

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

TO: Zoning Administrator
FROM: Jill Arabe, Associate Planner
DATE: November 16, 2013
SUBJECT: **VARIANCE NO. 13-010/ COASTAL DEVELOPMENT PERMIT 13-018
(ODO RESIDENCE)**
LOCATION: 112 12th Street (east side of 12th Street, between Pacific Coast Highway and Walnut Avenue)

Applicant: Louie Hernandez, The Louie Group, 19092 Calloway Circle, Huntington Beach, CA 92648

Property Owner: Dave Oddo, 815 Main Street, Huntington Beach, CA 92648

Request: To permit the construction of a three-story 2,586 sq. ft. single-family residence and 428 sq. ft. attached two-car garage with (a) reduced side yard setbacks to one foot for the garage and two feet for the house in lieu of three feet, and (b) 53% lot coverage in lieu of the maximum 50%.

Environmental Status: This request is covered by Categorical Exemption, Section 15303, Class 3, California Environmental Quality Act.

Zone: SP5 - CZ (Downtown Specific Plan – Coastal Zone)

General Plan: RH – 30 –d – sp (Residential High Density – 30 du/a – Design Overlay – Specific Plan Overlay)

Existing Use: Vacant

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 15303 of the CEQA Guidelines, because the project involves the construction of a new single-family residence.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 13-018:

1. Coastal Development Permit No. 13-018 for the construction of a three-story approximately 2,586 sq. ft. single-family dwelling and 428 sq. ft. attached two-car garage with reduced side yard setbacks in lieu of the minimum three feet and 53% lot coverage in lieu of the maximum 50%, conforms with the General Plan, including the Local Coastal Program. The project is consistent with Coastal Element Policy C 1.1.1, which encourages development within, or contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a developed site, contiguous to existing single-family residential developments.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code except for the variance for reduced setbacks and increased lot coverage. The project complies with the minimum onsite parking, minimum front and rear setbacks, maximum floor area, and maximum building height requirements. The site's adjacency to alleys along the side and rear property lines minimizes the amount of buildable area for the single-family dwelling. The requested variance provides the opportunity to remain consistent with other residences in the vicinity.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed single-family dwelling will be constructed on a site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed dwelling will not impede public access, recreation, or views to coastal resources.

SUGGESTED FINDINGS FOR APPROVAL - VARIANCE NO. 13-010:

1. The granting of Variance No. 13-010 for the construction of a single-family dwelling at a minimum one-foot side yard setback in lieu of three feet and 53% lot coverage in lieu of the maximum 50% will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. Due to required dedications for alley widening along the side and rear property lines, the site is reduced in area by approximately 287 sq. ft. and in width by 2.5 ft. in comparison to other properties in the vicinity. The proposed development is consistent with the development density standard applicable to the subject property (one dwelling unit per 2,500 sq. ft. of lot area). The requested variance will provide for construction of one single-family dwelling on a 2,587.5 sq. ft. lot after required dedications. Other variances have been previously approved for similar requests.
2. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, 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 subject property is required to provide alley dedications on two sides. The effect of the required dedications is a reduction in the lot area and width, thus limiting the amount of buildable area and rendering the site substandard.

Strict application of the zoning ordinance would deprive the subject property of development rights enjoyed by identically zoned properties in the vicinity.

3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. Based on the applicable zoning and General Plan designation, and the existing lot size and dimensions, the subject property is afforded the right to construct one single-family dwelling. The exercise of this substantial property right is contingent upon dedication for public alley purposes, which renders the lot width substandard. Consequently, the requested variance to allow construction of a single-family dwelling with less than the required side yard setbacks and increased lot coverage on a property with a substandard lot width and reduced lot area is necessary to preserve the development rights afforded by the property's residential land use designation.
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 not result in any intensification of development impacts beyond that which is permitted under the corresponding land use regulations and development standards based on the existing (pre-dedication) lot size and width.
5. The granting of the variance will not adversely affect the General Plan. The proposed development of a one dwelling unit on a 2,587.5 sq. ft. lot (after required dedications) is consistent with the Land Use Element designation of RH->30-d-sp (Residential High Density – 30 dwelling units/acre – Design Overlay – Specific Plan Overlay) on the subject property. In addition, the proposed project is consistent with the following General Plan policy and objective:

Policy LU 9.1.1: Accommodate the development of single- and multi-family residential units in areas designed by the Land Use Plan Map, as stipulated by the Land Use and Density Schedules.

Objective LU 15.5: Ensure that development achieves the visual and physical character intended for the district in which it is located.

The three-story residence is similar in size and scale to other residences in the vicinity. The requested variance allows for the construction of the single-family dwelling at reduced setbacks and increased lot coverage on a property made substandard in width due to required dedications for alley widening. Prior to side yard dedication, the dwelling would comply with setbacks and lot coverage on a standard 25 ft. wide and 115 ft. deep site.

SUGGESTED CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 13-018 / VARIANCE NO. 13-010:

1. The site plan, floor plans, and elevations received and dated October 22, 2013 shall be the conceptually approved design with the following modifications:
 - a. One 24-inch box tree shall be depicted on the site plan within the front setback area.
 - b. The first floor plan shall depict the two posts/columns of the front porch.
 - c. The one-foot side yard setback shall apply along the north property line to the second floor habitable area located directly above the garage.
2. VAR No. 13-010 in conjunction with CDP No. 13-018 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.

3. 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.