

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Rami Talleh, Associate Planner
DATE: March 26, 2008

SUBJECT: VARIANCE NO. 2008-002 (BROOKHURST PLAZA FAÇADE IMPROVEMENT)

LOCATION: 21431 Brookhurst Street, 92646 (Southwest corner of Brookhurst Street and Hamilton Avenue)



**Applicant/
Property**

Owner: Donald B. Ayres III, 355 Bristol Suite A, Costa Mesa, CA 92626

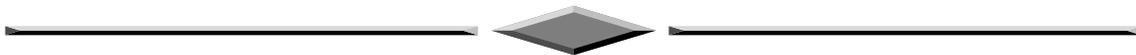
Request: To permit 5.1% of on-site landscaping in lieu of the minimum required 6% of onsite landscaping and allow a 5 ft. wide landscape planter along Hamilton Ave. in lieu of the minimum required 6 ft. wide landscape planter in conjunction with a façade improvement of an existing shopping center.

Environmental Status: This request is covered by Categorical Exemption, Section 15305, Class 5, California Environmental Quality Act.

Zone: CG (Commercial General)

General Plan: CG – F1 (Commercial General – max 0.35 floor area ratio)

Existing Use: Commercial shopping center



RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED 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 15305 of the CEQA Guidelines, because the project represents a minor alteration in land use limitations which will not result in any changes in land use or density.

SUGGESTED FINDINGS FOR APPROVAL - VARIANCE NO. 2008-002:

1. The granting of Variance No. 2008-002 to permit 5.1% of on-site landscaping in lieu of the minimum required 6% of onsite landscaping and allow a five ft. wide landscape planter along Hamilton Ave. in lieu of the minimum required six ft. wide landscape planter will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The project site will be provided with 8,059 sq. ft. of additional on-site landscaping for a total of 10,264 sq. ft. of landscaping. The landscaped planter along Hamilton Avenue is proposed to be widened by an additional two ft. for a total width of five ft. However, the project site can fully not comply with the applicable landscape code requirements and simultaneously maintain compliance with applicable parking requirements without demolishing at least a portion of the existing building, which would constitute undue hardship. Consequently, the requested variance provides for the remodeling of an aging commercial center, which would not be inconsistent with the limitations on other properties in the vicinity.
2. The project site is constrained by special circumstances, which include its existing legal non-conforming condition with respect to the width of the landscape planter along the Hamilton Avenue frontage and overall on-site landscaping. While the project site will be provided with substantially more landscaping than that existing on-site, the project site can not meet current code requirements for the width of the landscape planter and minimum on-site landscaping requirements and maintain conformance with current parking standards due to the existing location of the building and other site improvements, which can not be relocated.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The requested variance is necessary in order to allow for the remodel of the existing commercial center. The City's Zoning Ordinance requires that the property meet certain minimum requirements for landscaping as a prerequisite to allow exterior modifications. In this case, the project can not meet the applicable landscape requirements due to the existing location of buildings and other site improvements. Consequently, strict application of the Zoning Ordinance would deprive the property owner of the right to remodel and improve the property to meet objectives for community character.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The requested variance will allow the project site to provide additional on-site landscaping and widen the landscape planter along Hamilton Ave. to the maximum extent possible and provide for the remodeling of the existing commercial center, which will benefit the public welfare and surrounding property owners by improving the appearance and value of the subject property. In addition, the project will be conditioned to provide additional on-site landscaping in the form of vehicle overhangs which is not counted towards the minimum on-site landscaping requirements.
5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CN-F1 (Commercial Neighborhood – 0.35 maximum floor area ratio) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character and in accordance with the Development "Overlay" Schedule as appropriate.

The requested variance accounts for the unique characteristics of the project site by allowing a minor reduction in the street side landscape width and overall landscape requirements, in order to allow for the remodel of the commercial center and thereby meet objectives for community character.

SUGGESTED CONDITIONS OF APPROVAL VARIANCE NO. 2008-002:

1. The site plan, floor plans, and elevations received and dated January 18, 2008 shall be the conceptually approved design with the following modifications:
 - a. Provide three foot wide landscaped planters at the end of each new row of parking spaces located in the northwest corner of the site. Where landscaped planters abut each other provide one merged planter.
 - b. A minimum 20 ft. wide decorative paving band shall be provided at the main driveway entrances along Brookhurst St. and Hamilton Ave.
 - c. Provide a two ft. wide landscaped vehicle overhang where ever possible.
 - d. Remove the wall along Hamilton Avenue and replace it with a minimum two ft. high landscaped berm.
 - e. Provide potted plants along the southern elevation closest to Hamilton Avenue.
 - f. The design of the major tenants' façade shall be consistent with the elevations received and dated February 12, 2008. Additional stone veneer shall be provided in front of the major tenants' entrance and cart coral up to two thirds of the height of the building.
2. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

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.