

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.2	SITE LOCATION: Northeast corner of Beverly Lane and Eneo Place, at 9801 and 9811 Beverly Lane.
HEARING DATE: May 19, 2022	GENERAL PLAN: Low Density Residential
CASE NO.: Site Plan No. SP-112-2022, and Tentative Parcel Map No. PM-2021-112	ZONE: R-1 (Single-Family Residential)
APPLICANT: Henry Balanza c/o HENMER CORP.	CEQA DETERMINATION: Exempt Section 15303 – New Construction or Conversion of Small Structures; Section 15315 – Minor Land Divisions;
PROPERTY OWNER(S): Same as applicant	APN: 133-132-01 and 133-132-02

REQUEST:

The applicant is requesting Site Plan and Tentative Parcel Map approval to reconfigure two (2) existing adjacent parcels to create two (2) new lots for the purpose of constructing a new two-story single-family home on each lot. Lot 1 will have a lot size of 10,500 square feet. Lot 2 will have a lot size of 7,238 square feet. The existing single-family dwelling will be demolished to accommodate the proposed development.

BACKGROUND:

The subject properties are located within a single-family residential (R-1) zoned neighborhood, at the northeast corner of Beverly Lane and Eneo Place. The subject site is comprised of two (2) adjoining Assessor Parcels: 133-132-01 and 133-132-02, under two (2) different addresses: 9801 and 9811 Beverly Lane, respectively. Both parcels have a General Plan Land Use Designation of Low Density Residential and are zoned R-1-7 (Single-Family Residential). The subject site is surrounded by properties improved with one and two-story residential dwellings.

9801 Beverly Lane, or Lot A, is a vacant, narrow strip of land located at the corner of Beverly Lane and Eneo Place. 9811 Beverly Lane, or Lot B, is an interior lot abutting Lot A to the east, with the lot fronting onto Beverly Lane. Lot B is improved with a one-story, single-family dwelling that consists of four (4) bedrooms and a detached two-car garage. The dwelling was used as an adult residential care facility until January 2022.

The applicant, who owns both lots, wishes to reconfigure the two (2) existing lots to create two (2) new lots for the purpose of constructing a new single-family dwelling on each lot. The existing dwelling will be demolished to facilitate the proposed development. Although the project site already consists of two (2) parcels, the proposed lot orientation will be significantly different from the existing configuration; thus, a new Parcel Map is required. Section 9.40.030 of the Municipal Code requires a Tentative Parcel Map approval whenever a parcel, or contiguous parcels, of land is/are proposed to be subdivided for the purpose of creating four or fewer lots. Section 9.32.030 of the code requires a Site Plan approval for any building to be constructed as part of a single-family subdivision. In addition, since the proposed housing project requires the demolition of an existing rental unit, Government Code §66300(d), as known as SB 330, requires the City to impose specified replacement housing and affordability requirements as conditions of approval.

PROJECT STATISTICS:

		Provided	Code requirement	Meet Code
Lot size				
	Lot 1	10,500 s.f.	Min. 7,200 s.f.	Yes
	Lot 2	7,238 s.f.		Yes
Lot width				
	Lot 1	90'-0"	65 feet (corner)	Yes
	Lot 2	80'-0"	60 feet (interior)	Yes
Lot coverage				
	Lot 1	48%	Max. 50%	Yes
	Lot 2	46.7%		Yes
Proposed building height				
	Lot 1	28'-8"	Max. 35 feet	Yes
	Lot 2	27'-5"		Yes
Setbacks				
<i>Front</i>				
	Lot 1	25'-0"	Min. 20 feet	Yes
	Lot 2	20'-0"		Yes
<i>Side</i>				
	Lot 1	20'-6" (street side) 5'-0" (interior side)	10 feet (Street side) 5 feet (interior side)	Yes
	Lot 2	30'-0" 12'-9"		Yes
<i>Rear</i> (20% of lot depth, not to excess 25 feet)				
	Lot 1	22'-9"	Min. 22'-6"	Yes
	Lot 2	19'-6"	Min. 19'-6"	Yes

DISCUSSION:

TENTATIVE PARCEL MAP:

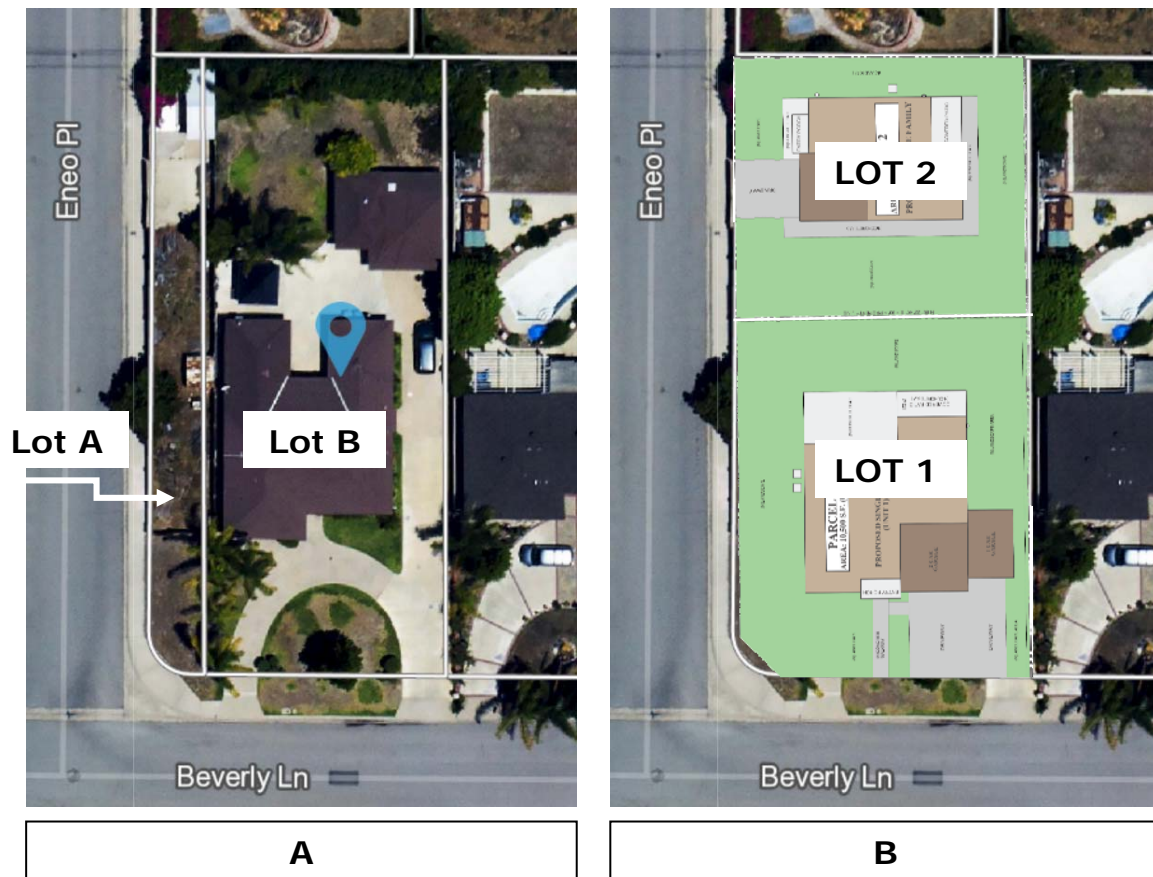


Figure 1: (A) The subject site consists of Lot A and Lot B. Lot A and B share an interior lot line that runs north-south. (B) The new parcel map will consist of Lot 1 and Lot 2, which have the shared lot line running in an east-west direction.

The project site consists of two (2) separate parcels that abut each other: Lot A and Lot B, as shown in Figure 1A. Lot A is a narrow corner lot with a lot area of 3,087 square feet and a lot width of fifteen (15'-0") feet. Section 9.08.040.020 of Municipal Code requires a minimum lot size of 7,200 square feet and a minimum lot width of sixty-five (65'-0") feet for any R-1-7 zoned corner property. In other words, Lot A is a legal nonconforming lot. Although Section 9.36.030 of the Municipal Code allows legal nonconforming lots to be developed upon approval of a variance, the physical characteristics of Lot 1 would make it impossible to be developed. On the other hand, Lot B is an interior lot with a total lot size of 14,400 square feet, and a lot width of seventy-five (75'-0") feet, which exceeds the required minimum lot size and lot width for R-1-7 zoned properties. The combined area of the two lots will be 17,487 square feet, which is adequate to accommodate two (2) 7,200 square foot parcels with one single-family dwelling on each lot. However, under the current map, only one (1) unit can be built at the subject location despite having two (2) separate lots.

The proposed Tentative Parcel Map is necessary since it will not only create two (2) new lots, Lot 1 and Lot 2, that conform to the R-1 zone development standards, but it will also encourage the production of one additional housing unit at the subject site. By reconfiguring the existing lots and establishing a new shared lot line, each new lot will have the capacity to accommodate one (1) new home, for a total of two (2) homes. While the existing shared lot line originally runs in a north-south direction, the new shared lot line will run in an east-west direction, as shown in Figure 1B.

Upon approval of the proposed Tentative Parcel Map, Lot 1 will be 10,500 square feet, while Lot 2 will be 7,238 square feet. Lot 1 will be located at the corner of Beverly Lane and Eneo Place with the lot fronting onto Beverly Lane. Lot 1 will have a width of 90 feet and a depth of 112 feet. Lot 2 will abut Lot 1 to the north, and will front onto Eneo Place. Lot 2 will have a lot width of 80 feet and a lot depth of 90 feet. The parcels comply with the minimum lot size of 7,200 square feet, and the minimum lot width of sixty feet (60'-0") for interior lots and sixty-five (65'-0") for corner lots. The proposed Tentative Parcel Map is in conformance with the City's General Plan, the City's Subdivision Ordinance, the R-1 zone requirements, and the State's Subdivision Map Act.

SITE PLAN:

Based on the proposed design, the existing single-family structure along with the detached garage will be demolished to leave space for a new two-story single-family residential dwelling on each new lot. The two (2) new homes are designed to meet all of the R-1 zone development standards including, but not limited to, setbacks, lot coverage, and rear open space.

Circulation and Unit Design

	Number of Bedrooms	Number of Bathrooms	Total living area (garage excluded)
Unit 1 (Lot 1)	7 bedrooms	4 bathrooms	4,344 square feet
Unit 2 (Lot 2)	4 Bedrooms	4 bathrooms	2,726 square feet

Lot 1

The two (2) existing driveway approaches along Beverly Lane will be removed and replaced with a new thirty foot (30'-0") driveway approach that allows vehicle access from the right-of-way to the property.

The new single-family dwelling on Lot 1 will be two-story with the front building oriented toward Beverly Lane. The total size of the home will be 5,325 square feet including 4,344 square feet of living area and 735 square feet of three (3) cars, in form of one (1) two-car garage and one (1) one-car garage. The living area is divided up into two floors. On the ground floor, the common area is designed with an open concept that consists of a foyer area, a great room, a kitchen, and a dining room. In addition, one (1) office, one (1) playroom, and one (1) common bathroom will be provided at the ground level. The second floor will consist of four (4)

standard bedrooms, one (1) master bedroom with one (1) private bathroom, two (2) common bathrooms, and a loft area that is open to below. The plan calls for an "office" and a "playroom" designed as wholly enclosed rooms; and, based on the City's definition of "sleeping rooms," these rooms are considered as sleeping rooms; therefore, the home is considered a seven (7) bedroom home. A covered entry and a covered patio will also be provided.

Lot 2

The existing driveway approach along the Eneo Place will be removed and replaced with a new eighteen (18'-0") foot driveway approach that provides access from the public right-of-way to the property.

The new single-family dwelling on Lot 2 will also be two-story with the front of the building oriented toward Eneo Place. The total size of the home will be 3,377 square feet including 2,726 square feet of living area, and a 435 square feet two-car garage. Similar to the design of Lot 1, the living area of this unit also be divided into two floors. The living area on the ground floor is designed with an open concept that consists of a foyer area, a family area, a kitchen, and a dining area. The ground floor also includes one (1) master bedroom with a private bathroom, and one (1) common bathroom that is tucked underneath the stairs. The second floor will consist of an entertainment area that is open to below, two (2) common bedrooms with a jack-and-jill bathroom, and one (1) master bedroom with a private bathroom. A covered entry and a covered patio will also be provided.

Parking

	Number of Bedrooms	Required parking spaces
Unit 1 (Lot 1)	7 bedrooms	6 spaces
Unit 2 (Lot 2)	4 Bedrooms	4 spaces

The required number of parking spaces for each new single-family home is based on the proposed number of bedrooms. Section 9.08.040.150 of the Municipal Code requires a two-car garage and two open parking spaces for a home with four (4) bedrooms, and a three-car garage and three open parking spaces for a home with seven (7) bedrooms.

Each new home adheres to these parking requirements of the Municipal Code. Lot 1 will provide a total of six (6) parking spaces in form of one (1) two-car enclosed garage, one (1) one-car enclosed garage, and three (3) tandem open parking spaces in front of the garages. Lot 2 will provide a total of four (4) parking spaces in form of one (1) two-car enclosed garage, and two (2) tandem open parking spaces, in front of the garage.

Building Design

The single-family homes are designed in a contemporary style that is commonly found in the surrounding single-family residential neighborhood. Each unit's front

building elevation incorporates projecting and receding building masses, along with varied rooflines articulating each building's facade. The buildings architectural detailing includes the use of an entry porch, varied window shapes, and multi-pane windows to enhance the building.

The applicant has designed the units to comply with the second-story privacy provision requirements of the R-1 zone, and, at the same time, to comply with the egress provision of the California Building Code. Pursuant to the proposed Conditions of Approval, the Planning Services Division will review and approve the final design and placement of all second-story windows to ensure privacy compliance.

CEQA

The California Environmental Quality Act (CEQA) Class 3 exemption applies to the construction and location of new, small facilities or structures (CEQA Guidelines §15303.). In urbanized areas, up to three single-family residences may be constructed or converted under this exemption (CEQA Guidelines §15303.a.). The subject request for the site plan will result in only two (2) new single-family homes. Therefore, the proposed subdivision is exempt from CEQA.

The California Environmental Quality Act (CEQA) Class 15 exemption applies to the division of property in urbanized areas zoned for residential use into four or fewer parcels (CEQA Guidelines §15315.). The division must be in conformance with the General Plan and zoning, no variances or exceptions be required, all services and access to the proposed parcels to local standards are available, the parcel was not part of a larger parcels within the previous two years, and the parcel does not have an average slope greater than 20 percent (CEQA Guidelines §15315.). The subject request provides no change to the number of subject parcels. Upon approval of the Tentative Parcel Map, the total number of newly created parcels will remain at two (2). Furthermore, the proposed Parcel Map will bring the existing nonconforming parcel into conformance to the current zoning code. In addition, the two (2) new parcels will be accessed and serviced by local infrastructure, the existing parcels have not been subdivided in the last two (2) years, and the average slope does not exceed 20%. Therefore, the proposed project is exempt from CEQA.

SB 330 REPLACEMENT HOUSING DETERMINATION

Under Senate Bill 330 (Government Code §66300(d)), any residential rental unit that is demolished to facilitate a proposed development must be replaced, and may be subject to certain affordability limitations. In order to prevent new housing projects from displacing existing lower income rental households, SB 330 also imposes several requirements that the City must require a developer to comply with when a proposed housing development project requires the demolition of occupied or vacant "protected units". "Protected units" include residential dwelling units that are or were occupied by lower or very low income households within the past five (5) years. For that reason, the City requires applicants for housing development projects to complete a Replacement Housing Determination Form providing the information necessary for the City to determine if any "protected units" will be

demolished. Where the income category of the household in occupancy is not known, the statute provides that it shall be rebuttably presumed that lower income renter households occupied the existing units. Therefore, there is a rebuttable presumption that the existing dwelling unit is a "protected unit," and the applicant must comply with the housing and tenant protection provisions of SB 330 for the demolished unit, including: the replacement of the protected units, the relocation benefits to the occupants of protected units, and the right of first refusal for comparable and affordable units available in the new housing development.

Per City's records, the existing dwelling located at 9811 Beverly has been rented as an adult residential care facility under the name of Beverly Home. Beverly Home is a State licensed care facility that provides assisted living services for up to six (6) seniors, and/or adults with disabilities. The patients, or individuals under the care of Beverly Homes are not required to provide proof of income while residing at the facility. Beverly Home has been operating at this location since 2015. Although the actual lessee of the dwelling was not a traditional household, but a profitable business entity, the occupants of the dwelling were seniors and individuals with disabilities, who have little to no income. In order to determine whether and how the provisions of Government Code Section 66300(d) apply in this situation, City staff held several meetings with the State Department of Housing and Community Development (HCD) staff for direction and guidance related to the interpretation of "protected units". According to HCD staff with whom City staff spoke, a small residential care facility is a residential use and the focus of Section 66300(d) is on the income level of individuals or households who physically resided in the unit, not the business entity that entered into the lease. Although the subject unit is operating as a care facility, the structure remains as a single residential dwelling that was not owner-occupied; thus, the unit is subject to Section 66300(d). Therefore, if the actual occupants of the unit are low income individuals; or if the applicant cannot verify the income status of the current occupants, the unit will be deemed a "protected unit".

As a part of the submittal for the subject request, the applicant supplied the Replacement Housing Determination Form, in which the applicant indicated that the income level of the actual occupants of the existing unit is unknown. Therefore, the proposed project must provide at least one (1) "lower" income unit of comparable size (four bedrooms) on one of the two newly created parcels. The property owner is required to enter into an affordable housing regulatory agreement with the City to ensure the continued affordability of the unit pursuant to State law. The project has been conditioned as such. The Affordable Housing Agreement must be approved by the City, and recorded prior to issuance of a building permit for any structure in the housing development, and it will run with the land and bind all future owners and successors in interest.

At the time when the official request was submitted to the City, the applicant confirmed that the rental contract with the Beverly Home care facility ended at the end of January 2022. By March 31, 2022, the Beverly Home completed its moving process to another location within the City of Anaheim, at 1183 W. Chateau Avenue. The subject dwelling unit at 9811 Beverly Lane is currently vacant.

NO NET LOSS

Government Code Section 65863 requires jurisdictions to maintain adequate sites to accommodate their remaining unmet Regional Housing Needs Allocation (RHNA) by each income category at all times throughout the Housing Element planning period. A jurisdiction may not take any action to reduce a parcel's residential density unless it makes findings that the remaining sites identified in its Housing Element sites inventory can accommodate its remaining unmet RHNA by each income category or it identifies additional sites so that there is no net loss of residential unit capacity.

In addition, if a jurisdiction approves a development on a parcel identified in its Housing Element sites inventory with fewer units than shown in the Housing Element, the jurisdiction must either make findings that the Housing Element's remaining sites have sufficient capacity to accommodate the remaining unmet RHNA by each income level, or identify and make available additional adequate sites to accommodate the remaining unmet RHNA for each income category. However, a jurisdiction may not disapprove a housing development project on the basis that approval of the development would trigger the identification or zoning of additional adequate sites to accommodate the remaining RHNA.

The subject site is identified in the City's Housing Element site inventory as an underutilized site with a realistic capacity to accommodate one "above moderate" housing unit. The proposed project would result in the development of two (2) new residential housing units on the site. Thus, the site is not being developed at a lower residential density than planned for, and approval of the proposed project will not result in a reduction of residential density on the site. Therefore, the City is not required to make "No Net Loss" findings pursuant to Government Code Section 65583.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Adopt Resolution No. 6042-22, approving Site Plan No. SP-112-2022 and Tentative Parcel Map No. PM-2021-112, subject to the recommended Conditions of Approval.

LEE MARINO
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