

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

TO: Zoning Administrator
FROM: John Ramirez, Project Planner
DATE: January 20, 2016

SUBJECT: **TENTATIVE PARCEL MAP NO. 15-166/ COASTAL DEVELOPMENT PERMIT NO. 15-032/ VARIANCE 15-006 (ARMONA DUPLEX)**

LOCATION: 16926 10th Street, 90742 (south side of 10th St. between North Pacific Ave. and PCH)



Applicant: Carlos Losada, Merona Inc., 9451 Firestone Boulevard, Suite B, Downey, CA 90241

Property Owner: Luis and Margaret Armona, Merona Inc., 9451 Firestone Boulevard, Suite B, Downey, CA 90241

Request: **TPM:** To permit the one-lot subdivision of a 2,700 sq. ft. parcel for two residential condominium units. **CDP:** To “approve in concept” the demolition of an existing 980 sq. ft. single family home with an accessory unit and the construction of a new 4,910 sq. ft. 3-story duplex with a rooftop deck and a one-lot subdivision. **VAR:** To permit a building height of 37 feet in lieu of the maximum allowed height of 35 feet.

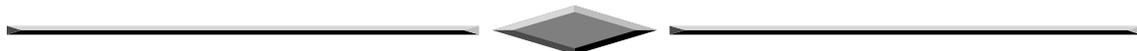
Environmental Status: This request is covered by Categorical Exemption, Section 15303, Class 3, California Environmental Quality Act.

Coastal Status: Appealable

Zone: SP17 – SBR (Sunset Beach Specific Plan, Sunset Beach Residential)

General Plan: RH-30 (Residential High Density – 30 du/acre max density)

Existing Use: Duplex



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 and subdivision of a duplex, totaling less than four dwelling units.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 15-032:

1. Coastal Development Permit No. 15-032 to “approve in concept” the demolition of an existing 980 sq. ft. single family home with an accessory unit and the construction of a new 4,910 sq. ft. 3-story duplex with a roof top deck conforms to the General Plan land use designation of RH-30 (Residential High Density – 30 dwelling units/acre) on the subject property. The Land Use Plan establishes and designates areas of residential and commercial development that will not impair coastal resources or public access to the coast. Since the project site is in the uncertified portion of the Local Coastal Program, the applicant will be submitting a coastal development permit application to the California Coastal Commission for the proposed development for final approval after City action on the project. While the City will not be issuing a coastal development permit, the applicant has submitted site plans, floor plans, and elevations for the new 4,910 sq. ft. 3-story duplex with a roof top deck, which staff has reviewed for compliance with the Draft Sunset Beach Specific Plan, Sunset Beach Residential zoning designation and other applicable provisions of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). 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 commercial and multifamily 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. The project will comply with all applicable development regulations, including minimum setbacks and onsite parking, and required recreation area.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Draft Local Coastal Program and Draft Sunset Beach Specific Plan Zoning designation. The project will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roads.
4. The development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access, recreation, or views to coastal resources as it is located on a previously developed site and is consistent in height with other structures in the vicinity and within the Draft Sunset Beach Specific Plan.

SUGGESTED FINDINGS FOR APPROVAL - TENTATIVE PARCEL MAP NO. 15-166:

1. Tentative Parcel Map No. 15-166 for the one-lot subdivision of a 2,700 sq. ft. parcel proposed for the development of two residential units for condominium purposes is consistent with the General Plan land use designation of RH-30 (Residential High Density –

30 dwelling units/acre) on the subject property. The Land Use Plan establishes and designates areas of residential and commercial development that will not impair coastal resources or public access to the coast. This tentative parcel map is consistent with the Draft Sunset Beach Specific Plan, Sunset Beach Residential zoning designation and other applicable provisions of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) because the proposed subdivision will create a total of two residential condominium units.

2. The site is physically suitable for the type and density of development. The site consists of one parcel of land, approximately 2,700 sq. ft. in area developed with an existing 980 sq. ft. single family home with an accessory unit that would be demolished to facilitate the construction of a new 4,910 sq. ft. 3-story duplex with a rooftop deck. The project involves a one-lot subdivision for condominium purposes. The site will comply with maximum density requirements of the Draft Sunset Beach Specific Plan and the HBZSO.
3. The design of the subdivision and the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subdivision is proposed on property currently zoned for residential development, and located in an urbanized area. The subject parcel does not serve as habitat for fish or wildlife and is currently developed with a single-family home with an accessory unit. The proposed condominium map will comply with the Draft Sunset Beach Specific Plan and the HBZSO.
4. The design of the subdivision and the proposed improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision since no easements acquired by the public at large for access through or use of the property exist within the proposed subdivision. Vehicular access to the site would be along 10th Street abutting the front property line and along the rear property line abutting the alley. No easements for street or alley widening would be required as a part of this proposed tentative parcel map.

SUGGESTED FINDINGS FOR APPROVAL - VARIANCE NO. 15-006:

1. The granting of Variance No. 15-006 to permit a building height of 37 feet in lieu of the maximum allowed height of 35 feet 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 height request is due to a recent change in the method of height measurement within the Draft Specific Plan for structures located in this zone between North Pacific Avenue and Pacific Coast Highway. Prior to the amendment to the Draft Specific Plan (approved by the City Council on November 16, 2015), structure height was measured from the bottom floor elevation (BFE) to the top the structure. By that measurement, this request would comply with the maximum 35-foot height limit. However, the amendment to the Draft Specific Plan changed the point from which height is measured. Based on the updated Draft Specific Plan, height is now measured from the centerline of the frontage street to the top of the structure. Since this area has a history of periodic flooding, the finished floor elevation for new construction is required to be minimum of two feet above the centerline of the frontage street or two feet above the highest perimeter curb elevation of the property, whichever is greater, in order to afford flood protection. The resultant difference between these two methods of height measurement is two feet. Since this request was in process at the time of the Draft Specific Plan modification, the applicant requested this height variance.

The subject property is located at the mid-block of an existing residential and commercial street and is immediately adjacent to the southwest of a commercially-zoned and developed property. There are other residential structures of similar height in the vicinity of the subject site and within the same zoning designation. Recently, a similar project (a duplex with a condominium map) was approved by the Zoning Administrator at the same height as the subject request and within the same zone (Sunset Beach Residential). This property is likewise located at the mid-block of an existing residential and commercial street and is immediately adjacent to the southwest of a commercially-zoned and developed property. Based on the Zoning Administrator's recent approval of a similar project, as well as other similar structures in the vicinity, the granting of a variance will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification.

2. Because of special circumstances applicable to the subject property, including 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 location of the subject property within the Sunset Beach Residential Zone, between North Pacific Avenue and Pacific Coast Highway is unique in that this area was affected by the Draft Specific Plan modification to the measurement of height, whereas other residential areas (along the beach front, for example) were not affected by the modification to the measurement of height. Given the property's location between North Pacific Avenue and Pacific Coast Highway, the strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The location of the subject within the Sunset Beach Residential Zone, between North Pacific Avenue and Pacific Coast Highway is unique in that this area was affected by the Draft Specific Plan modification to the measurement of height, whereas other residential areas (along the beach front, for example) were not affected by the modification to the measurement of height. Given the property's location between North Pacific Avenue and Pacific Coast Highway, the granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights enjoyed by other properties in the vicinity and under 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 duplex is designed to comply with all other aspects of the code and will be consistent in height and massing of other development in the vicinity. Therefore, 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 General Plan land use designation of RH-30 (Residential High Density – 30 dwelling units/acre) on the subject property because the development meets the intent of Draft Sunset Beach Specific Plan, Sunset Beach Residential zoning designation and other applicable provisions of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) because the proposed development will create a total of two residential units within a predominantly residential area where there are other structures of similar height and massing in the vicinity.

SUGGESTED CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 15-032/ TENTATIVE PARCEL MAP NO. 15-166/ VARIANCE NO. 15-006:

1. The site plan, floor plans, and elevations received and dated December 29, 2015 shall be the conceptually approved design.
2. Prior to submittal for building permits, the following shall be completed:
 - a. Evidence of Coastal Development Permit approval by the California Coastal Commission shall be submitted to the Community Development Department.
 - b. Zoning entitlement conditions of approval, California Coastal Commission conditions of approval, and code requirements shall be printed verbatim on one of the first three pages of all the 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. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - c. Truck idling shall be prohibited for periods longer than 5 minutes.
 - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.
 - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/grading activity.
4. Any conditions of approval, imposed by the California Coastal Commission that are more restrictive than those set forth in this approval shall be adhered to.
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 Community Development 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 applicant and/or applicant's representative shall be responsible for ensuring that accuracy of all plans and information submitted to the City for review and approval.

7. The development/subdivision shall comply with all applicable requirements of the Municipal Code, Community Development Department, and Fire Department, as well as all applicable local, State and Federal Codes, Ordinances and standards, except as noted herein. **(City Charter, Article V)**
8. Tentative Parcel Map No. 15-166 in conjunction with Coastal Development Permit No. 15-032 and Variance No. 15-006 shall become null and void unless exercised within two years of the date of final Coastal Commission approval, or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
9. The final map for Tentative Parcel Map No. 15-166 shall not be approved by the City Engineer until the California Coastal Commission has approved the Coastal Development Permit for the development.
10. 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 Community Development 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.
11. 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.