I need to hire a crane at significant cost (quotes range from \$2,000 and up), which will block our residential street, and lift the shed (risking potential damage to it).

Here are pictures showing the current shed location on the left, and potential shed relocation via crane on the right:



Also, in my case, I have spent money to have the shed tiled into the hardscape, so as to make it visually appealing. Moving the shed will likely ruin it because it will have to be disassembled and reassembled and leave an ugly hole in its place, which will cost even more money to address. There are no local companies that disassemble sheds professionally (I've checked).








To further understand risk if my Shed were damaged or destroyed by the crane, a replacement Tuff Shed like mine costs \$8-12,000., based on quotes for similar sheds on the Tuff Shed website.

4:40

Expert Assembly for \$499.99

Product Details

-  Lockable
-  Made In the USA
-  Water Resistant
-  Warranty Included
-  Assembly Required

Weights & Dimensions

Overall	8' W x 14' D x 8' 11" H
Door	4' W x 6' H
Overall Product Weight	825 lb.
Wall studs are spaced on center	24 inches

Description

Not only this, but moving the shed to the center of my back yard will leave the area where the shed stood ugly. Again, definitely not a workable situation for my family.

4). As I was struggling to find a solution in December, my neighbors which immediately surround my home on all sides, (next door, behind us, across the streets, etc.) and I were ultimately able to establish our own "Neighborhood Group" as mentioned on the City of Huntington Beach website, to discuss our specific neighborhood issue (namely, the shed location) and establish OUR priorities (to erect a visual barrier). As we discussed this resolution, we did so with the understanding that **code enforcement is only ONE of the tools that the Neighborhood Community Program can utilize**, in order to address issues like ours. We felt certain our Neighborhood Group made our intentions clear to the City by putting the will of the group in writing and delivering 7 individually signed letters of consent that the visual barrier was the outcome we'd unanimously agreed upon.

Dear Neighbors,

We want to wish you all the blessings of this holiday season and the hope that all of us and our families are gifted with good health now and during the upcoming new year.

Recently we received a letter from the City of Huntington Beach telling us that a complaint had been filed about our "Tuff Shed" brand storage shed which is in our backyard. Apparently the roof of the shed being visible over our fence is a problem. We want you all to know that it was never our intent that the shed be an eyesore to anyone. We made certain that the shed was painted the same color as our house so that it would blend nicely. Our shed has been in this spot for 14 years and we have been careful to maintain its appearance. Never-the-less, we don't want anyone to be unhappy with us. We have considered the complaint and are thinking of placing a visual barrier that would be both attractive and functional for all of our possibly impacted neighbors.

If this might be an option for us that is agreeable to you perhaps you might sign this letter at the bottom. If you have other suggestions or ideas we are receptive to hearing them. We encourage you to write them at the bottom of this letter. If we receive a consensus that the barrier is an acceptable solution we will submit the letters to the City and perhaps the issue can be quickly resolved. Thanks to all of you for your thoughtful consideration.

Warm regards,

Pete and Nina Dawson

Suggestions *no suggestion you are great neighbors!*

We see your back yard every day that we walk out the door and it's visible from our living room window. I have never noticed the shed or had any problems with the visibility whatsoever.

1-1-22

Name (Printed)

Date

5882 Avenida Arroyo

Signature

Address

December 25, 2021

Dear Neighbors,

We want to wish you all the blessings of this holiday season and the hope that all of us and our families are gifted with good health now and during the upcoming new year.

Recently we received a letter from the City of Huntington Beach telling us that a complaint had been filed about our "Tuff Shed" brand storage shed which is in our backyard. Apparently the roof of the shed being visible over our fence is a problem. We want you all to know that it was never our intent that the shed be an eyesore to anyone. We made certain that the shed was painted the same color as our house so that it would blend nicely. Our shed has been in this spot for 14 years and we have been careful to maintain its appearance. Nevertheless, we don't want anyone to be unhappy with us. We have considered the complaint and are thinking of placing a visual barrier that would be both attractive and functional for all of our possibly impacted neighbors.

If this might be an option for us that is agreeable to you perhaps you might sign this letter at the bottom if you have other suggestions or ideas we are receptive to hearing them. We encourage you to write them at the bottom of this letter. If we receive a consensus that the barrier is an acceptable solution we will submit the letters to the City and perhaps the issue can be quickly resolved. Thanks to all of you for your thoughtful consideration.

Warm regards,

Pete and Nina Dawson

Suggestions:

We have never had an issue or noticed the shed. And we have directly across the street from their backyard.

Linda (Chris Steel)

Name (Printed)

Signature

12/31/21

Date

3892 Noldina Ave

Address

December 25, 2021

Dear Neighbors,

We want to wish you all the blessings of this holiday season and the hope that all of us and our families are gifted with good health now and during the upcoming new year.

Recently we received a letter from the City of Huntington Beach telling us that a complaint had been filed about our "Tuff Shed" brand storage shed which is in our backyard. Apparently the roof of the shed being visible over our fence is a problem. We want you all to know that it was never our intent that the shed be an eyesore to anyone. We made certain that the shed was painted the same color as our house so that it would blend nicely. Our shed has been in this spot for 14 years and we have been careful to maintain its appearance. Nevertheless, we don't want anyone to be unhappy with us. We have considered the complaint and are thinking of placing a visual barrier that would be both attractive and functional for all of our possibly impacted neighbors.

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Warm regards,

Pete and Nina Dawson

Suggestions:

Suggestions: The Dawsons have improved their fence considerably. It's a nice, solid, dark, it looks great and has never been bothered by their storage shed. They are truly great neighbors that live over the street.

Tracy House

Name (Printed)

Signature

12-24-21

Date

17432 132nd St

Address

December 25, 2021

Dear Neighbors,

We want to wish you all the blessings of this holiday season and the hope that all of us and our families are gifted with good health now and during the upcoming new year.

Recently we received a letter from the City of Huntington Beach telling us that a complaint had been filed about our "Tuff Shed" brand storage shed which is in our backyard. Apparently the roof of the shed being visible over our fence is a problem. We want you all to know that it was never our intent that the shed be an eyesore to anyone. We made certain that the shed was painted the same color as our house so that it would blend nicely. Our shed has been in this spot for 14 years and we have been careful to maintain its appearance. Nevertheless, we don't want anyone to be unhappy with us. We have considered the complaint and are thinking of placing a visual barrier that would be both attractive and functional for all of our possibly impacted neighbors.

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Warm regards,

Pete and Nina Dawson

Suggestions:

Nothing needed from our standpoint but visual barrier should be more than enough.

Bill & Gary Bone

Name (Printed)

Signature

12/28/21

Date

17421 Alameda Ln

Address

December 25, 2021

Dear Neighbors,

We want to wish you all the blessings of this holiday season and the hope that all of us and our families are gifted with good health now and during the upcoming new year.

Recently we received a letter from the City of Huntington Beach telling us that a complaint had been filed about our "Tuff Shed" brand storage shed which is in our backyard. Apparently the roof of the shed being visible over our fence is a problem. We want you all to know that it was never our intent that the shed be an eyesore to anyone. We made certain that the shed was painted the same color as our house so that it would blend nicely. Our shed has been in this spot for 14 years and we have been careful to maintain its appearance. Nevertheless, we don't want anyone to be unhappy with us. We have considered the complaint and are thinking of placing a visual barrier that would be both attractive and functional for all of our possibly impacted neighbors.

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Warm regards,

Pete and Nina Dawson

Suggestions:

Suggest: Good neighbors! Let us know if we can be of any further assistance.

Charles Alstoy

Name (Printed)

Signature

12/28/21

Date

17421 Alameda Ln, H.B. CA

Address

92649

December 25, 2021

Dear Neighbors,

We want to wish you all the blessings of this holiday season and the hope that all of us and our families are gifted with good health now and during the upcoming new year.

Recently we received a letter from the City of Huntington Beach telling us that a complaint had been filed about our "Full Shed" brand storage shed which is in our backyard. Apparently the roof of the shed being visible over our fence is a problem. We want you all to know that it was never our intent that the shed be an eyesore to anyone. We made certain that the shed was painted the same color as our house so that it would blend nicely. Our shed has been in this spot for 14 years and we have been careful to maintain its appearance. Nevertheless, we don't want anyone to be unhappy with us. We have considered the complaint and are thinking of placing a visual barrier that would be both attractive and functional for all of our possibly impacted neighbors.

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Warm regards,

Pete and Tina Davison

Suggestions

- BRAD FILSINGER

Name (Printed)

Signature

12/24/2021

Date

17122 GREEN LAKE

Address

H.B.

December 25, 2021

Dear Neighbors,

We want to wish you all the blessings of this holiday season and the hope that all of us and our families are gifted with good health now and during the upcoming new year.

Recently we received a letter from the City of Huntington Beach telling us that a complaint had been filed about our "Full Shed" brand storage shed which is in our backyard. Apparently the roof of the shed being visible over our fence is a problem. We want you all to know that it was never our intent that the shed be an eyesore to anyone. We made certain that the shed was painted the same color as our house so that it would blend nicely. Our shed has been in this spot for 14 years and we have been careful to maintain its appearance. Nevertheless, we don't want anyone to be unhappy with us. We have considered the complaint and are thinking of placing a visual barrier that would be both attractive and functional for all of our possibly impacted neighbors.

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Warm regards,

Pete and Tina Davison

Suggestions

Whitney Bell

Name (Printed)

Signature

12/23/21

Date

5872 N. Dune Drive

Address

5). Also in December, I spoke to city personnel (a building inspector) who encouraged me to take this path (erecting a topper) as a resolution. As an aside, the arbitrariness of the city's conduct is underscored, where one day, an inspector visits my home and signs off on a final inspection on a mechanical permit without seeing the work, and then a few days later, a code enforcement officer issues a violation and insists he has ZERO discretion and cannot "deviate" from compelling me to follow said code, while simultaneously turning a blind eye to a multitude of the EXACT SAME violations (pictured above) in the neighborhood.

The City's notion of "reactive" vs "proactive" enforcement in this case is untenable. In our country, and in this city, the law is the law. Those in power in our city of Huntington Beach cannot play favorites with enforcement. For example, in a 45mph zone, the police cannot give a certain class of people (Group A) a ticket for going 70mph and then observe and excuse another class of citizens (Group B) for driving 70mph, because they belong to a different, favored "Group B" class. I believe in fairness and equality. If the city is going to insist that I move my shed, then I expect the city to make everyone move their accessory structures city-wide, no exceptions; otherwise, the City of Huntington Beach is engaging in discrimination, bullying, harassing, and blatantly unfair practice toward its own residents. That is wrong.

6). Finally, to review, you've seen the sheds in my neighborhood. This is what my shed looked like at the time of the citation:



And now, this what my shed looks like after the topper:



Again, my neighbors have zero complaints (and this outcome is much more attractive than many of my neighbor's visible sheds all around the neighborhood. Since the new topper has been up, we've received multiple compliments on its appearance from neighbors walking by, etc.)

In conclusion, I would like to request a copy of the original complaint. I have a right to see it. In America, people have the right to face their accusers. How do I know this complaint isn't made up? Where is this all-powerful mystery individual who complained because they don't like the way my house looks? If justice in Huntington Beach is truly fair, the city cannot look at all of the evidence I've shown and just conclude that the violation that's been issued to ME ALONE in my neighborhood is appropriate. It runs contrary to the idea of "equal application of the law". It is also unfortunate that the city is usurping the will of our "Neighborhood Preservation Group" by running over the top of the solution that was mutually and unanimously agreed upon by each household in our local group.

Perhaps I need to speak to the city council, and perhaps I will speak to my neighbor and friend, who is a city attorney, but for now Roy, I would like to speak to your supervisor about this matter please.

Sincerely,

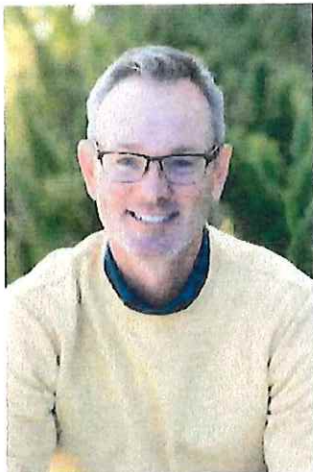
Peter Dawson, M.S. Ed.

Longtime HB Resident

17431 Almelo Lane

Huntington Beach, CA 92649

949.394.7513



Estanislau, Robin

From: Hoang, Jimmy
Sent: Sunday, February 13, 2022 9:48 PM
To: Peter Dawson
Subject: RE: Response to your letter

Dear Mr. Dawson,

Thank you so much for your patience and allowing me an opportunity to further review the current matter at 17431 Almelo Lane. I do have some good news to report to you which is clearly outlined at the end of this email. But first, I'd like to start by providing some analysis of the zoning code as it stands today:

The Property

- 17431 Almelo Ln is in an RL (residential low density) zoning designation of the City

Huntington Beach Zoning and Subdivision Ordinance (HBZSO)

- HBZSO 210.06 Property Development Standards apply to RL zones
- Specifically, subsection (H)(1) of HBZSO 210.06 that reads:
In the RL, RM, RMH (excluding RMH-A subdistrict), and RH districts, the street side yard shall be 20% of the lot width, minimum six feet and need not exceed 10 feet.

HBZSO Analysis

- The property is approximately 68 ft wide.
- 20% of 68 ft. is 13.6 ft.
- The street side yard setback would be 13.6 ft but it does not have to exceed 10 ft.
- Therefore, the street side yard setback at 17431 Almelo Ln is 10 ft. (supposed to be 13.6 ft. but the code states "not exceed 10 feet")

The Minimum Six Feet Requirement

- Based on the HBZSO code above, when we apply the "street side yard shall be 20% of the lot width" to a property that is measured at 25 ft. wide, for *example*, the 20% OF 25 ft. would be 5 ft. However, the HBZSO requires a minimum of six feet instead.

Additional Provisions of HBZSO 230.08

- No building permit is required because the shed is no more than 120 sq ft
- The location must still comply with Zoning Code requirements
- A minimum 5 ft setback to the rear property line is required
- A minimum 10 ft setback to the street side property line is required (see HBZSO 210.06 Subsection H1)
- A minimum 5 ft setback to the interior side property line is required
- A minimum 10 ft separation from the house is required (see HBZSO 210.06 Subsection D)

“(D) **Building Separation.** The minimum spacing between buildings including manufactured home units shall be 10 feet.”

Now, for some good news. The City is looking to conduct a Zoning Text Amendment (ZTA) to the setback requirements for accessory structures/ storage sheds under 120 square feet. During the endeavor, the Code Enforcement case for your property will be suspended until further notice. Should we receive additional complaints about the structure, we will communicate the same message to the reporting citizen.

As such, the ZTA process may take some time as it will need to go before a Public Hearing via the Planning Commission, then two (2) different City Council Hearings. Please note that we do not know how Council will vote, but we strongly believe that this is the best solution for all parties involved.

We thank you for your patience and will keep you posted on this progress.

Regards,

Jimmy Hoang #1010
Code Enforcement Supervisor
City of Huntington Beach
Department of Community Development
Code Enforcement Division
P 714.374.5387 | jimmy.hoang@surfcity-hb.org
F 714.374.1540 | www.huntingtonbeachca.gov
Main Line 714.536.5271



The City of Huntington Beach's new electronic permit processing system HB ACA (Accela Citizen Access) is now open for submittals! Please read all instructions for setting up an account and submitting applications online through HB ACA before submitting a new application. If you have any questions on the submittal process after reading the instructions link below, please contact us at permitcenter@surfcity-hb.org.

HB ACA Help Center – Instructions to read before you apply online:

<https://huntingtonbeachca.gov/help-center/>

HB ACA – Apply Online Here:

<https://huntingtonbeachca.gov/aca>

Code Enforcement related matters may be reported at
<https://enqage.huntingtonbeachca.gov/CitizenAccess/Default.aspx>

From: Peter Dawson <pdawson@hbcsc.us>
Sent: Tuesday, February 1, 2022 9:54 AM
To: Hoang, Jimmy <Jimmy.Hoang@surfcity-hb.org>
Subject: Re: Response to your letter

I have received your response. Thank you, Mr. Hoang.

Peter Dawson, M.S.Ed.
Education Specialist,
Early Childhood Education
Eader Elementary, HBCSD
(714) 962-2451

On Tue, Feb 1, 2022 at 9:47 AM Hoang, Jimmy <Jimmy.Hoang@surfcity-hb.org> wrote:

Dear Mr. Dawson,

Thank you for your email. This email response is to confirm receipt of your email. Please allow me some time to review your email and the code enforcement case. Please note that any timeline for compliance will be suspended until you receive a response from me.

Thank you for your patience.

Jimmy Hoang #1010
Code Enforcement Supervisor
City of Huntington Beach
Department of Community Development
Code Enforcement Division
P 714.374.5387 | jimmy.hoang@surfcity-hb.org
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-----Original Message-----

From: Peter Dawson <pdawson@hbcasd.us>
Sent: Monday, January 31, 2022 7:02 PM
To: Hoang, Jimmy <Jimmy.Hoang@surfcity-hb.org>
Subject: Fwd: Response to your letter

Dear Mr Hoang,

My name is Peter Dawson. I am a tax payer and longtime resident of the city of Huntington Beach. I am forwarding you all my correspondences with Roy Hernandez (except for our final couple exchanges, as my system will not allow me to forward those. Despite this, I'm sure Roy can easily provide them upon request. You will be able to see his response to my email below, which is disturbing).

Mr. Hoang, first and foremost, my contention is that the complaint against my property is not valid, because it is neither real, nor authentic. If it was actually submitted by a resident of Huntington Beach, it was done so by a person under duress, just as I am, in the hopes that by turning in their neighbors in to the city for similar code violations, the city will prosecute people, and this might, in turn, compel more citizens to rise up and demand a change to the code as it relates to accessory structure (read: storage shed) locations on people's properties, and the "informant/complaining party" may have an opportunity to ultimately avoid the violation.

In my case, Roy initially claimed my violation came in among a batch of 50-60 city wide complaints, all from the same individual, all for the same violation (accessory structures located on people's property along a wall, within a minimum setback). When I sent pictures to Roy of 20-30 sheds in my housing tract (contained in the email below), all violating the same code as my shed, Roy asked me to provide him with the addresses so that he can go out and investigate each one of those and open more files on them.

Clearly, the city is perpetuating a cycle of harassment, turning neighbor against neighbor. It is also clear to me that the city is profiting from this practice, funneling accused "code violators" over to the planning office, asking if they can pay a premium for permits and/ or variances fees, like they did with me. All the while, the city can appear "third party" to the situation.

The city is not a third party, and I intend to expose this. I have evidence. As the supervisor Mr. Hoang, whose idea is this practice? Not yours, I hope, for your sake, because it's an outright abuse. I will be seeking an audience with my attorney and the city council to shed light on what's occurring as soon as possible.

Sincerely,

Peter Dawson