



# CITY OF SEAL BEACH VARIANCE APPLICATION INSTRUCTIONS & APPLICATION

A Variance is an entitlement application which requires a public hearing and the adoption of specific findings provided in the Seal Beach Municipal Code (SBMC) Section 11.5.20.020. A Variance may be granted to adjust dimensional and performance standards when, due to special circumstances applicable to a property, the strict application of the Zoning Code deprives such property of privileges enjoyed by other property in the vicinity under identical zoning classification. Examples of special circumstances include size, shape, topography, location or surroundings. A Variance shall not be granted if a determination is made that the use will be detrimental to the health, safety and general welfare of the community. A variance shall not be granted which authorizes a use or activity which is not otherwise expressly authorized by the zone district regulations governing the parcel of property.

## **APPLICATION PROCESS**

1. An application for a Variance shall be made by a property owner or his/her authorized agent. An application must be properly completed with the notarized signature of the property owner of record as of the date the application is submitted.
2. The Planning Division shall assess and collect an application filing fee. The fees are based upon the most recent fee schedule adopted by the City Council.
3. The applicant shall submit all of the application materials outlined on the application checklist.
4. Staff reviews, researches and evaluates the proposal, then prepares an environmental assessment and a Staff Report, with recommendations, for the Planning Commission.
5. Within 30 days of receipt, staff will make the determination whether the application is deemed complete. If incomplete, the applicant will be notified and advised of the requirements for re-submittal. If complete, the item shall be placed on the next available Planning Commission agenda for public hearing.
6. Notice of such hearing shall be given by mailing the notice, at least 10 days prior to the hearing, to all property owners and occupants within a distance of 500 feet from the exterior boundaries of the applicant's property.
7. The time and place of such hearing shall be set by the Secretary to the Planning Commission. Such notice shall include a general explanation of the matter to be considered and a general description of the area affected.
8. The Planning Commission convenes the public hearing where City staff presents the request. The applicant should be available to answer any questions from the Commission. Public input is solicited at this time.
9. The Planning Commission, based on the information and evidence presented at the hearing, approves, conditionally approves, or denies the application.
  - A. Notice of the action taken shall be mailed to the applicant.
  - B. Any aggrieved person may appeal the decision of the Planning Commission to the City Council within 10 calendar days. The City Council will render a final decision.

## **APPLICATION REQUIREMENTS**

To request Planning Commission consideration of a Variance, the attached application and all supporting documentation must be submitted to the Planning Department. Filing requirements must be met in full with no exceptions. Planning Department staff is available if you need assistance. All Public Hearing submittals must include the following items:

### **1. PUBLIC HEARING APPLICATION:**

The application form must be completed in detail. If a consultant is used by the property or business owner, the application must clearly indicate the designated contact person.

### **2. LEGAL DESCRIPTION:**

A legal description that is described by metes and bounds must have a point of beginning which can be identified on the Orange County Assessor's map books or recorded tracts. Recorded lot, block, and tract numbers are acceptable. **Assessor's parcel numbers are not acceptable as a legal description.** Legal descriptions may be found on the property's Grant Deed. A copy of any deed restrictions, covenants, and other property restrictions must accompany this legal description.

### **3. SITE PLANS, FLOOR PLANS AND ELEVATIONS:**

All plans must include a title block in the lower right-hand corner containing the plan scale, Applicant name and address, project address, preparation date. All plans must be at 1/8" = 1' scale or larger.

#### **Site Plan**

A Site Plan is used to show the location of buildings on a property, as well as other site features. All submitted Site Plans should be fully dimensioned and include the following information:

- Existing & proposed layout (if applicable)
- Property lines
- Building footprints on the site
- Location and type of walls and/or fences, including height and material
- Patio areas
- Parking areas showing all parking spaces
- Street and alley locations
- Street names
- North Arrow
- Scale
- Lot coverage amount

#### **Floor Plans**

Floor Plans are used to show interior spaces in a building. A separate Floor Plan must be submitted for each floor. All Floor Plans must be at 1/8" = 1' scale or larger, fully dimensioned and include the following information:

- Existing & proposed layout (if applicable)
- Room locations
- Room sizes
- Label uses for all rooms
- Location of all doors and windows
- Property boundaries
- North Arrow
- Scale
- Total building square footage

#### **Elevations**

Elevations are used to show exterior faces of a building. All Elevations should be at 1/8" = 1' scale or larger, fully dimensioned and include the following information:

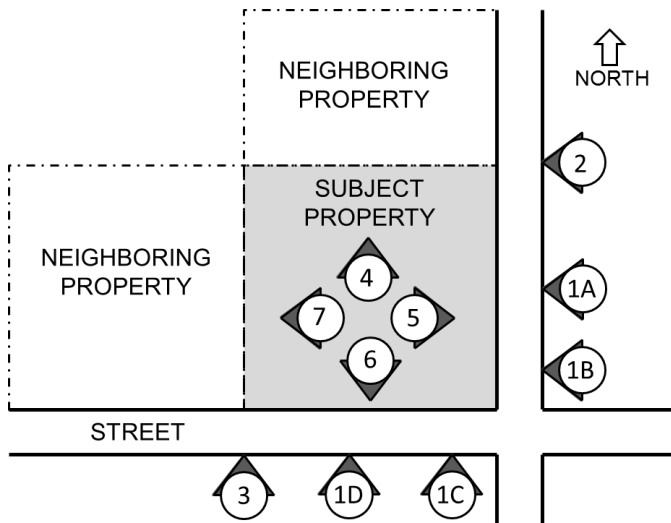
- Exterior materials and colors
- Label direction the building faces
- Adjoining buildings in outline form
- Grade changes
- Scale

**4. PHOTOGRAPHS:**

Please ensure all site photographs meet the following guidelines:

- All photographs must be submitted in digital form on a CD, flash drive, or similar device
- Acceptable formats are pdf, jpg, gif, and doc files
- Name each photograph by the following method:
  - Address Number + Prefix + Street Name + Suffix + Sequential Number
  - Examples: 123 W Ocean Ave 1.jpg  
123 W Ocean Ave 2.jpg
- Match the corresponding number at the end of each file to the table below:

Photo Number	Where to Take Photo From	What to Include
1, 1A, 1B, etc.	Front of project site	Full frontage of property. Use multiple shots if needed. For corner lots, include shots of all frontages.
2	Same as photo 1 but of the adjoining property on the left	Property line between the subject property and the neighboring property. Include a portion of the nearest buildings on both properties.
3	Same as photo 1 but of adjoining property on the right	Same as photo 2
4, 4A, 4B, etc.	Standing on the property facing North	Views of adjoining properties on the North
5, 5A, 5B, etc.	Standing on the property facing East	Views of adjoining properties on the East
6, 6A, 6B, etc.	Standing on the property facing South	Views of adjoining properties on the South
7, 7A, 7B, etc.	Standing on the property facing West	Views of adjoining properties on the West
8,9, etc.	As Needed	Other views requested



## 5. **PROPERTY OWNER'S AFFIDAVIT:**

If the applicant is not the legal property owner, the property owner must authorize the applicant to act as his/her agent by signing the **Property Owner's Affidavit**. The Property Owner's Affidavit must be signed in the presence of a Notary Public. If the property owner does not sign the Owner's Affidavit, the application is incomplete.

## 6. **PUBLIC NOTICE LABELS:**

Seal Beach Municipal Code requires a Notice of Public Hearing be given to owners and occupants of surrounding residential and commercial properties within **500 feet** of the boundaries of the subject property. Names and addresses of surrounding property owners may be obtained from a title insurance company or the Orange County Assessor's Office (714-834-2727). The list must be verified by preparer signature by signing the attached "Applicant Affidavit – Radius Map for Public Hearing" form.

- Multi-Unit Properties - Labels for multi-tenant commercial or residential buildings within the 500-foot radius must be provided for the occupant in each unit. Labels should be addressed to "Occupant" or "Current Resident."
- Submit three (3) sets of labels with the surrounding property owner names and addresses and three (3) sets of "Occupant" labels with addresses for all surrounding multi-unit commercial and residential properties printed on **Avery 5160 mailing labels** or similar. These labels may be obtained from any office supply store. The City will provide postage and envelopes.

## 7. **ASSESSOR'S PARCEL MAPS:**

One (1) Orange County Assessor's parcel map of the property site must accompany the Public Hearing application. This map may be obtained from a title insurance company or from the Orange County Assessor's Office in Santa Ana. The 500-foot radius (300-foot radius for Minor Use Permits) line and the subject property must be indicated in color on these maps.

## 8. **CHECK FOR PUBLIC HEARING FEES:**

Payment for the Public Hearing Application must be paid at the time the application is submitted. Checks should be made payable to "City of Seal Beach."

## 9. **ADDITIONAL INFORMATION:**

The following additional information may be required as necessary:

- **Color and Materials Boards** - 1 Color Board and 1 Materials Board is required for all new construction projects with over 10,000 square feet of floor area.
- **Water Quality Management Plan (WQMP)** - Certain projects must complete a separate WQMP that includes appropriate Best Management Practices (BMP's) to address water quality. The Water Quality Management Plan Priority Determination Form will determine if a Preliminary WQMP is required as part of the application submittal. If a Preliminary WQMP is required as part of the application, the Planning Division **cannot accept** the application until the Preliminary WQMP is included. Please refer to the City of Seal Beach Public Works Department, Engineering Division for submittal requirements.



# CITY OF SEAL BEACH VARIANCE APPLICATION CHECKLIST

	For Staff Use Only
<b>The following items are required at the time of your application submittal.</b> Submit this checklist along with the items below.	
1 <b>Applicant &amp; Property Information</b> Must include legal description of property.	<input type="checkbox"/>
2 <b>Property Owner's Affidavit</b> Signed and Notarized.	<input type="checkbox"/>
3 <b>Variance Findings</b> Submit findings on separate page.	<input type="checkbox"/>
4 <b>Environmental Questionnaire &amp; Findings</b> Filled out completely, findings on separate page.	<input type="checkbox"/>
5 <b>Site Plans, Floor Plans, Elevations</b> 13 full sets measuring 18"x24" or 24"x36", collated and folded to 8.5"x11".	<input type="checkbox"/>
6 <b>Site Plans, Floor Plans, Elevations</b> 2 legible sets reduced to 11" x 17" copy, collated and folded to 8.5"x11".	<input type="checkbox"/>
7 <b>Photos</b> Submitted on a CD along with 1 full set of color photos and photo legend.	<input type="checkbox"/>
8 <b>Preliminary Title Report</b>	<input type="checkbox"/>
9 <b>Assessor's Parcel Map showing 500' Radius</b> Refer to information package for details.	<input type="checkbox"/>
10 <b>Public Notice Labels</b> Refer to information package for details.	<input type="checkbox"/>
11 <b>Photos/Plans CD</b> Photos and plans (items 6 & 8 above) are to be saved as computer files on a CD, disc, or similar media. Acceptable formats are pdf, jpg, gif, bmp, and doc.	<input type="checkbox"/>
12 <b>Additional Materials</b> Color and Materials Board, Preliminary WQMP, etc.	<input type="checkbox"/>
13 <b>Application Fees</b> See Fee Schedule.	<input type="checkbox"/>





# CITY OF SEAL BEACH PLANNING APPLICATION FORM APPLICANT & PROPERTY INFORMATION

VAR	_____
RECEIVED:	
DATE	_____
BY	_____

Project address: _____
Project name (if applicable): _____
Assessor parcel numbers of properties involved: _____

Property Owner's Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: Work ( \_\_\_\_ ) \_\_\_\_\_ Mobile ( \_\_\_\_ ) \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Applicant's Name: _____
Mailing Address: _____
Phone: Work ( ____ ) _____ Mobile ( ____ ) _____
E-Mail Address: _____

Current Use of Property: \_\_\_\_\_

Zone: \_\_\_\_\_ General Plan Designation \_\_\_\_\_

Detailed Description of Proposed Project *(include demolition, construction activities and intended uses – attach separate sheet if necessary)*: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If the applicant will be represented by someone else, a notarized Letter of Authorization (LOA) must be submitted separately. The LOA must include the applicant or owner's signature, as well as a statement authorizing the representative to represent them in all matters pertaining to the application. The LOA must also include complete contact information for the representative.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_







# CITY OF SEAL BEACH PLANNING APPLICATION FORM PROPERTY OWNER'S AFFIDAVIT

## PROPERTY OWNER'S ACKNOWLEDGEMENT

I/We, \_\_\_\_\_, am/are the owner(s) of property involved in this application. The statements, answers and information contained in this/these application(s) checked below are true and correct to the best of my/our knowledge. I/we agree to any and all improvements as may be required.

- |  |   |
|--|---|
| <input type="checkbox"/> Appeal of Administrative Decision | <input type="checkbox"/> Special Use Permit             |
| <input type="checkbox"/> Code Amendment                    | <input type="checkbox"/> Tenant Mix Leasing Plan Review |
| <input type="checkbox"/> Conditional Use Permit            | <input type="checkbox"/> Tentative Parcel Map           |
| <input type="checkbox"/> Design Review                     | <input type="checkbox"/> Tentative Tract Map            |
| <input type="checkbox"/> General Plan Amendment            | <input type="checkbox"/> Traffic/Parking Study          |
| <input type="checkbox"/> Internet Arcade Permit            | <input type="checkbox"/> Variance                       |
| <input type="checkbox"/> Modification to Specific Plan     | <input type="checkbox"/> Zone Change                    |
| <input type="checkbox"/> Precise Plan                      | <input type="checkbox"/> Other _____                    |

Property Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

STATE OF CALIFORNIA     )  
COUNTY OF ORANGE     )

On \_\_\_\_\_ before me, \_\_\_\_\_

Here Insert Name and Title of Notary Public

personally appeared \_\_\_\_\_

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

Place Notary Seal Above

Signature of Notary Public





# CITY OF SEAL BEACH PLANNING APPLICATION FORM VARIANCE FINDINGS

VAR \_\_\_\_\_

On a separate sheet, address each of the following:

1. The variance conforms in all significant respects with the General Plan and with any ordinances adopted by the City Council;
2. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning district classification;
3. The variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone district in which such property is situated.
4. Authorization of the variance substantially meets the intent and purpose of the zoning district in which the property is located and will not be detrimental to the health, safety, and welfare of persons living or working in the neighborhood or to the general welfare of the City.



# CITY OF SEAL BEACH PLANNING APPLICATION FORM ENVIRONMENTAL INFORMATION

VAR \_\_\_\_\_

1. Project Address: \_\_\_\_\_
2. Name and address of developer or project sponsor: \_\_\_\_\_  
\_\_\_\_\_
3. Assessor's parcel numbers: \_\_\_\_\_
4. List and describe any other related permits and other public approvals required for this project including those required by city, regional, state, or federal agencies: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Site size: \_\_\_\_\_ sq. ft.    Size of all structures on the site: \_\_\_\_\_ sq. ft.
6. Number of floors of construction: \_\_\_\_\_
7. Amount of on-site parking provided: \_\_\_\_\_
8. Approximate construction period: \_\_\_\_\_
9. Anticipated incremental development: \_\_\_\_\_
10. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected: \_\_\_\_\_  
\_\_\_\_\_
11. If commercial, indicate the type, whether the project is neighborhood, city or regionally oriented, square footage of sales area and loading facilities: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
12. If industrial, indicate the type, estimated employment per shift and loading facilities: \_\_\_\_\_  
\_\_\_\_\_
13. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Continued on next page**





# CITY OF SEAL BEACH PLANNING APPLICATION FORM ENVIRONMENTAL INFORMATION

VAR \_\_\_\_\_

Would the proposal:

14. Change existing features of lakes or hills, or substantial alteration of ground contours?  Yes  No
15. Change scenic views or vistas from existing residential areas or public lands or roads?  Yes  No
16. Change pattern, scale or character of general area of project?  Yes  No
17. Generate significant amounts of solid waste or litter?  Yes  No
18. Change dust, ash, smoke, fumes or odors in vicinity?  Yes  No
19. Change lake, stream or ground water quality or quantity, or alteration of existing drainage patterns?  Yes  No
20. Substantially change existing noise or vibration levels in the vicinity?  Yes  No
21. Identify the site on filled land or on a slope of 10 percent or more?  Yes  No
22. Generate disposal of potentially hazardous materials, such as toxic substances, flammables or explosives?  Yes  No
23. Substantially change in demand for municipal services? (police, fire, water, sewage, etc.)  Yes  No
24. Substantially increase fossil fuel consumption? (electricity, oil, gas, etc.)  Yes  No
25. Be in relationship to a larger project or series of projects?  Yes  No

**On a separate sheet, explain all items checked "yes" above**

26. Describe on a separate sheet of paper the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. (A summary statement will suffice.) Describe any existing structures on the site, and the use of the structures. Photos will be accepted as supplemental attachments to the above stated information.
27. Describe on a separate sheet of paper the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects (a summary statement will suffice). Indicate the type of land use (residential, commercial, etc.), intensity of land use (single-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage width, setback, rear yard, etc.). Photos will be accepted as supplemental attachments to the above stated information.

## CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Applicant Signature: \_\_\_\_\_

Date: \_\_\_\_\_





# CITY OF SEAL BEACH PLANNING APPLICATION FORM AFFIDAVIT FOR PREPARATION OF RADIUS MAP

VAR \_\_\_\_\_

I, \_\_\_\_\_, certify that on the \_\_\_\_\_ day of \_\_\_\_\_, I prepared an ownership/occupant list and radius map, which included properties and residential dwelling units entirely within or partially within five hundred feet (500') of the most exterior boundaries of the property being considered in the above-referenced case known as (address) \_\_\_\_\_.

Property Owners. The names and addresses listed were taken from the latest records of the Orange County Assessor. Such names are recorded in the records of the County Assessor as being the present owner(s) of both the property involved in said case and of property in the immediate vicinity thereto.

Occupant Notification. I obtained the mailing addresses of occupants within 500' of the subject property in the following manner: \_\_\_\_\_

Preparer's Name	Signature	Date
-----------------	-----------	------

STATE OF CALIFORNIA )  
COUNTY OF ORANGE )

On \_\_\_\_\_ before me, \_\_\_\_\_  
Here Insert Name and Title of Notary Public  
 personally appeared \_\_\_\_\_  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal Above

Signature \_\_\_\_\_  
Signature of Notary Public







# CITY OF SEAL BEACH PLANNING APPLICATION FORM SUPPLEMENTAL APPLICATION FOR ALCOHOL SALES

VAR \_\_\_\_\_

1. Name and address of business: \_\_\_\_\_  
\_\_\_\_\_

2. List other businesses by same owner and with alcohol sales: \_\_\_\_\_  
\_\_\_\_\_

3. Restaurant Manager's Name: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

4. Total gross area: \_\_\_\_\_ sq. ft.  
Kitchen gross area: \_\_\_\_\_ sq. ft. Percent of total: \_\_\_\_\_ %  
Gross seating area: \_\_\_\_\_ sq. ft. Percent of total: \_\_\_\_\_ %  
Gross bar area: \_\_\_\_\_ sq. ft. Percent of total: \_\_\_\_\_ %

5. Total occupancy: \_\_\_\_\_

6. Is entertainment offered?  Yes  No, If Yes, describe: \_\_\_\_\_  
\_\_\_\_\_

7.	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Hours of operation	_____	_____	_____	_____	_____	_____	_____
Meal service hours	_____	_____	_____	_____	_____	_____	_____
Alcohol service hours	_____	_____	_____	_____	_____	_____	_____
Entertainment hours	_____	_____	_____	_____	_____	_____	_____

8. Number of food items on menu: \_\_\_\_\_

9. Are game machines provided?  Yes  No, If Yes, how many? \_\_\_\_\_

10. How many security personnel are proposed? \_\_\_\_\_

11. How many parking spaces are available on-site? \_\_\_\_\_

Will valet parking service be provided?  Yes  No, If Yes, what hours? \_\_\_\_\_

How many parking stalls will be reserved for valet? \_\_\_\_\_