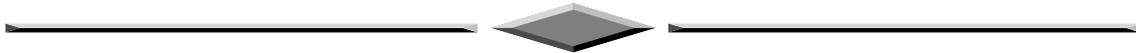


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Hayden Beckman, Planning Aide
DATE: April 4, 2012

SUBJECT: VARIANCE NO. 12-001 (ADAMS & MAGNOLIA SHOPPING CENTER FAÇADE REMODEL)

LOCATION: 9036-9102 Adams Avenue, 92646 (southeast corner of Magnolia Street and Adams Avenue)



Applicant: Randy Jepsen, PJP Architects, 419 S. Glassell Street, Orange, CA 92866

Property Owner: L.C. Smull, Business Properties Development Company, 17631 Fitch, Irvine, CA 92614

Request: To permit a (a) 3 ft. wide landscape planter in lieu of the minimum 10 ft. required along Adams Avenue; and (b) 3 ft. 4 in. wide landscape planter in lieu of the minimum 6 ft. required along Magnolia Street in association with proposed façade improvements to an existing commercial 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 – 0.35 Maximum 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. 12-001:

1. The granting of Variance No. 12-001 to permit (a) a 3 ft. wide landscape planter in lieu of the minimum 10 ft. required along Adams Avenue and (b) a 3 ft. 4 in. wide landscape planter in lieu of the minimum 6 ft. required along Magnolia Street 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 cannot comply with the applicable code requirements and simultaneously maintain compliance with applicable parking requirements without demolishing a portion of the existing shopping center, which would constitute an undue hardship. Consequently, the requested variance provides the allowance for needed upgrades to an aging commercial center, which would not be inconsistent with limitations upon other properties in the vicinity. Similar variances have been granted to other commercial properties within the same zoning district that contain similar development constraints.
2. Because of special circumstances applicable to the subject property, including size, shape, and location, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The project site is constrained by special circumstances, which include the property's existing legal non-conforming condition with respect to the width of the landscape planters along the Adams Avenue and Magnolia Street frontages. While the project site meets the code requirement for on-site landscaping, the site cannot meet current code requirements for the width of the landscape planters and maintain conformance with current parking standards, due the existing location of buildings and other site improvements which cannot 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 cannot 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 modernize onsite buildings to meet the City's 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 maintain its existing non-conforming street frontage landscape planter width and provide for the desired improvements of the existing commercial center, which would benefit the public welfare and surrounding property owners by improving the appearance and value of the subject property. In addition, the project site complies with 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 CG-F1 (Commercial General – 0.35 maximum floor area ratio) on the subject property. In addition, it is consistent with the following policies of the General Plan:

Land Use Element

Policy 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 reduction in the street side landscape width, in order to allow for the façade and site improvements of the commercial center and thereby meet objectives for community character.

Policy LU 10.1.12: Require that Commercial General uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development.

Policy LU 10.1.14: Require that commercial buildings and sites be designed and developed to achieve a high level of architectural and site layout quality.

The requested variance will facilitate the exterior renovation of the existing commercial center with a contemporary architectural style and quality materials. The improved buildings will be compatible with nearby commercial development and upgrade the appearance of the property.

SUGGESTED CONDITIONS OF APPROVAL VARIANCE NO. 12-001:

1. The site plan, floor plans, and elevations received and dated January 10, 2012 shall be the conceptually approved layout.
2. Prior to issuance of building permits, include three full size copies of sheet LS-1 into submitted sets for building permit No. B2011-006395, for the exterior façade of the commercial center.
3. Variance No. 12-001 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 Planning and Building Department a minimum 30 days prior to the expiration date.
4. 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/green-building-guidelines-rating>).

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.