

August 18, 2022

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

**RECOMMENDATION:**

Accept Categorical Exemption CE-22-114; and, approve a Local Coastal Development Permit to demolish and replace an existing residential duplex with a new duplex and attached four-car garage and Standards Variances for: 1) a four-foot garage setback in lieu of the required 20-foot setback; and 2) an oversized curb cut (36 feet where 20 feet maximum is allowed) on 60th Place to accommodate four (4) side by side garage parking spaces on a property located at 5925 E Seaside Walk in the R-2-I (Two-Family Residential District with Intensified Development on the Lots) Zoning District. (District 3)

APPLICANT: Edward Gulian  
5855 E. Naples Plaza, #212  
Long Beach, CA 90803  
(Application No. 2206-23)

**DISCUSSION**

On June 2, 2022, the Planning Commission held an initial public hearing to consider the appeal of the Zoning Administrator's March 28, 2022 approval of a Local Coastal Development Permit (App. No. 2204-11) to demolish an existing residential duplex and construct a new duplex (App. No. 2108-11) with an attached four-car garage in the Two-Family Residential District with Intensified Development on the Lots (R-2-I) Zoning District. The project included two standards variances: 1) allow a four-foot garage setback, where 20-feet is required; and 2) allow two tandem parking spaces for a total of four parking spaces (Attachment A – Planning Commission Staff Report [6/2/2022]).

After considering public testimony, the Planning Commission voted (3-2, with two Commissioners absent) to uphold the appeal to deny, without prejudice, the tandem parking and require four side-by-side parking spaces, overturning the ZA's March 28, 2022 decision to approve a parking configuration with tandem stalls (Attachment B – Planning Commission Minutes [6/2/2022]). On July 21, 2022, revised findings were read into the record and the project was denied. The proposed project is a revised project in response to the Planning Commission discussion on June 2, 2022. The revised project was agendaized to be heard by the Planning Commission on July 21, 2022, but the item was continued to a date certain (August 18, 2022) at the request of the applicant (Attachment



C – Planning Commission Minutes [7/21/2022]). The public comments received for the continued item are included in this report.

In response to the Planning Commission's action on June 2, 2022, the applicant has prepared revised plans to include four side-by-side spaces suggested by the Planning Commission (Application No. 2206-23). This application utilizes one of the parking alternatives presented to the Zoning Administrator and Planning Commission for construction of the replacement duplex with four side-by-side garage parking spaces. This alternative would still require two variances: 1) a four-foot garage setback in lieu of the required 20-foot setback; and 2) an oversized curb cut (36 feet where 20 feet maximum is allowed) on 60<sup>th</sup> Place to accommodate four side by side garage parking spaces.

### *Project Site*

The site is located along Seaside Walk northwest of the terminus of 60<sup>th</sup> Place within the R-2-I Zoning District (Attachment D - Vicinity Map). The site has a 1989 General Plan Land Use designation of Land Use District (LUD) No. 2 (Mixed Style Homes District).<sup>1</sup> The site is surrounded by residential uses to the north and west. The parcel frontage is along Seaside Walk to the south, a public walkway, and 60<sup>th</sup> Place abuts the side property line. 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); however, it is larger than the average lot size (2,740-square-feet) and the median lot size (2,407-square-feet) found in the Peninsula. The site is currently developed with a duplex (1,546-square-feet and 546-square-feet) and two-car garage (Attachment E - Site Photos). Under existing conditions, the site is developed with a conforming duplex use with nonconforming parking. The code requires four enclosed parking spaces. The four parking spaces are required because the configuration of each unit requires two parking spaces per code (one single-family dwelling with more than two bedrooms and one studio larger than 451 square feet). The existing residential building also has nonconforming side yard setbacks and corner cutoff areas for the R-2-I Zoning District.

The applicant is seeking approval of a Local Coastal Development Permit (LCDP) and two standards variances associated with the construction of a replacement duplex on the project site. This project involves the demolition of an existing duplex with nonconforming parking and the construction of a duplex with a four-car garage. The proposed project includes construction of a duplex with Unit 1 totaling 4,843 square feet and Unit 2 totaling 1,060 square feet with an attached four-car garage. The project includes balcony and deck areas for compliance with the required open space for the R-2-I Zoning District. The proposed project would meet the development standards for the R-2-I Zoning District related to the proposed density, residential setbacks (with the exception of the garage setback from a public street), height, and open space (Attachment F – Plans).

On January 1, 2020, new housing laws went into effect at the state level that seek to address the statewide housing crisis by encouraging the maintenance of existing residential density. The City of

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<sup>1</sup> The General Plan Land Use Element was updated in 2019 and has not yet been certified as part of the City's Local Coastal Program. Therefore, the 1989 General Plan Land Use Element (1989) designation of Land Use District (LUD) No. 2 remains applicable to the project site.

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Long Beach (City) adopted an ordinance to establish Chapter 21.11, No Net Loss, of the Long Beach Municipal Code (LBMC) to implement California Senate Bill 330 (SB 330), the "Housing Crisis Act of 2019," as codified in Government Code Section 66300. This code section includes requirements to ensure that the City does not approve a housing development project that would have the effect of reducing the zoned capacity for housing of the City as it existed on January 1, 2018; or which would result in the demolition of existing housing units unless those units are replaced on at least a one to one ratio. Furthermore, the Local Coastal Program (LCP) calls for retaining the duplex character of homes in the peninsula area. The project would maintain the existing two units onsite, consistent with Chapter 21.11, No Net Loss, of the LBMC and the LCP.

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) an oversized curb cut (36 feet where 20 feet maximum is allowed) on 60<sup>th</sup> Place to accommodate four side by side garage parking spaces.

The site frontage is along Seaside Walk, a public walkway, and 60<sup>th</sup> Place. The site has no alley access; therefore, creating garage access from 60<sup>th</sup> Place requires a 20-foot setback per LBMC requirements. Furthermore, in a residential zone, the maximum size of a curb cut is 20 feet (Table 41-5 of the LBMC). The proposed project would result in the loss of the nonconforming parking and would require the construction of a four-car garage to support the replacement duplex.

The first variance request is to construct the new garage with a four-foot garage setback from the side property line on 60<sup>th</sup> Place (instead a minimum 20-feet). Maintaining existing access at 60<sup>th</sup> Place limits garage placement due 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.

The second variance request is to provide the code-required parking in a side-by-side configuration, which results in the need for an oversized curb cut for driveway access. Based on the site configuration with all vehicle access from 60<sup>th</sup> Place, the side-by-side parking for four vehicles requires a 36-foot-wide curb cut, which exceeds the residential zone maximum of 20-feet driveway width (Table 41-5 of the LBMC). Therefore, a standards variance is required for exceedance of this code requirement. While the increase in curb cut width would remove street parking on 60<sup>th</sup> Place, the construction of conforming onsite parking for the duplex would remove demand for street parking because all parking for the residential use would be provided and accessible at all times. The previous application for tandem parking was deemed to have greater impacts to access to the coast because there is no guarantee that tandem garage spaces would be used, thus placing greater demand on street parking.

The applicant provided alternate parking configurations as part of the previous project, and the applicant has chosen to proceed with side-by-side parking configuration presented to and supported by the Planning Commission. The reduced garage setback from the property line along 60<sup>th</sup> Place is a standards variance that has been previously granted in the Peninsula area due to the intensified development of this site and properties throughout the neighborhood. Provision of the full garage setback would likely be infeasible as it would either reduce parking triggering an alternative variance

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or would reduce living area to such a degree as to physically render the project infeasible. The second variance is requested to ensure onsite parking is provided that does not exacerbate existing demand for street parking in the project vicinity.

The proposed conditions of approval include a number of conditions intended to ensure the protection of coastal resources, removal of unpermitted encroachments, and maintenance of garage areas for parking (Attachment G – Conditions of Approval). Conditions of approval ensure direct access for both residential units to the proposed four-car garage and conditions to ensure the granting of parking spaces in written lease agreements. Therefore, the requested parking configuration (side-by-side) would meet code required onsite parking and would not detract from the coastal environment, psychological access to the coast or negatively affect neighboring properties. The required findings for the standards variances and consistency with the LCP can be made in the affirmative (Attachment H – Findings).

An LCDP is required for development on the first lot from the beach, bay, or ocean as well as discretionary actions, including a standards variance, of the Coastal Zone. The project site is in the Peninsula portion of Area E (Naples Island and the Peninsula) of the City's certified 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 72<sup>nd</sup> and 54<sup>th</sup> Places. The proposed project would not change the existing use or density onsite. The proposed replacement duplex would remain consistent with the use permitted by the R-2-I Zoning District and the complies with applicable development standards, with the exception of garage setbacks and curb cut width. The existing site has nonconforming parking, which would be increased to four garage parking spaces in conformance with the overall number of parking spaces required for two dwelling units. Therefore, the LCDP and Standards Variances would be consistent with the policies outlined in the LCP.

The conditions of approval require operating conditions that ensure the tandem garage remains for the parking of vehicles and are leased and accessible to residents of both units in order to meet onsite parking needs. Failure to adhere to the conditions of approval can result in enforcement action. The applicant is not requesting a reduction in the number of code-required parking stalls, but rather the size of the curb cut on 60<sup>th</sup> Place to accommodate independently accessible parking. Since vehicular parking is being provided off-street within a code-required garage, this alternative is designed to avoid exacerbating the already existing parking impacts on the community. The inclusion of adequate conditions of approval would ensure that the project would be consistent with all required findings for the LCDP and Standards Variances.

### **PUBLIC HEARING NOTICE**

For the July 21, 2022 Planning Commission hearing, a total of 161 notices of public hearing were distributed within a 300-foot radius from the project site and to the appellant on July 1, 2022 in accordance with the requirements of Chapter 21.21 of the Zoning Regulations. Pursuant to Section

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21.21.402 of the LBMC, hearings continued to a date certain shall be exempt from re-noticing in accordance with Division III "Notice of Hearings." All interested parties that commented on the project were also noticed. Two comments were received in response to the initial noticing for the July 21, 2022 hearing (Attachment I – Public Comment).

**ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (CEQA) this project is eligible for a categorical exemption per Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines (CE-22-114). There would be no net loss in density as part of the project proposal.

Respectfully submitted,



MARYANNE CRONIN  
PROJECT PLANNER



ALEXIS OROPEZA  
CURRENT PLANNING OFFICER



CHRISTOPHER KOONTZ, AICP  
DEPUTY DIRECTOR OF DEVELOPMENT  
SERVICES



OSCAR W. ORCI  
DIRECTOR OF DEVELOPMENT SERVICES

OO:CK;ASR:AO:mc

Attachments:

- Attachment A – Planning Commission Staff Report (6/2/2022)
- Attachment B – Planning Commission Minutes (6/2/2022 Meeting)
- Attachment C – Planning Commission Minutes (7/21/2022).
- Attachment D - Vicinity Map
- Attachment E – Site Photos
- Attachment F – Plans
- Attachment G – Conditions of Approval
- Attachment H – Findings
- Attachment I – Public Comments