

**LOCAL COASTAL DEVELOPMENT PERMIT
FINDINGS**

**Application No. 2108-31 (LCDP21-043)
5925 East Seaside Walk
June 2, 2022**

Pursuant to Section 21.56.904 of the Zoning Ordinance, a Local Coastal Development Permit shall not be approved unless the following findings, in addition to any findings applicable under Chapter 21.25, are made. These findings and staff analysis are presented for consideration, adoption, and incorporation into the record of proceedings.

A. THE PROPOSED DEVELOPMENT CONFORMS TO THE CERTIFIED LOCAL COASTAL PROGRAM INCLUDING BUT NOT LIMITED TO ALL REQUIREMENTS FOR REPLACEMENT OF LOW AND MODERATE-INCOME HOUSING; AND

The Local Coastal Program (LCP) is generally organized by area. The project site is in Area E (Naples Island and the Peninsula) of the Coastal Zone (Appealable Area) (see map of Coastal Zone in project file 2108-31). The existing project location maintains a frontage along Seaside Walk, a 10-foot-wide public walkway. The side property line abuts 60th Place. The existing site is developed with a duplex and an attached two (2) car garage that takes access from 60th Place. The existing development represents a conforming residential use with nonconforming parking, as the existing duplex would require a four-car garage for compliance with Chapter 21.41 of the Long Beach Municipal Code (LBMC).

The project site is located in the Peninsula portion of Area E of the City's certified Local Coastal Program (LCP). The LCP identifies the Peninsula as residential in nature, comprised primarily as single-family, duplex, and apartment development. The policy plan for Area E includes provisions for permanent structures, capital improvements, lighting, and private motor vehicle access. The LCP also identifies existing public access issues in Area E to recreation areas and water resources due to existing development patterns. In addition, the LCP notes the parking conditions on the Peninsula, including parking in the vicinity of 72nd and 54th Places.

The LCP mainly emphasizes public access to the shoreline and regulation of recreation and visitor-serving facilities, but also calls for the preservation of the residential character of the area. This project involves the demolition of an existing duplex with nonconforming parking and the construction of a duplex with a four (4) car garage on the same site. The proposed project would meet the development standards for the R-2-I zoning district related to the proposed density, residential setbacks, height, and open space. The project would maintain the existing two units onsite, consistent with Chapter 21.11, No Net Loss, of the LBMC. The requested standards variances relate to the provision of four enclosed parking spaces per code requirements, which include 1) a request to allow a four-foot garage setback (where 20-feet is required) and 2) a request to allow two tandem

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parking spaces for a total of four (4) parking spaces within an enclosed garage (instead of four [4] independently accessible parking spaces). All development will occur on an established lot and will not encroach upon any public right-of-way. (See plans in project file of Application No. 2108-31 for more details).

With regard to the two requested standards variances, request #1 to modify the code-required garage setback from the property line on 60th Place (instead of not less than 20-feet) (SV21-004) would be consistent with the parking policies in the LCP. The LCP states, "Beach parking on most of the Peninsula is accommodated on the public streets, where visitors must share the spaces with the residents of the area, since many of the units do not have adequate off-street parking." (Page - E- 3) Furthermore, with acknowledgement of limited public parking in the Peninsula area, the Area E Policy Plan for Shoreline Access does not include additional parking or circulation recommendations. The proposed duplex proposes the construction of a four-car garage in compliance with Chapter 21.41 of the LBMC. The existing site does not have alley access, and all vehicular access to the site is taken from 60th Place. The LBMC requires a 20-foot setback for garages that take access from a street. The existing lot width is 40 feet. Therefore, the provision of the 20-foot setback would result in a remainder of 20-feet to accommodate garage parking areas, which must maintain an interior dimension of 18-feet for a standard parking space.

In addition to the previously described request, request #2 is for the provision of the code-required four (4) parking spaces in a tandem configuration. Based on the site configuration with all vehicle access from 60th Place, if side by side parking were provided, a minimum 30-foot-wide driveway would be required, which exceeds the residential zone maximum of 20-feet (Table 41-5 of the LBMC), which would require a standards variance for exceedance of this code requirement. Furthermore, the provision of a 30-foot-wide driveway would expand the existing site driveway and remove publicly available street parking for two vehicles on 60th Place.

This application is not requesting a reduction in the number of code-required parking stalls, but rather the manner in which the parking stalls are configured onsite. As proposed, the Applicant has chosen to proceed with providing the code-required parking with the aforementioned requests to reduce the project's impact on public street parking in a parking impacted area, while providing code-required onsite parking in excess of existing conditions. This orientation has the ability to allow for the provision of adequate off-street parking conditions that is in surplus of a majority of nonconforming residential uses on the Peninsula in Area E. Therefore, standards variance request #1 would be consistent with the policies in the LCP for providing adequate off-street parking, although deficient in the required street setback.

In this case, the requested parking setback and tandem parking variances would be limited to the private property, provide code-required parking, and not obstruct

public access to the coast, all required findings for a standards variance (refer to standards variance findings) cannot be made in the affirmative for this request.

The specific LCP provision of low and moderate-income housing replacement would not apply to this project. No low and moderate-income housing will be removed as a result of the development.

B. THE PROPOSED DEVELOPMENT CONFORMS TO THE PUBLIC ACCESS AND RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT. THIS SECOND FINDING APPLIES ONLY TO DEVELOPMENT LOCATED SEAWARD OF THE NEAREST PUBLIC HIGHWAY TO THE SHORELINE.

Chapter 3 of the Coastal Act concerns the public's right to use beach and water resources for recreational purposes. The chapter provides the basis for state and local government beach access requirements with a stated objective of prohibiting development projects that hinder public access to the beach and/or water resources.

The proposed project would be developed entirely on private property. As conditioned, the property owner would be required to remove all existing encroachments in the public right-of-way and record a covenant acknowledging that no encroachments are permitted. No public access ways will be affected by this project.

The requested standards variance for tandem parking would result in the preservation of existing on-street parking (public), rather than the provision of side-by-side parking which would require a variance for a curb cut in exceedance code that would lessen on-street parking. The project will make no change to existing recreation land uses and will not affect the suitability of the waterfront property for water-oriented recreation uses. Therefore, as conditioned, the project would pose no obstruction to recreational and visitor serving uses in the Coastal Zone.

C. FOR AN APPLICATION FOR A RELIGIOUS ASSEMBLY USE, IF AN EXCEPTION OR WAIVER OF LCP REQUIREMENTS IS SOUGHT UNDER SECTION 21.52.219.8.G, THAT THE EXCEPTION OR WAIVER ALLOWS THE MINIMUM DEVIATION FROM LCP REQUIREMENTS NECESSARY TO COMPLY WITH RLUIPA, AND THAT THE DECISION MAKER HAS IMPOSED ALL CONDITIONS NECESSARY TO COMPLY WITH ALL PROVISIONS OF THE LCP, WITH THE EXCEPTION OF THE PROVISION(S) FOR WHICH IMPLEMENTATION WOULD VIOLATE RLUIPA.

The project does not include a religious assembly use; therefore, this finding is not applicable to the proposed project.

D. THE PROPOSED DEVELOPMENT IS SITED, DESIGNED AND MANAGED TO MINIMIZE THE TRANSPORT OF POLLUTANTS BY RUNOFF INTO COASTAL

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WATERS AND GROUNDWATER, AND TO MINIMIZE INCREASES IN RUNOFF VOLUME AND VELOCITY FROM THE SITE WHICH MAY ADVERSELY IMPACT COASTAL RESOURCES OR COASTAL BLUFF STABILITY. BEST MANAGEMENT PRACTICES SHALL BE IMPLEMENTED, AS APPLICABLE, INCLUDING BUT NOT LIMITED TO APPLICABLE LOCAL, REGIONAL, STATE AND FEDERAL WATER QUALITY PERMITS, STANDARDS AND GUIDANCE PROVIDED IN THE LCP, BEST PRACTICES AND OTHER MEASURES AS MAY BE RECOMMENDED BY THE CITY ENGINEER.

The project entails the demolition of an existing duplex and two car garage and the construction of a new duplex and four car garage (see plans in project file 2108-31). As conditioned, all construction will be required to comply with all applicable local, regional, state, and federal water quality permits. Therefore, adherence to permit requirements would minimize the transport of pollutants and runoff that could impact coastal resources.

STANDARDS VARIANCE FINDINGS

**Application No. 2108-31 (SV21-004, SV21-006)
5925 East Seaside Walk
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Pursuant to Section 21.25.306 of the Long Beach Municipal Code, the following findings must be analyzed, made and adopted before any action is taken to approve or deny the subject standards variance and must be incorporated into the record of proceedings relating to such approval or denial.

A. THE SITE OR THE IMPROVEMENTS ON THE SITE ARE PHYSICALLY UNIQUE WHEN COMPARED TO OTHER SITES IN THE SAME ZONE:

The project site is in the R-2-I (Two-Family Residential District with Intensified Development on the Lots) Zoning District and is designated as the Founding and Contemporary Neighborhood (FCN) PlaceType under the recently adopted Land Use Element (LUE) of the General Plan (2019). The California Coastal Commission (CCC) has not amended the City's Local Coastal Program (LCP) with the 2019 LUE. Therefore, the previous General Plan Land Use Element (1989), designation of Land Use District (LUD) No. 2 (Mixed Style Homes District) in the 1989 General Plan remains applicable to the project site.

The requested code exceptions are: 1) a request to allow a four-foot garage setback (where 20-feet is required) (SV21-004) and 2) a request to allow two tandem parking spaces for a total of four (4) parking spaces within an enclosed garage (instead of four [4] independently accessible parking spaces) (SV21-006).

The site is 3,830-square-feet in size, which is a substandard lot size for the R-2-I zone (minimum lot size is 4,800-square-feet). Furthermore, the parcel frontage is along Seaside Walk, a public walkway, and 60th Place abuts the side property line. The only vehicular access to the site is via 60th Place (public street) and has no alley access. Compared to the average lot size for private properties on the Peninsula, the subject property is larger than the average lot size (2,740 square feet) and the median lot size (2,407 square feet).

The subject site is characterized by said constraints of intensified development, in conjunction with a unique accessibility configuration. The proposed project intends to increase onsite parking to meet municipal code requirements and seeks variances on the configuration of provided parking. The properties on the Peninsula vary in vehicular access. Most properties maintain an alley for vehicular access. Along Seaside Walk and along Bay Shore Walk there are properties that front the public walkway (and beach areas) with only vehicular access from a public alley at the rear, private easement, and/or street access. For the properties with only street access, the 20-foot required setback for garage access is an additional

requirement that properties with alley access are not required to provide. In addition to the requirement for a 20-foot-setback from a public street for certain properties, this project requires the maintenance of two residential units in compliance with no net loss provisions. The Peninsula includes a variety of densities, including conforming and nonconforming densities. Therefore, compliance with regulatory requirements for this site regarding no net loss and vehicular access only from a public street, results in a unique configuration with regard to code compliance requirements.

The existing access to the lot is via 60th Place, which is the side lot line. Maintaining existing access at this street results in garage placement restricted to the 40-foot lot width, which limits the ability of the applicant to create a garage that is compliant with the 20-foot setback and resize said garage to accommodate four parking spaces and personal space needs allowed in garages. Many properties on the peninsula have rear alley access, but this property does not, and the side street configuration necessitates use of the side street for garage/driveway access, while at the same time requiring compliance with the 20-foot setback requirement from garage door to property line. This existing configuration is physically unique when compared across other sites in the same zone, but similar in its configuration for the few lots with walkway frontage and side street access, as well as corner lots in the area, some of which maintain legal nonconforming parking.

The geographical constraints and intensified development of this site and neighborhood are highlighted in both the zoning code at section 21.31.020 and the 1989 General Plan, to which this zone was implemented under, on page 161. The latest Land Use Element, page 168, further finds that the R-2-I zone is consistent with the newer FCN PlaceType.

B. THE UNIQUE SITUATION CAUSES THE APPLICANT TO EXPERIENCE HARDSHIP THAT DEPRIVES THE APPLICANT OF A SUBSTANTIAL RIGHT TO USE OF THE PROPERTY AS OTHER PROPERTIES IN THE SAME ZONE ARE USED 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:

The project site is in the R-2-I Zoning District and located in the General Plan PlaceType of Founding and Contemporary Neighborhood (FCN) and LUD No. 2 in the 1989 General Plan. The CCC has not amended the City's LCP with the 2019 LUE. Therefore, the previous General Plan Land Use Element (1989), designation of LUD No. 2 in the 1989 General Plan remains applicable to the project site.

Standards Variance #1 is a request to allow a four-foot garage setback (where 20-feet is required) (SV21-004) and Standards Variance #2 is a request to allow two tandem parking spaces for a total of four (4) parking spaces within an enclosed garage (instead of four [4] independently accessible parking spaces) (SV21-006).

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The existing structures onsite (duplex) represent a conforming residential use with nonconforming parking.

The proposed duplex density is consistent with the permitted density under the R-2-I Zoning District and in conformance with the no net loss provisions of the LBMC. The redevelopment of the lot results in the loss of existing onsite nonconformities, including onsite parking deficiencies. Based on the existing site access, in order to provide the code-required four (off-street) parking spaces in a side by side configuration, a standards variance for an oversize driveway would be required and there would be a loss of on-street public parking. Therefore, due to the existing site constraints requiring a standards variance for code required parking, the applicant has proposed a tandem parking configuration with a reduced street setback that provides code required onsite parking, while maintaining existing public street parking by avoiding the need for an oversized curb cut beyond the code maximum.

Two-residential units are allowed by right on the subject site. In addition, the property must maintain the existing duplex configuration for consistency with no net loss provisions and the LCP. The site configuration with only possible vehicular access from a street (60th Place) requires 1) a code-compliant driveway width and 2) a 20-foot-setback from the street. This site has no alley access, unlike other properties along the Peninsula, which is the primary contributing factor for this site's unique challenge that both the code required driveway width and garage setback requirements cannot meet code and therefore a variance of some kind if required in order to provide the 4 on-site parking spaces on this site. Therefore, the existing site configuration requires a minimum of one standards variance related to parking layout in order to develop the site in conformance with the required number of parking spaces per the LBMC.

Properties on the Peninsula were developed under a previous zoning code with lower parking requirements and development standards for driveways and garage setbacks. Applying current development standards, however, causes a compliance hardship and deprives the owner of the right to redevelop the property in the same manner and density as it exists today. Furthermore, in order to provide code compliant parking on the subject site a minimum of one standards variance is needed to meet LBMC provisions, either to allow a larger curb cut than the code permits or to allow a tandem parking configuration.

Moreover, with limited land area, the applicant is proposing to redevelop the site and provide the required number of parking spaces pursuant to the Code within an enclosed garage. The request is not for a reduction in code requirements.

Creating garage access from 60th Place requires use of the entire width of the lot (40 feet), because a 20-foot setback is required from the garage door to the street property line, which allows for only a maximum 20-foot-deep garage (which is a standard garage dimension). Where other wider, larger, or non-corner lot

properties or properties with alley access would enable resizing a garage depth to meet existing vehicles, the configuration of the site would result in a garage that cannot be utilized by the property owner for parking their personal vehicles. Furthermore, the provision of side by side parking would require a standards variance for driveway width. This requires a choice between a conforming garage setback with a driveway width variance and the loss of public street parking, or a reduced garage setback with a tandem configuration and no loss in public street parking.

Typical citywide development of long driveways that lead into a garage is not only impractical at the site, but also, in turn, deprives the applicant of the ability to have the flexibility in garage size afforded by the Zoning Regulations for accessory structures. It should also be noted that the purpose of the Zoning Regulations is, in part, to provide reasonable development standards while allowing for the reuse and improvements of the property. The city further recognizes that certain properties, due to their unique size, shape, location, or other physical condition, cannot be developed in strict accord with every development regulation. Therefore, the specific procedures of a Standards Variance establish guidelines for the granting of relief from certain provisions in specific situations. The unique access, required density, and limited developable lot area of this site fall within the stipulated guidelines for seeking a standards variance.

The garage setback variance does not constitute a grant of special privilege as the applicant is positioning the garage to be in greater compliance with the code requirements for onsite parking for the duplex, but is requesting 16-feet of relief to fit the vehicles in a tandem configuration, which is complying with the intent of the code to provide off-street parking for all units. Therefore, this finding can be made in the affirmative.

C. THE VARIANCE WILL NOT CAUSE SUBSTANTIAL ADVERSE EFFECTS UPON THE COMMUNITY; AND:

The existing residential use is permitted under the provisions of the R-2-I zone. The proposed site redevelopment would require the rebuilding of the duplex density in conformance with the R-2-I development standards and parking requirements. Due to the site configuration, the provision of a code-required four parking spaces in a garage with access to 60th Place would require a minimum of one standards variance (for driveway width). As such, an oversized driveway to accommodate four side by side parking spaces would result in the loss of public street parking on 60th Place. The proposed project requests two standards variances in a manner that would provide code-required onsite parking in an alternate configuration and maintain existing public parking. Furthermore, since vehicular parking is being built to provide off-street parking within a code-required garage, this mitigates exacerbating the already existing parking impacts of the community. Conditions of approval in the project file further mitigate adverse effects upon the community. This finding can be made in the affirmative.

D. IN THE COASTAL ZONE, THE VARIANCE WILL CARRY OUT THE LOCAL COASTAL PROGRAM AND WILL NOT INTERFERE WITH PHYSICAL, VISUAL, AND PSYCHOLOGICAL ASPECTS OF ACCESS TO OR ALONG THE COAST:

The subject site is the first lot from the beach and is privately owned. There are no existing easements or access that intersect with the property which provides access to the coast. The Local Coastal Program (LCP) further identifies the subject site as residential comprised primarily as single-family, duplexes, and apartment development. The proposed project intends to maintain the existing site configuration in conjunction with the new duplex, but the act of providing code-compliant garage parking would result in a standards variance for driveway width and result in a loss of public street parking. Therefore, the applicant is requesting a variance for garage setbacks from the street and a tandem configuration that would meet the intent of the LCP for providing code-required onsite parking while eliminating impacts to publicly available street parking.

The project would result in a duplex on private property with code-required parking in an enclosed garage. The proposed variances for parking configuration will not interfere with the access to or along the coast. The residential use and physical development of the site is consistent with the LCP. Other than the two current requested variances, the existing structure will be reconstructed to meet all other development standards such as building setbacks, height, open space, etc., which will maintain the appropriate development of the neighborhood and environment and will not detract from the coastal environment, psychological access to the coast or negatively affect neighboring properties.

Garage Setback from Street

The first variance request to modify the location of the existing garage with a 4-foot garage setback from the side property line on 60th Place (instead of not less than 20-feet) would be consistent with the parking policies in the LCP. The LCP states, "Beach parking on most of the Peninsula is accommodated on the public streets, where visitors must share the spaces with the residents of the area, since many of the units do not have adequate off-street parking." (Page - E- 3). In conjunction with the tandem parking configuration, the 4-foot setback would be sufficient for provided the off-street parking for four cars. This setback reduction would allow for the provision of adequate off-street parking conditions that is in surplus of a majority of residential Peninsula residential uses. Therefore, the standards variance request would be consistent with the policies in the LCP. This finding can be made in the affirmative.

Tandem Parking

The second variance request to provide the code-required parking in a tandem configuration. As conditioned, the garage would be required to be maintained for

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the parking of vehicles. The tandem configuration results in code-compliant onsite parking, while also maintaining existing public street parking. Therefore, the requested parking configuration (tandem) would meet code required onsite parking and would not detract from the coastal environment, psychological access to the coast or negatively affect neighboring properties. This finding can be made in the affirmative.