

July 16, 2020

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Deny third-party Appeal APL20-003 and uphold the Zoning Administrator's denial of Standards Variance SV20-001, and Local Coastal Development Permit LCDP20-005 request to construct a new single-family dwelling with a four (4) foot garage setback where twenty (20) feet is required. (District 3)

APPLICANT: Steve Scott
60 60th Place
Long Beach, CA 90803
(Application No. 2006-02)

DISCUSSION

On April 27th, 2020, the Zoning Administrator conducted a public hearing for a proposed Standards Variance (SV20-001) and Local Coastal Development Permit (LCDP20-005) request to construct a new 3-story, 3,006-square-foot, single-family dwelling on the project site (Exhibit A - Vicinity Map) with a proposed four (4) foot garage setback where twenty (20) feet is required for a garage facing a street in the -2-I Zoning District (Exhibit B - Plans). After a staff presentation and public comment, the item was continued by the Zoning Administrator to review additional data on lots within the zone and to see a revised floor plan. On May 26, 2020, the Zoning Administrator conducted a public hearing on the continued item. After receiving a staff presentation and public testimony from the applicant, the Zoning Administrator denied the Standards Variance and Local Coastal Development Permit request, finding that the project site is not physically unique nor deprives the property owner usage or reasonable development of the lot (Exhibit C - Findings). The Zoning Administrator further found that of 433 lots zoned R-2-I, the subject site at 2,962 square feet is above the median lot size of 2,408 square feet and an average lot size of 2,710 square feet within that zoning district and that the property could reasonably be developed without the variance.

On June 4, 2020, Steve Scott filed a third-party Appeal (APL20-003) of the Zoning Administrator's denial action (Exhibit D - Application for Appeal). The scope of the appeal highlights the limited size



of the lot, and the existing development pattern, and the financial ramifications of the denied variance request.

Pursuant to the Long Beach Municipal Code, a Standards Variance can be granted only when positive findings are made, which include, 1) the site is physically unique when compared to other sites in the same zone, 2) the unique situation causes the applicant to experience hardship that deprives the applicant of a substantial right to use the property as other properties in the same zone and will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purpose of the zoning regulations, and 3) the variance will not cause substantial adverse effects upon the community.

As discussed in the findings of the Zoning Administrator hearing, the site was found to have an area and street access above both the median and mean of similarly zoned properties. Since the site was found as not being physically unique, a hardship positive finding could not be made, and allowing a reduced setback was found to constitute a grant of special privilege. The fundamental purpose of a variance process is to allow relief from zoning standards when the strict application of the standards prevents a property from reasonably being developed under the development standards of the district. Staff finds that there is no substantial loss in right to develop the property without a variance. Without a variance for the garage setback, the property can still be developed with at least a 3,000-square-foot residence and a two-car garage. Furthermore, a 20-foot garage setback allows for off-street vehicular parking in an area that the General Plan identifies as “parking impacted.”

PUBLIC HEARING NOTICE

A total of 398 public hearing notices were distributed on June 29, 2020, in accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code. At the time of writing this report, staff has received no comments in response to the hearing notice.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, the project is exempt per Section 15302 – Replacement or Reconstruction, and 15303 – New Construction or Conversion of Small Structures, as the project consists of the replacement of an existing single-family dwelling (CE20-012).

