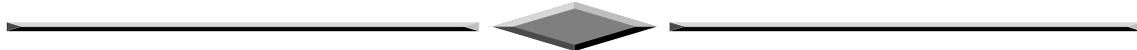


**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Joanna Cortez, Assistant Planner
DATE: June 3, 2015

SUBJECT: VARIANCE NO. 15-002 (JACKSON RESIDENCE)

LOCATION: 824 Geneva Avenue, 92648 (east side of Geneva Ave., between Indianapolis Ave. and Hill St.)



Applicant: Ron Wikstrom, 2027 Ross St., Santa Ana, CA 926487

Property

Owner: Charles and Corrine Jackson, 6901 Lawn Haven Dr., Huntington Beach, CA 92648

Request: To permit an approximately 2,211 sq. ft. first and second floor addition to an existing 912 sq. ft. non-conforming single family residence in lieu of the maximum increase of 456 sq. ft. (50% addition).

Environmental Status: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

Zone: Residential Medium High Density – Small Lot Sub-district (RMH-A)

General Plan: Residential Medium High Density – 25 d/u per ac – Design Overlay (RMH-25-d)

Existing Use: Residential



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 15301 of the CEQA Guidelines, because the project consists of an addition to an existing single-family residence within a residential zone.

SUGGESTED FINDINGS FOR APPROVAL - VARIANCE NO. 15-002:

1. The granting of Variance No. 15-002 to permit an approximately 2,211 sq. ft. first and second floor addition to a non-conforming structure in lieu of the maximum allowed square footage of 456 sq. ft. (50% addition) will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The subject property has an existing one-story single-family residence with non-conforming side yard setbacks. Other additions of equal or greater sizes have been constructed throughout the neighborhood. The proposed 2,211 sq. ft. first and second floor addition at the subject site will comply with required setbacks, alley dedication, and is consistent with other properties in the vicinity under an identical zone classification.
2. Because of special circumstances applicable to the subject property, such as a legal residence with non-conforming setbacks, 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 existing 912 sq. ft. residence was constructed in 1929 at a setback of 3 feet for the residence and 2 feet 6 inches for the detached garage, both which met the requirement at that time. The current setback requirement is 4 feet 6 inches for both structures, rendering the existing structure legal non-conforming. In order to bring the structure into compliance, portions of the existing structure would need to be demolished, compromising the architectural and structural integrity of the structure. The other option would be to limit the addition to 50% of the existing residence, totaling a maximum of 1,318 sq. ft. Either option would place an undue burden to the property owner, depriving them from the privileges neighboring properties receive. With the exception of the variance request, the proposed 2,211 sq. ft. first and second floor addition will comply with all code provisions, including setbacks, maximum height, floor area ratio, parking, and alley dedication/improvements. Additionally, the design of the proposed addition is similar to existing homes in the surrounding neighborhood. Limiting the addition to 50% of the existing structure or 456 sq. ft. would deprive the subject property of privileges enjoyed by other properties without this unique circumstance. The granting of the variance would not be necessary if the setbacks of the existing residence along the southwest property lines were conforming.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The requested variance will allow the subject property to be improved in the same manner consistent with other properties in the neighborhood with identical zoning classification.
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 proposed addition will comply with all code provisions, including setbacks, maximum height, floor area ratio, parking and alley dedication/improvements while maintaining the architectural character of the existing home and compatibility with the neighborhood. The granting of the variance will provide for property rights consistent with other properties in the vicinity developed with single-family dwellings. No detrimental impacts to surrounding properties are anticipated.
5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RMH-25-d (Residential Medium High Density– 25 d/u per acre – Design Overlay) on the subject property, including the following policy:

LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character as appropriate.

The requested variance accounts for a property constructed in 1929, prior to current setback requirements. In order to bring the structure into compliance, portions of the existing structure would need to be demolished, compromising the architectural and structural integrity of the site, placing an undue burden upon the property owner. The proposed 2,211 sq. ft. first and second floor addition will comply with all code provisions, including setbacks, maximum height, floor area ratio, parking and alley dedication/improvements, excepting the variance request. Granting the addition would allow the subject property the opportunity to be improved in the same manner as nearby properties with similar lot configurations under an identical zone classification.

SUGGESTED CONDITIONS OF APPROVAL VARIANCE NO. 15-002:

1. The site plan, floor plans, and elevations received and dated March 19, 2015 shall be the conceptually approved design with the following modifications:
 - a. The proposed patio cover located in the front of the house shall be set back a minimum of 12 feet from the front property line.
 - b. An onsite 36 inch box tree or the palm equivalent shall be depicted in the front yard and a 24 inch box tree shall be depicted in the parkway. (HBZSO Section 232.08, Resolution 4545, HBMC 13.50)
2. Prior to submittal for building permits, Zoning entitlement conditions of approval and code requirements identified in separately transmitted memorandum from the Departments of Fire, Public Works, and Planning & Building shall be printed verbatim on one of the first three pages of all working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
3. VAR No.15-002 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 Department a minimum 30 days prior to the expiration date.
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 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 Planning & Building 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.

6. 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 Planning and Building 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.
7. 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.