

**MINUTES**  
**HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR**  
**Room B-8 - Civic Center**  
**2000 Main Street**  
**Huntington Beach California**

**WEDNESDAY, April 1, 2009 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Ethan Edwards, Rami Talleh, Kimberly De Coite (recording secretary)

**MINUTES:** **NONE**

**ORAL COMMUNICATION:** **NONE**

**ITEM 1: VARIANCE NO. 2009-001 (TOWNHOUSE PLAZA FAÇADE IMPROVEMENT)**

APPLICANT/

BUSINESS OWNER: Scott vonKaenel, Lundstrom & Associates Architects

PROPERTY OWNER: Mark Sork, Towne House Plaza, 140 Newport Center Drive, Suite 260, Newport Beach, CA 92660

REQUEST: To permit a) approximately 4.8% landscaping in lieu of the minimum required 6% of onsite landscaping; and, b) to permit a 3-foot wide landscape planter in lieu of the minimum 10-foot required along Adams Avenue and Brookhurst Street in conjunction with a façade improvement of an existing shopping center.

LOCATION: 9881 Adams Avenue, 92646 (northwest corner of Brookhurst Street and Adams Avenue)

PROJECT PLANNER: Ethan Edwards

Ethan Edwards, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

Mr. Edwards stated that staff received one public comment, from Meredith Gardens Homeowners Association supporting the façade improvement but not the requested variance.

Mr. Edwards stated that the request was reviewed on March 12, 2009 by the Design Review Board which recommended approval with conditions.

Mr. Edwards stated that upon further review staff found that Brookhurst Street, like Adams Avenue, required a 10-foot wide landscape planter and would like to modify any reference in the Executive Summary indicating a 6-foot wide landscape planter. He noted that staff

determined that this minor correction was consistent with the advertised notice and did not change the nature of the variance request.

Mr. Ramos confirmed that staff verified that the dimensions of the parking spaces and drive aisles were at the minimum code requirement and therefore would not allow for additional landscaping beyond what is proposed.

**THE PUBLIC HEARING WAS OPENED.**

Scott vonKaenel, applicant, stated that he had read the Conditions of Approval and had no comments or concerns.

Mark Sork, property manager for the site, stated that he approved of the request.

Simone Slifman, Project Manager for the Economic Development Department, stated that the Economic Development Department supported the project and the variance request.

**THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

Mr. Ramos stated that the request was similar to previously approved requests and, given the information provided, he could approve the request as recommended by staff with minor modifications to Finding Nos. 1 and 5.

**VARIANCE NO. 2009-001 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED 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) 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 15304 Class 4 of the CEQA Guidelines, because the project consists of minor private alterations to land including new and water efficient landscaping; and, 15305 Class 5, because the project represents a minor alteration in land use limitations which will not result in any changes in land use or density.

**FINDINGS FOR APPROVAL - VARIANCE NO. 2009-001:**

1. The granting of Variance No. 09-001 to permit a) approximately 4.8% landscaping in lieu of the minimum required 6% of onsite landscaping; and, b) to permit a 3-foot wide landscape planter in lieu of the minimum 10-foot required along Adams Avenue and Brookhurst Street in conjunction with a façade improvement of an existing commercial center 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 undue hardship. Consequently, the requested variance provides for façade improvements along with enhanced landscaping of an aging commercial center, which would not be inconsistent with the limitations on other properties in the vicinity. A similar variance has been granted to other commercial properties in the same situation.

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 its existing legal non-conforming condition with respect to the minimum landscape requirement and width of the landscape planter along the Adams Avenue and Brookhurst Street frontages. The project site can not meet current code requirements for the minimum landscaping and width of the landscape planter and maintain conformance with current parking standards, due to the existing location and size 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 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 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 maintain its existing non-conforming street frontage landscape planter width and increase overall landscaping 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 will provide additional on-site landscaping such that the total percentage of the existing site landscaping (4.3%) will be increased by 0.5% (2,036 sq. ft.) and provide additional trees to meet the minimum parking lot and perimeter tree requirement.
5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG-F1 (Commercial General – 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 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.

**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.

**LU 10.1.4:** Require that commercial buildings and sites be designed 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 the enhanced landscaping will upgrade the appearance of the property.

### **CONDITIONS OF APPROVAL VARIANCE NO. 2009-001:**

1. The site plan dated February 18, 2009, elevations dated February 27, 2009, landscape plan dated March 4, 2009, and phasing plan dated March 18, 2009 shall be the conceptually approved design with the following modifications:
  - a. The stone veneer treatment shall be incorporated onto the base of the columns between the storefront glazing located on the Adams Avenue south elevation 2, Brookhurst Street east elevation, and the pad building Brookhurst Street elevation. **(DRB)**
  - b. The submitted color palette shall be continued around to the rear/north facing elevations. **(DRB)**
2. The final building permit(s) for Phase 1 can not be approved until the applicant has submitted Phase 2 plans for Plan Check review.
3. The Certificate of Occupancy for any use in Phase 1 can not be approved until all site improvements including landscaping throughout the center is finished.
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/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.

**THE MEETING WAS ADJOURNED AT 1:37 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, APRIL 22, 2009 AT 1:30 PM.**

*R Ramos*

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Ricky Ramos  
Zoning Administrator

RR:kdc