

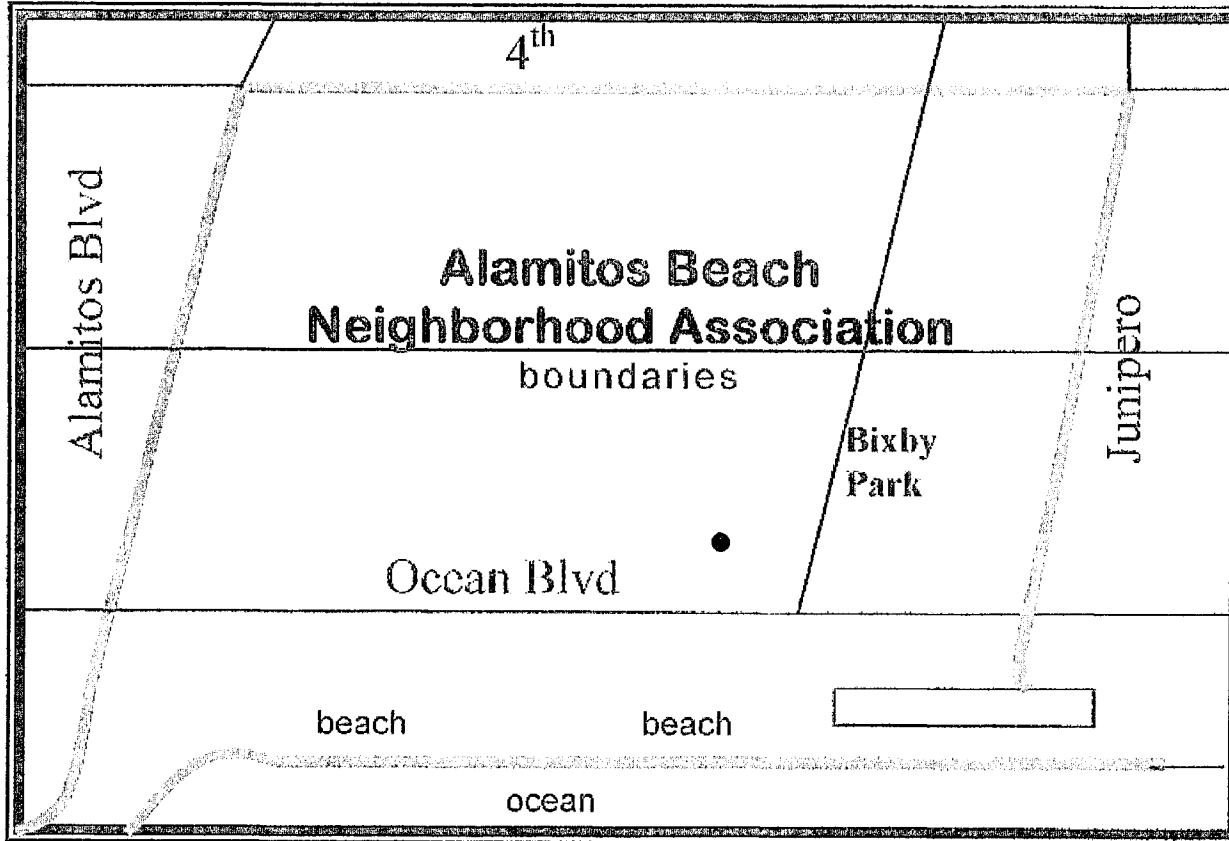
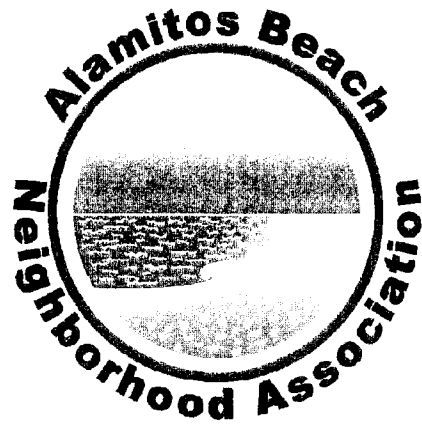
#1

Case No. 0610-17

**Planning Commission approval  
of 4 units created without benefit of permits for a total of 8 units,**



Appeal to the Long Beach City Council  
June 19, 2007



# Reasons to Reverse Planning Commission Decision

## **Legal Mandates**

- 1. Unlawful garage conversion**
- 2. Zoning violation**

## **Matters of Judgment**

- 1. Quality of life**
- 2. Safety of area residents**
- 3. General welfare**
- 4. Expense to residents**

# Legal Mandates

# 1. Unlawful Garage Conversion

## Division IV Administrative Use Permits

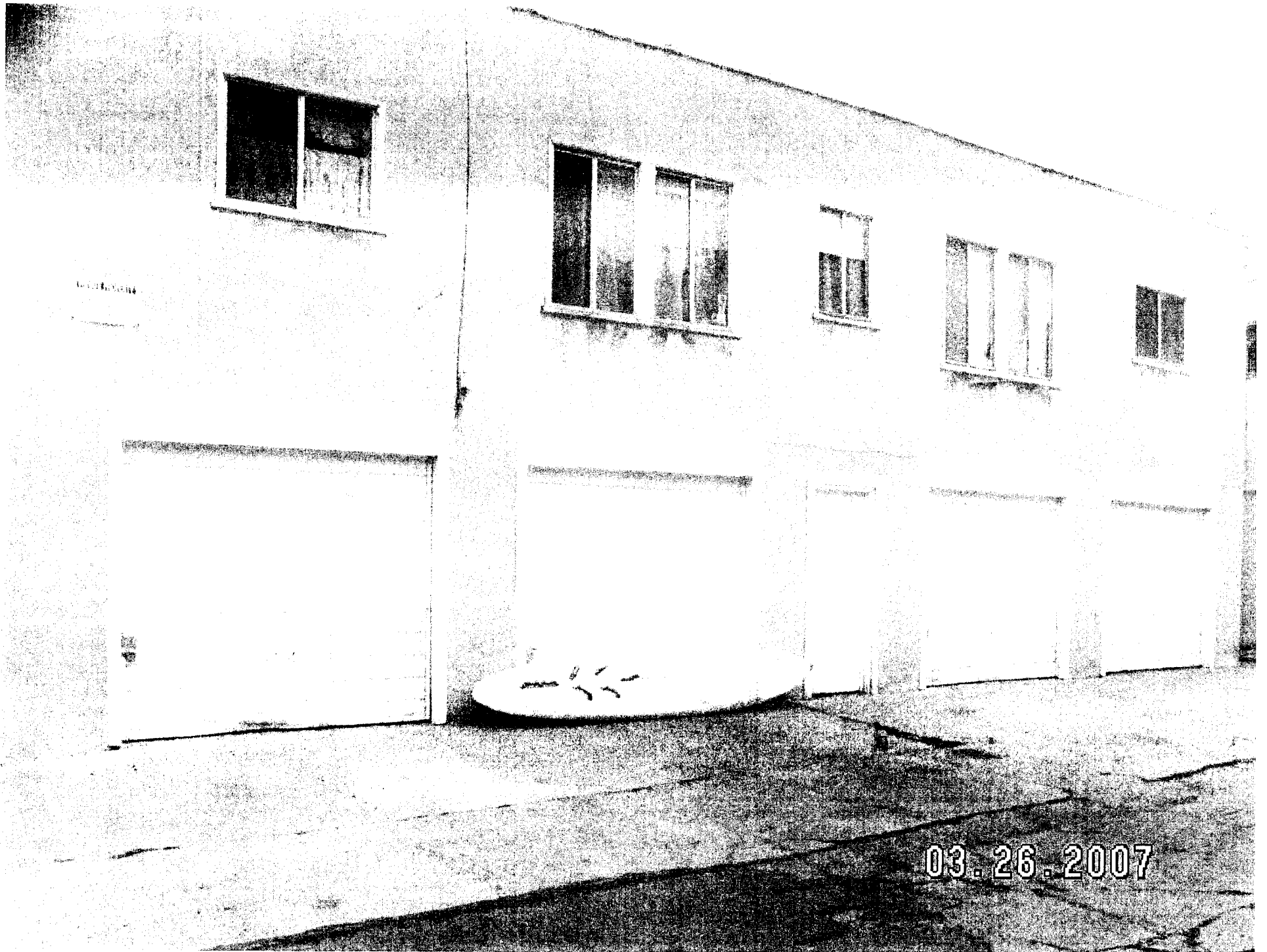
(Ord. C-6533 § 1 (part), 1988).

### **21.25.403** Application.

The administrative use permit process applies only to the following applications:

- A. Change From Legal Nonconforming Use To Another Nonconforming Use...
- B. Minor Expansion Of Existing Conditional Use. This...
- C. Modification Of Permit...
- D. **Legalization Of Illegal Units.** *For units created prior to 1964.*
- E. Fences In High Crime Districts...
- F. Uses designated in Tables 31-1(Residential Use Table), 32-1 (Commercial Use Table), 33-2 (Industrial Use Table), 34-1 (Institutional Use Table) and 35-1 (Park Use Table) as administrative use permit uses.
- G. New construction of a building with...

(Ord. C-7729 § 12, 2001; Ord. C-7663 § 4, 1999; Ord. C-7247 § 3, 1994; Ord. C-7032 § 10, 1992; Ord. C-6895 § 6, 1991; Ord. C-6595 § 7, 1989; Ord. C-6533 § 1 (part), 1988).

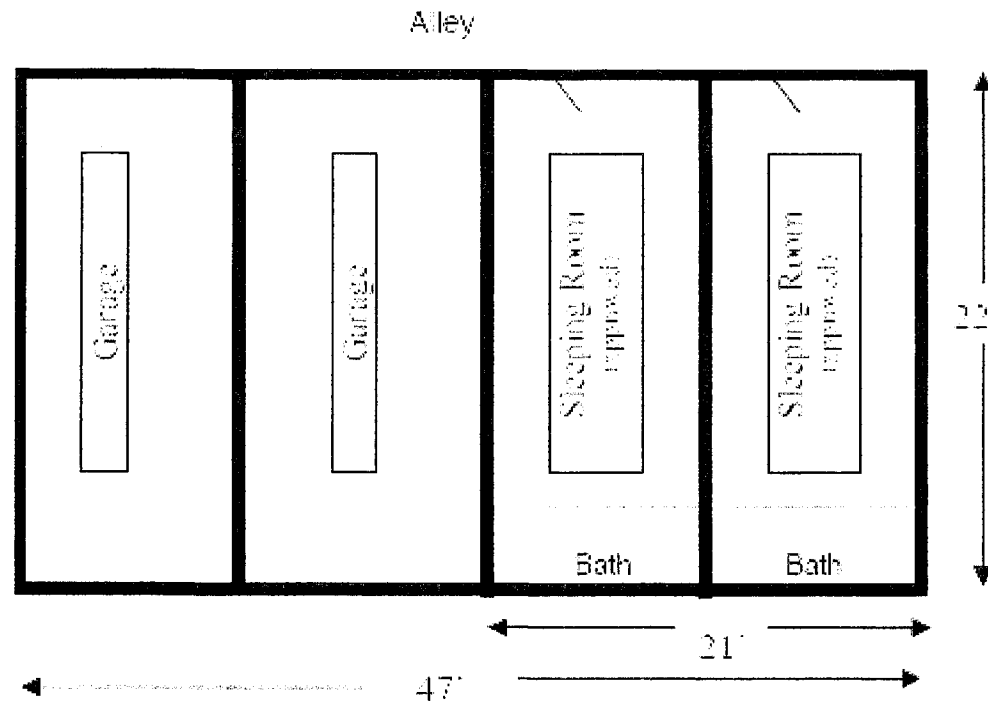


03.26.2007

# 1826 E. First St.

Down Stairs (back building)

Permitted 1945



**Before 1964**

• note: measurements per 1946 assessor records

Before 1964, two one-bedroom apartments up stairs and two sleeping rooms with baths down stairs had been approved. Each sleeping room was a one car garage that was converted.

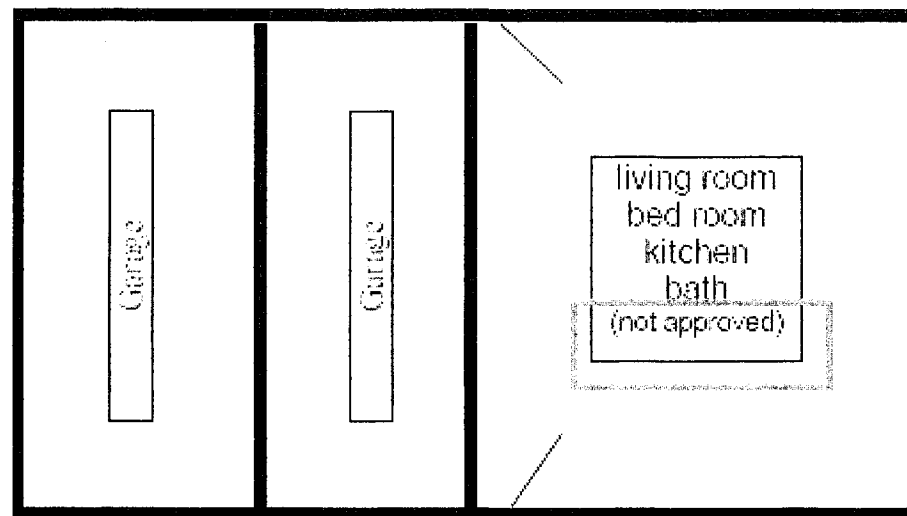


# 1826 E. First St.

Down Stairs (back building)

**1969**

Aley



In 1969 there was a Los Angeles County Tax Assessor site inspection. The report indicates the above configuration of the first floor unit and garages at that time.





# Multiple Listing at Time of Kotsch Purchase

Residential Income Mon, Apr 16, 2007 01:25 PM

RIN Closed Sale **1826 E 1st St** Long Beach (LONG) Price \$ 510,000\*

P235356 Media: 1 Los Angeles County (LA) APNO 7285-018-006

Have 7 Unit Apt. Area Belmont Heights, Alamitos Heights (2)

Entry Location

Style

XSTS Ocean & Cherry Aerial Map

Features No Pool, No Spa

Terms Cash, Cash To New Loan Gr Schd Inc \$ 53,160

List Type Exclusive Right To Sell TG 825G1

Zip 90802- Loans 235000 Units 7

Price/Unit \$ 77,857 Gross Equity 310,000

View

Cap Rate 6.838% Poss

Excellent Low Vacancy Rental Area Just 1/2 Block From Bixby Park & One Block From Beach. Rare 'fixer' Opportunity. Rents Are Below Market. Huge Lot With 5 Open Parking Spaces. Desirable Location & Appeal!!!!

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**Financial Analysis (ANNUAL)**

Gross Sched Income	\$ 53,160	Tax Area	Water
Vacancy Allow	5% \$ 2,658	Tax Rate Yr	Tax Rate
Actual Annual Vacancy \$			
Gross Oper Income	\$ 55,188	Land	\$ %
Actual Gross Annual Income \$			
Operating Exp	35% \$ 18,606	Imprmnts	% \$
Net Oper Income	\$ 36,582	Per Prop	\$ %
Loan Payment	\$	Total	\$
Gross Spend Income	\$	Legal:	
Cap Rate	6.838%	Zoning	
Gross Multiplier	10.06 X Gross	LtSqft	6246/Assessor

Lct# 5 Bld# 51 Tract # ALAMI  
Lot Size 55 X 150  
#Bdgs 2 Yr Bldt 1910

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**Financial Info As Of APR'01**

Ho	BR	Bath	P	Rent	Rent	Annual Oper Exp	1st \$	@ \$	/Mo	@ %	
26	S	1	U	300	300	New Tax \$ 5,500	Due	Lender			
28	2	1	U	850	850	Ins \$ 1,300	Assumable	Type	Fee		
30	1	1	U	530	530	Wrt Comp \$ 0	2nd \$	@ \$	/Mo	@ %	
30A	1	1	U	500	500	Gas \$ 0	Due	Lender			
30B	1	1	U	500	500	Electric \$ 0	Assumable	Type	Fee		
32	1	1	U	525	525	Water/Sw \$ 4,200	Fin Rmks Seller Wishes To Cash Out To Effect A 1031 Tax Deferred Exchan Property Sold 'as is/				
6.5	1	1	U	525	525	Trash \$ 140					
8.5	1	1	U	700	700	Supplies \$ 0	# Sep Mt:	Water 1	Gas 0	Elec 8	
						Cable TV \$ 0	Approx Total	8246			
						Mnt \$ 0 %	SqFt:				
						Pest Ctl \$ 467	App Avg Apt	Studio /	1BR/		
						Licenses \$ 0	SqFt:			Tot Bld Sqft	
						Gardener \$ 600	2BR/	3BR/		4,463	
						Pool \$ 0	SubArea/Tract	OTHR		Name Other	
#Leased				Tot 4430		Manager \$ 0	Land Fee	Lse \$		/Mo	YrExp
Other Income 0						Prof Mgt \$ 0	Zones: Spc Std Fid			Cstl	Std
						Furn Rep \$ 0	Adds, Alts, Repairs?			Bldg Permit	
#Car 0	@	\$ 0				Other: \$	Tot Pkgs 5	#Garage 0		#Caprt	
Laund Eqmt \$						Advertising \$	#Spaces 5	#Patlo		Rec Room	
Monthly GST \$ 4,430						Elevator \$	Tenant Pays	Gas		Elec Yes	Water No
Actual Annual Gross Rent \$						Security \$	Rent Control	No Cable TV		Water Heater	Trash
						Total \$ 18,606					

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**Additional Property Features**

Sty	Swr In, Connected & Paid	Cent A/C	#Wall A/C	Elevtr
#Cpts	#Ranges	#Refrg	#Disps	#D/W
Wtr Htrs	Htd N	Spa No Spa	Alley Yes	Paved Yes
Cnst	Firs	Roof		Heat
ADA Compliant	Exterior Construction			

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**Showing Instructions**

Instr Do Not Contact Occupants, Drive By Only, Subject To Inspection	Owner	Possession
Comp 3%	Dual/Var No	
LockBox	List Type Exclusive Right To Sell/	Gate Code
Management Company Name		Management Company Phone

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**List Office/Agent Info**

List Office Pabst, Kinney And As (1004)	Office 562-987-3244	Fax	Res
List Agent Kachigan, Mark (ZKACHMAR)	Pager 562-225-4848	Cell 562-225-4848	Primary 562-438-7676
Agt E-Mail		Agt WSite	

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**Agent Remarks**

Priv Rmks '8th' Unit Is An 'Illegal Bootleg Unit'-- Not Permitted. Expenses Estimated

Owner

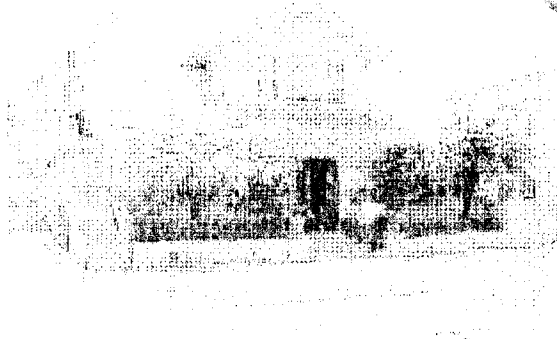
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**Listing Activity**

List Date 4/8/2001	Date Added 4/8/2001	Tran Date 3/31/2006	DOM 144	COE: 11/15/2001	LP/SqFt \$119.87
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# Multiple Listing at Time of Kotsch Purchase

## Page 1 - top



**Residential Income** Mon, Apr 16, 2007 01:25 PM  
**RIN** Closed Sale **1826 E 1st St** **Long Beach (LONG)** **Price \$ 510,000\***  
**P235256** **Media: 1** **Los Angeles County (LA)** **APNO 7265-018-006**  
**Have 7 Unit Apt.** **Area Belmont Heights, Alamos Heights (2)**  
**Entry Location**  
**Style**  
**XSTS Ocean & Cherry** **Aerial Map**  
**Features No Pool, No Spa**  
**Terms Cash, Cash To New Loan** **Gr Schd Inc \$ 53,160**  
**List Type Exclusive Right To Sell** **TG 825G1**  
**Zip 90802-** **Loans 235000** **Units 7**  
**Price/Unit \$ 77,857** **Gross Equity 310,000**  
**View**

## Page 1 - bottom

List Office/Agent Info			
List Office Pabst, Kinney And As (1004)	Office 562-987-3244	Fax	Res
List Agent Kachigan, Mark (ZKACHMAR)	Pager 562-225-4848	Cell 562-225-4848	Primary 562-438-7676
Agt E-Mail		Agt WSite	
Agent Remarks			Owner
Priv Rmks '8th' Unit Is An 'illegal Bootleg Unit'-- Not Permitted. Expenses Estimated			
Listing Activity			
List Date 4/8/2001	Date Added 4/8/2001	Tran Date 3/31/2006	DOM 144 COE: 11/15/2001 LP/SqFt \$119.87

## Multiple Listing at Time of Kotsch Purchase

Page 2

Orig Price \$ 545,000	Prev Price \$ 545,000	Cur List Price \$	Off Market 8/30/2001	Comp 3%
<b>Pending/Sold Information</b>				
List Price \$535,000	<b>Financing</b>	<b>Selling Terms</b> Standard Sale		
Cont Price \$ 510,000		<b>Begin Escrow</b> 8/30/2001		COE 11/15/2001
Sold Price \$ 510,000	SP/SqFt \$ 114.27	<b>Sold/List</b> 95%		DOM 144
<b>Sell Office/Agent Info</b>				
Sell Office SPS Realty (H31000)		<b>Office</b> 949-716-9954	<b>Fax</b> 714-536-9326	<b>Res</b> 714-536-3266
Sell Agent Natalie Kotsch (HKOTSCNA)		<b>Pager</b> 000-0000	<b>Cell</b> 714-717-3899	<b>V-Mail</b>
Agt E-Mail Yes			<b>Agt WSite</b>	

The accuracy of all information regardless of source, including but not limited to square footages and lot size, is deemed reliable but is not guaranteed and should be independently verified through personal inspection by and/or with the appropriate professionals. Copyright SoCalMLS.

## **2. Zoning Violation**

**21.25.407 Required findings.**

The following findings must be analyzed, made and adopted before any action is taken to approve or deny the subject permit and must be incorporated into the record of the proceedings relating to such approval or denial:

A. The approval is consistent with and carries out the General Plan, any applicable specific plans such as the local coastal program **and** all Zoning Regulations of the applicable district.

B.

C.

(Ord. C-7032 § 11, 1992; Ord. C-6533 § 1 (part), 1988).



### **21.31.205 Units per lot and lot area per unit.**

Table 31-2 indicates the maximum number of units permitted by each residential district and the required density (land area per unit). The number of units shall not be subject to the standard minimum provisions contained in this title. In calculating the number of units permitted on the site, the following rules shall apply:

- A. Net Lot Area. All densities are calculated on the basis of net lot area. This is the existing lot area minus any dedications for public right-of-way (streets or alleys) to meet minimum City standards. (The planning department calculates the size of the lot as 8,250 square feet. That means that only 5.5 units are permitted under zoning density regulations. As in part B below the fraction is not counted.)\*
- B. Fractional Densities. Fractional numbers of units shall not be counted in determining the number of units allowed on the site except that at least one unit shall be allowed on any legal or certified lot.

From Table 31-2

Zone R-4-R lot size (3,201--15,000 sq.ft.) lot width (26—120 ft.) 1 unit per 1,500 sq. ft.

\* My note

# **Matters of Judgment**

**21.25.407 Required findings.**

A.

B. The approval will not be detrimental to the surrounding community including public health, safety, general welfare, environmental quality or quality of life; and

C.

(Ord. C-7032 § 11, 1992; Ord. C-6533 § 1 (part), 1988).

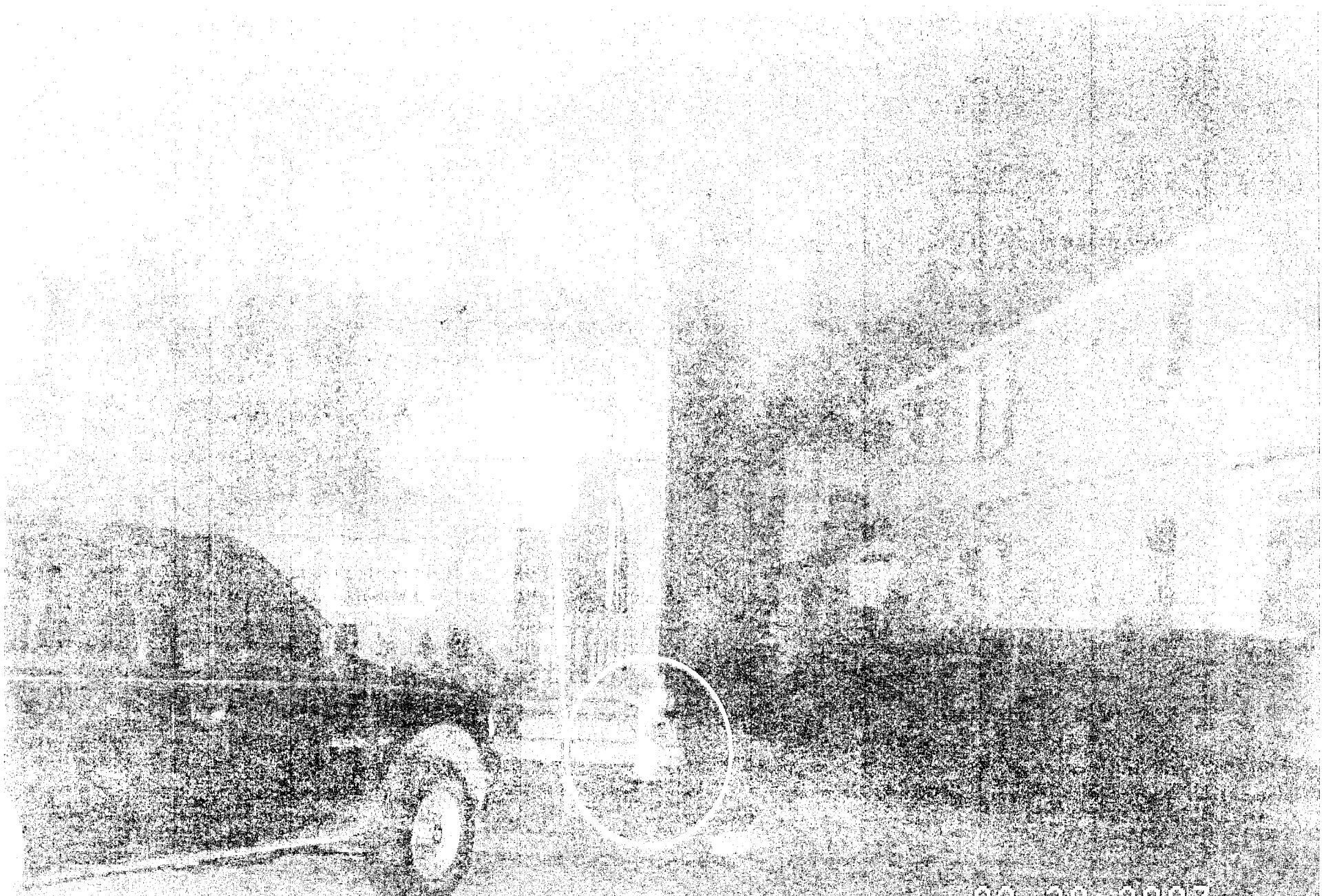
# 1. Quality of life

“The property has a **parking impacted designation**, which is an indication that more than 75% of available on-street parking is utilized during evening hours and that insufficient off-street parking is available to meet the needs of local residents, due to high incidence of parcels with less than legally required off-street parking and/or due to a high incidence of illegal garage conversions.”

On a Tuesday night, 2-20-07, between 9 and 10 PM, a survey was conducted in the three blocks surrounding 1826 E. First Street to determine how bad the problem was.

**44 cars were observed parked grossly in violation of the laws.**

- parking in front of fire hydrants
- parking blocking crosswalks,
- parking in red zones,
- parking blocking driveways, and
- parking blocking alleys.



02.20.2007



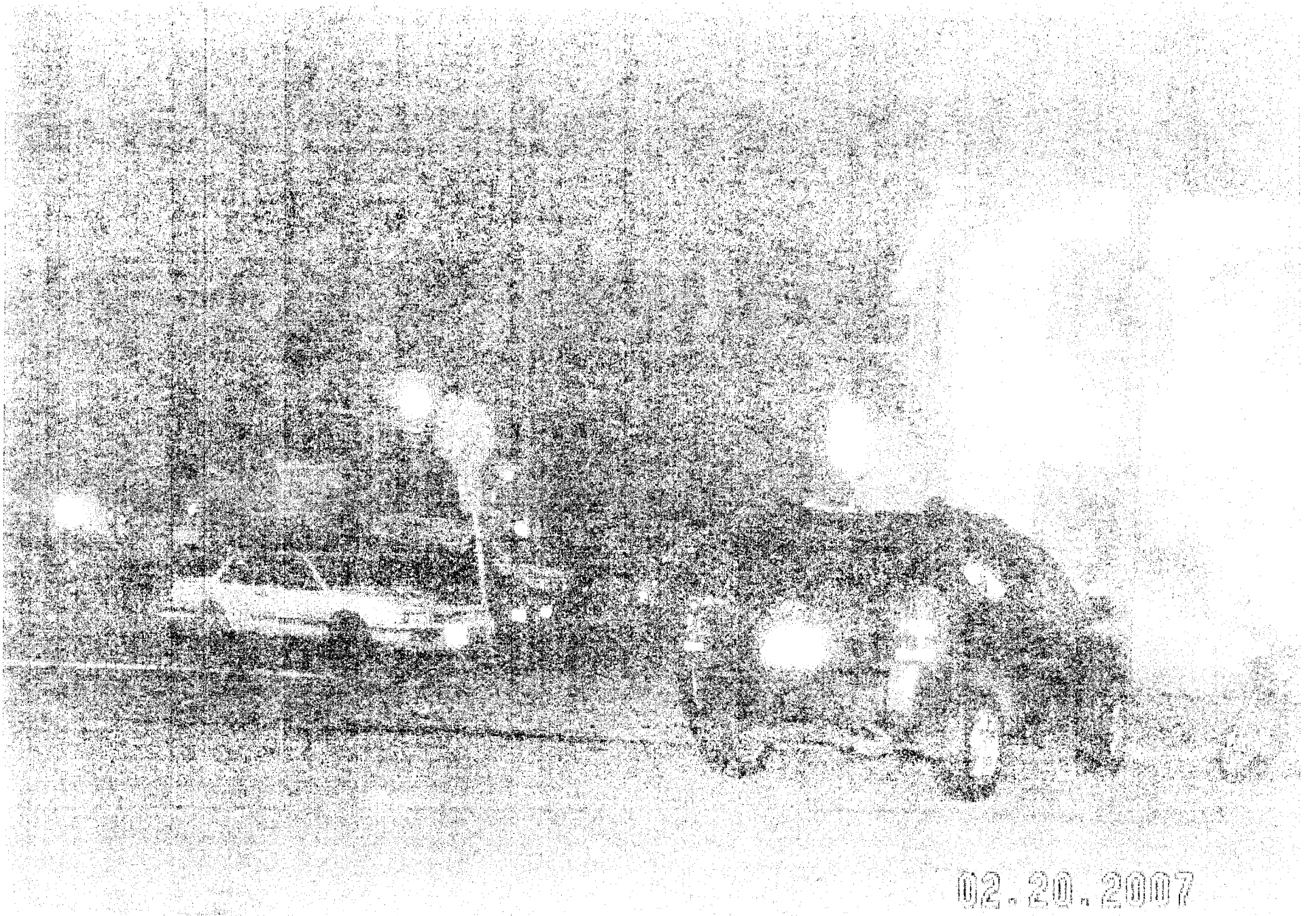
02.20.2007



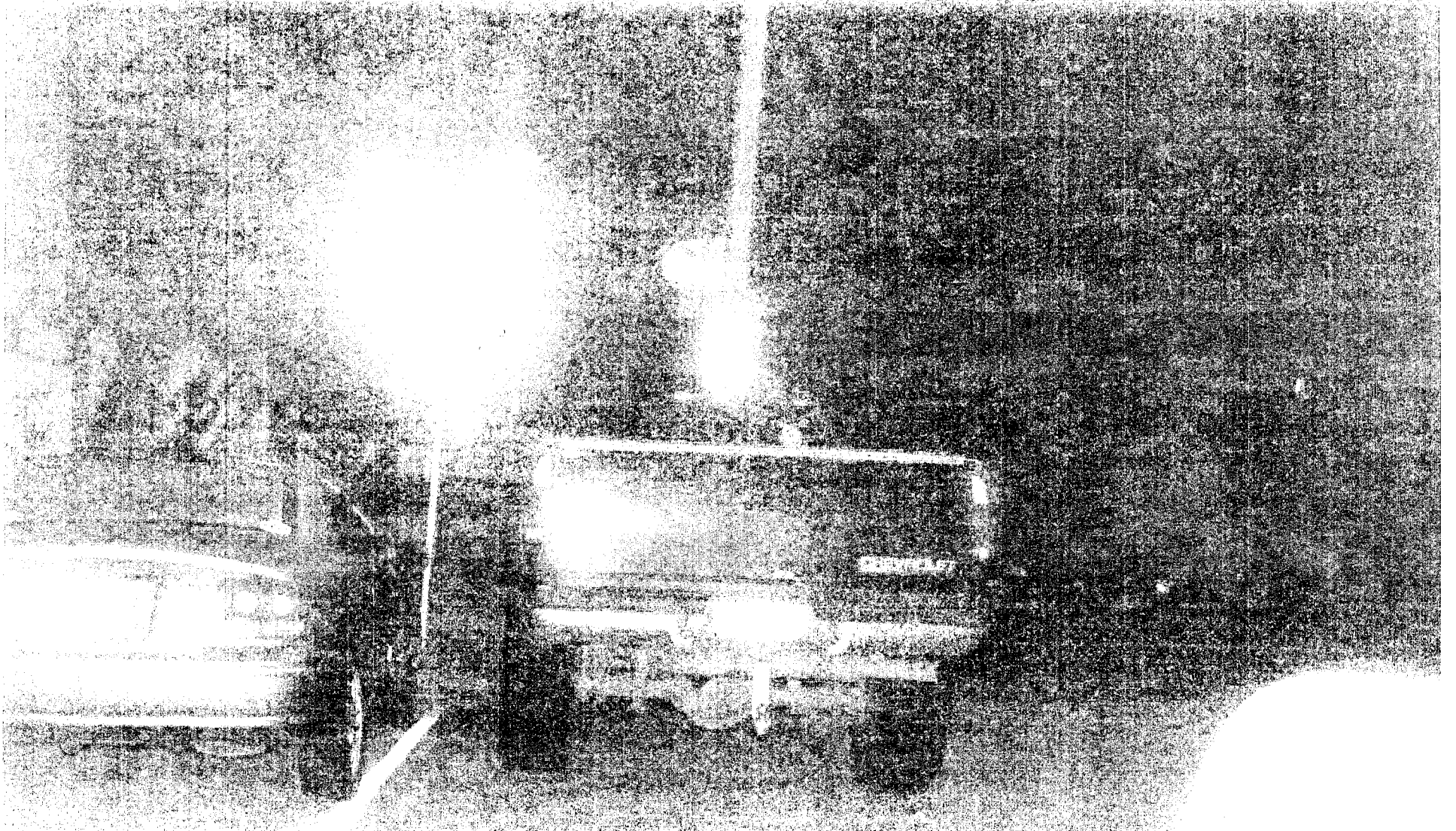
02.20.2007



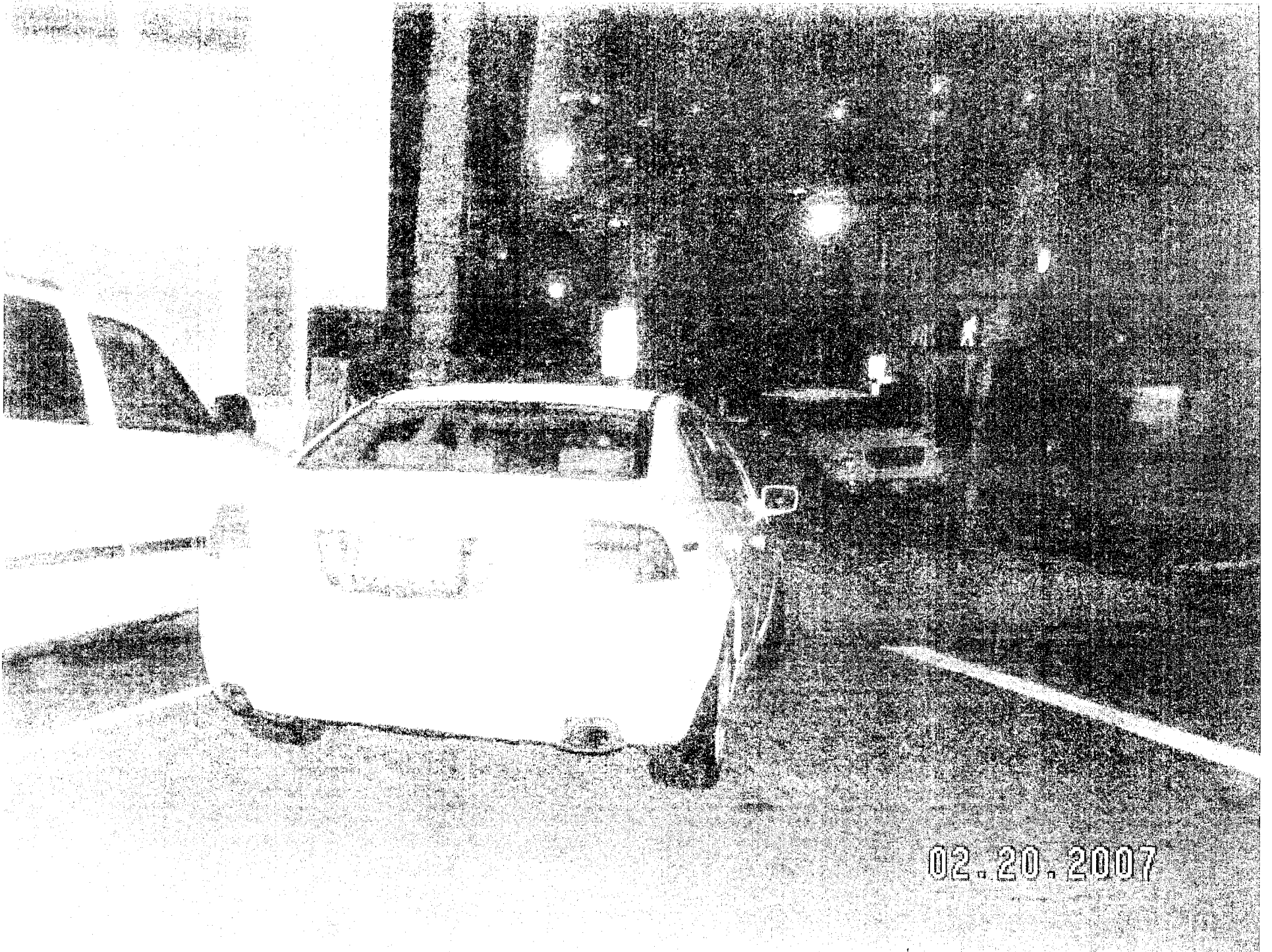
02.20.2007



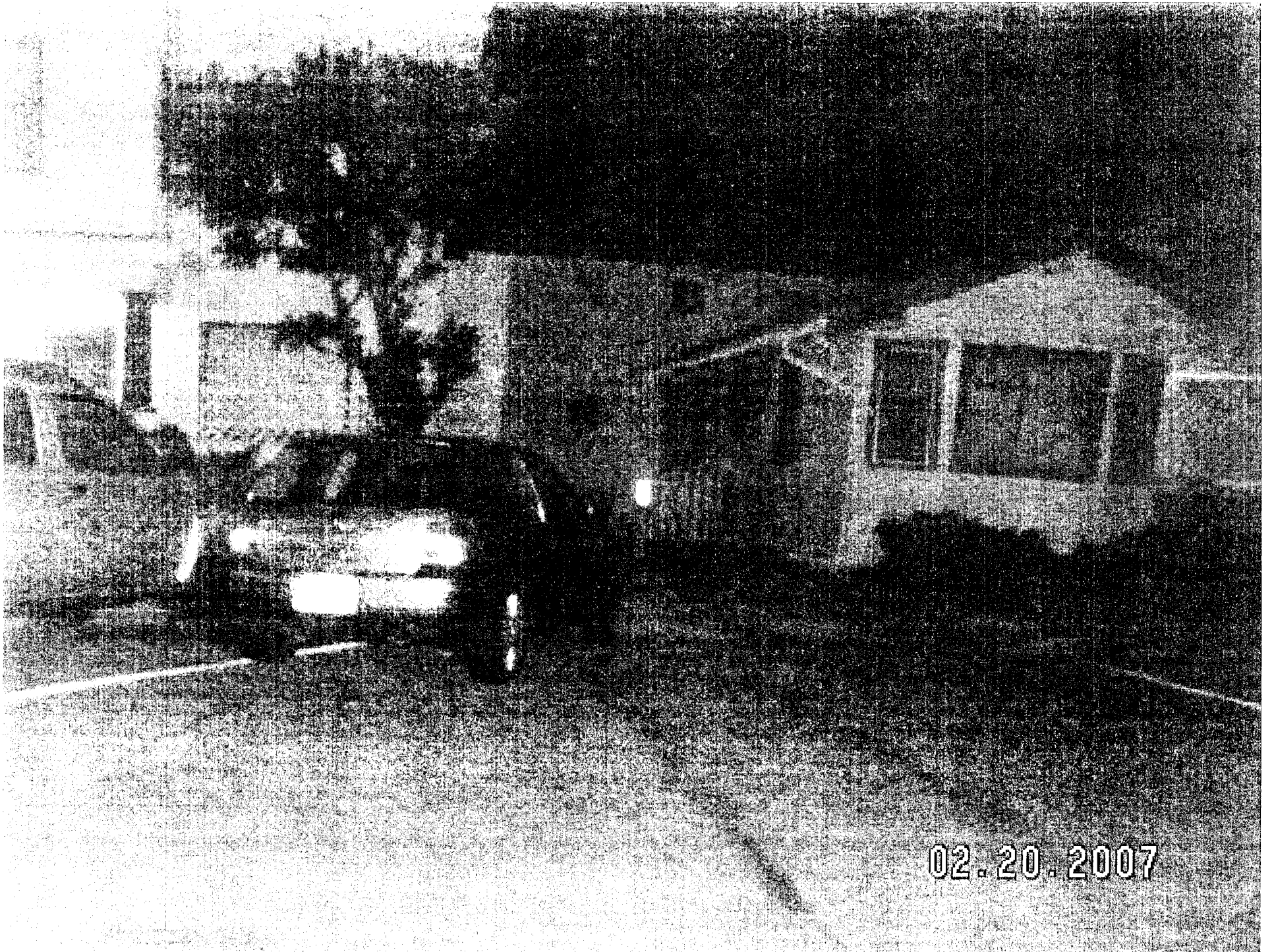
02.20.2007



02.20.2007



02.20.2007



02.20.2007



02.20.2007

## **2. Safety of Area Residents**



## Division IV Administrative Use Permits

### **21.25.401 Purpose.**

In order to streamline the project review process, the administrative use permit procedure is established to allow a simplified review process for projects which have insignificant effects on surrounding properties.

(Ord. C-6533 § 1 (part), 1988).

# Neighborhood Petition



## **Petition to Reverse Planning Commission Case CE 06-231**

The below signed residents strongly protest the legalization of 4 unauthorized units in the garages and house at 1826-1832 E. First Street. Un-permitted splitting of residences and bedrooms along with unlawful garage conversions has caused the density of the neighborhood to far exceed the population forecast by city officials in the past. Reality has shown that in the Alamitos Beach area, parking has far exceeded the Long Beach Municipal Code's assumption that there would be only one car for each bedroom. We are an "impacted parking" area which is a glaring understatement. The City's designation of impacted parking is only that "more than 75% of the street parking is used in the evenings. Surveys show that in excess of 60 cars are unlawfully parked on Ocean, First, and Second streets on weeknights. We respectfully request that the Long Beach City Council reverse the Planning Commission's approval of legalizing the 4 units that were bootlegged into the 1826 property decades ago.

Signature

Address

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**3. General Welfare**

**4. Expense to Residents**

# Reasons to Reverse Planning Commission Decision

## 1. It is a violation of the law

1. Unlawful garage conversion
2. Zoning violation - only 5 units permitted

## 2. It is detrimental to the community

1. Quality of life - Impacted Parking
2. Safety of area residents - Long walks - fire dangers
3. General welfare - Loss of property value - deterioration
4. Expense to residents -- Constant parking fines