



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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Long Beach, CA 90802

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October 20, 2016

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Recommend that the City Council adopt Negative Declaration ND-03-16 and approve a Zone Change from CNR (Neighborhood Commercial and Residential District) to R-2-I (a two-family, three-story residential district), a Local Coastal Development Permit, and a Local Coastal Program Amendment, for the property at 2 61st Place. (District 3)

APPLICANT: Lance Vander Zanden
1500 E. Ocean Boulevard, Unit 303
Long Beach, CA 90802
(Application No. 1603-22)

DISCUSSION

The subject site is located at 2 61st Place in The Peninsula neighborhood of Long Beach, south of Ocean Boulevard. The site is a 3,184-square foot residential lot improved with a two-story single-family home and a garage. The site abuts Seaside Walk and the adjacent beach and the Pacific Ocean to the south. It abuts 61st Place on the west, a neighboring residential property in the CNR zoning district on the east, and a residential property in the R-2-I zoning district to the north (Exhibit A – Vicinity and Zoning Map). The applicant requests approval of a Zone Change from CNR to R-2-I, along with a Local Coastal Development Permit (LCDP) and a Local Coastal Program (LCP) Amendment triggered by this Zone Change, as well as adoption of a Negative Declaration.

The Zone Change would apply to the subject site only, for the purposes of demolishing the existing single-family dwelling and garage, and constructing a new three-story single-family dwelling and garage conforming to the R-2-I development standards (Exhibit C – Plans). The applicant requests this Zone Change from CNR to R-2-I so that the subject residential property would be consistent with the zoning of the vast majority of residential properties on The Peninsula, and be able to enjoy the same residential development rights as the other R-2-I-zoned properties.

The subject site is located in the CNR zoning district, a mixed-use commercial zone that allows for residential development. CNR allows neighborhood-compatible commercial uses in a manner similar to the commercial-only CNP (Neighborhood Pedestrian District) zone, while also allowing residential development at the density allowed by the R-3-T zoning district. This works on a sliding scale of units per lot area that changes with lot size, having no upper limit (per Table 31-2B of the Zoning Regulations). However, due to this lot's small size, only one dwelling unit is allowed per the R-3-T standards.

In The Peninsula neighborhood, the vast majority of private land is zoned R-2-I, with the exception of a strip of CNR zoning for all of the parcels with frontage on 62nd Place, and extensions at either end of the strip to include additional parcels with frontage on Seaside Walk (to the south) or Bay Shore Walk (to the north) between 61st Place and 63rd Place. The subject site is part of this CNR strip, and is the last parcel on the western edge of the southern extension of the CNR district, having frontage on Seaside Walk and abutting 61st Place. Parcels immediately abutting the subject site to the north, and across 61st Place to the west, are zoned R-2-I (this situation is illustrated in Exhibit A – Vicinity and Zoning Map).

The Zoning Regulations (Title 21, Long Beach Municipal Code) describes the R-2-I zoning district as a two-family residential district with small lots, which recognizes existing subdivision and use patterns in distinct portions of the City, and allows an intensity of development appropriate only in areas within immediate proximity to public open space. The description notes that the R-2-I zone implements Land Use District (LUD) No. 2 of the General Plan. In the case of The Peninsula, which is the only neighborhood in the City where R-2-I zoning is used, the public open space referenced in the zoning district description is the public beach found on both sides of The Peninsula.

A majority of buildings in The Peninsula neighborhood are two and three stories tall. Most are a mixture of low- and medium-low density housing types between one and four units on a lot. A number of four-story, medium-high-density multifamily buildings are located between 61st and 63rd Places, in the immediate vicinity of the proposed project. Out of 37 buildings (having 49 separate addresses) located in the strip of the CNR district, a total of three commercial uses are present, all located on 62nd Place north of Ocean Boulevard. The subject site is south of Ocean Boulevard in an area of exclusively residential development, an area that has never shown a market-driven propensity to shift to the mixed-use commercial/residential form of development currently allowed by the CNR zoning district.

Although the subject site currently has a zoning designation of CNR, it is located in the same General Plan Land Use District as the R-2-I-zoned areas of The Peninsula, which is LUD No. 2—Mixed Style Homes. LUD No. 2 recognizes the existing conditions in large areas of the City, including The Peninsula neighborhood, where a mixture of low-density housing types, consisting of single-family homes, duplexes, triplexes, etc., are present on the same block faces and in the same neighborhood. These situations exist, according to the Land Use Element, as a result of these areas having been zoned for higher density housing in the past, the buildout of which was only partially accomplished. The purpose

of LUD No. 2 is stated to be preservation of the existing mixture of housing types and density situation, without requiring a density reduction to single-family density levels, nor allowing an advance in density to that of the densest housing prevalent in districts of LUD No. 2 (this typically would be 4+ units on a lot of comparable size to the subject site).

The strip of CNR zoning district that covers the lots fronting on 62nd Place, along with the northern extension of CNR along the lots fronting on Bay Shore Walk between 61st Place and 63rd Place, fall under a different LUD, which is LUD No. 7—Mixed Use District. However, for those lots located within the southern extension of the CNR district along Seaside Walk between 61st Place and 63 Place, not having frontage on 62nd Place, LUD No. 2 remains the General Plan LUD designation. The historical reason for this disparity between the General Plan LUD and the zoning district on these properties is not clear (Exhibit B – Page 6 of the General Plan Land Use District Map).

The project site also is located within the Coastal Zone, and subject to the City's certified Local Coastal Program (LCP). It is located within the LCP's Area E—Naples Island and The Peninsula (pages III-E-1 through III-E-22 of the LCP). Area E emphasizes maintaining and improving access to the coast, and preservation of the existing residential character of The Peninsula, with a duplex density to prevail. The Area E implementation plan also acknowledges the trend toward three-story development among the residential buildings located on The Peninsula. The LCP specifically calls for a strip of mixed-use commercial zoning along 62nd Place to create a commercial node or axis, but is silent regarding the extension of this zoning along Bay Shore Walk and Seaside Walk between 61st and 63rd Places.

The LCP additionally aims to protect existing affordable housing within the Coastal Zone, requiring one-for-one replacement of any very low-, low-, and moderate-income housing units removed as the result of a project (described in pages II-6 through II-14 of the LCP). However, the LCP goes on to exempt from this requirement any removals for the purpose of construction of one or two new residential units.

The Zone Change request is based upon the differences in the ways the CNR and R-2-I zoning districts allow residential-only development. Table 1 (see below) compares the differences in development standards for the CNR and R-2-I zoning districts for this specific site. On this site, the R-2-I zone would allow the development of a three-story structure containing up to two dwelling units, while the CNR zone allows the development of a two-story structure containing one dwelling unit, with commercial tenant spaces also allowed. For CNR zoning, the number and size of commercial tenant spaces would be limited only by the site's ability to provide parking spaces in accordance with Chapter 21.41 (Off-Street Parking and Loading) of the Zoning Regulations.

Since the project consists of removal of one single-family dwelling, followed by construction of a new single-family dwelling, the affordable housing replacement policy specified in the Local Coastal Program is not applicable to the project (per pages II-6 and II-7 of the LCP).

Table 1. Comparison of CNR and R-2-I development standards.

	CNR (Com./Res)*	CNR (Res. only)**	R-2-I
Front yard:	0 ft.	8 ft.	3 ft.
Street side yard (on 61 st Place):	0 ft.	5 ft.	3 ft.
Interior side yard:	5 ft.	5 ft.	3 ft.
Rear yard:	10 ft.	10 ft.	8 ft.
Height limit	2 stories	2 stories	3 stories
To top of flat roof or midpoint of sloped roof	28 ft.	28 ft.	32 ft.
To top of ridge of sloped roof	N/A	N/A	35 ft.
Lot coverage	N/A	N/A	N/A
Required usable open space	250 sq. ft. per unit	250 sq. ft. per unit	2% of lot area per unit (64 sq. ft. for this lot)
Floor area ratio limit	N/A	N/A	N/A
Allowable density (for this site)	1 dwelling unit	1 dwelling unit	2 dwelling units
Amount of commercial space allowed	Limited only by parking	N/A	None

Notes:

* Ground floor commercial, and residential over ground floor commercial development.

** Ground floor residential, and residential over ground floor residential development.

N/A: Not Applicable.

The requested Zone Change would result in removal of the option for commercial uses on the site. One additional dwelling unit would potentially be allowed (for a total of two), and the effective building height allowed would be four feet higher (see Table 1) than currently allowed by the CNR zoning district. However, the applicant intends to build only one dwelling unit for this project, and construction will be carried out in a way that precludes development of a second dwelling unit at a later date (a second unit would require an additional two-car garage, which would not be possible to fit into the proposed site plan). The land use on the site—a single-family dwelling—will not change as a result of the project.

Staff has found that the proposed rezoning is consistent with the existing General Plan designation, to a greater extent than the current CNR zoning. The Zone Change will bring the zoning into greater conformance with the General Plan, and will allow residential development on the subject site consistent with that allowed over nearly all of The Peninsula. Due to the existing development pattern on The Peninsula, as well as the proposed single-family home's conformance with the development standards of the R-2-I zoning district, the project will not adversely affect the character, livability, or appropriate development of the area. Staff therefore recommends that the Planning Commission recommend to the City Council to approve the proposed Zone Change, and associated Coastal actions (Attachment D – Findings and Conditions of Approval, and Exhibit E – Zone Change map).

The project's next steps will include a City Council hearing for action on the Zone Change and Local Coastal Development Permit, a resolution on the Local Coastal Program Amendment, and certification of Negative Declaration ND-03-16.

PUBLIC HEARING NOTICE

Public hearing notices were distributed on September 21, 2016, and a notice also was published in the Long Beach Press-Telegram, the city's newspaper of general circulation, on September 21, 2016, in accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code.

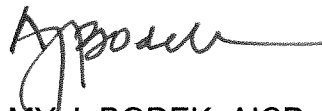
ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, a Negative Declaration (Exhibit F – ND-03-16) was prepared for the proposed project. A Notice of Completion (NOC), and the Negative Declaration and Initial Study, were transmitted to the State Clearinghouse for a CEQA-required 30-day public review period that started September 21, 2016, and ends October 20, 2016. A Notice of Intent to Adopt a Negative Declaration was distributed to public agencies and made available for public review and comment for a 30-day NOI review period that started on October 4, 2016, and ends on November 3, 2016. The City has received no written comments during either review period at the time of preparation of this report. These public review periods must be completed prior to action by the City Council to certify the Negative Declaration. Any comments received prior to the Planning Commission hearing will be provided to the Commission at the hearing. Additionally, any other comments received during either review period will be provided to the City Council prior to the hearing for certification of the Negative Declaration.

Respectfully submitted,



LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER

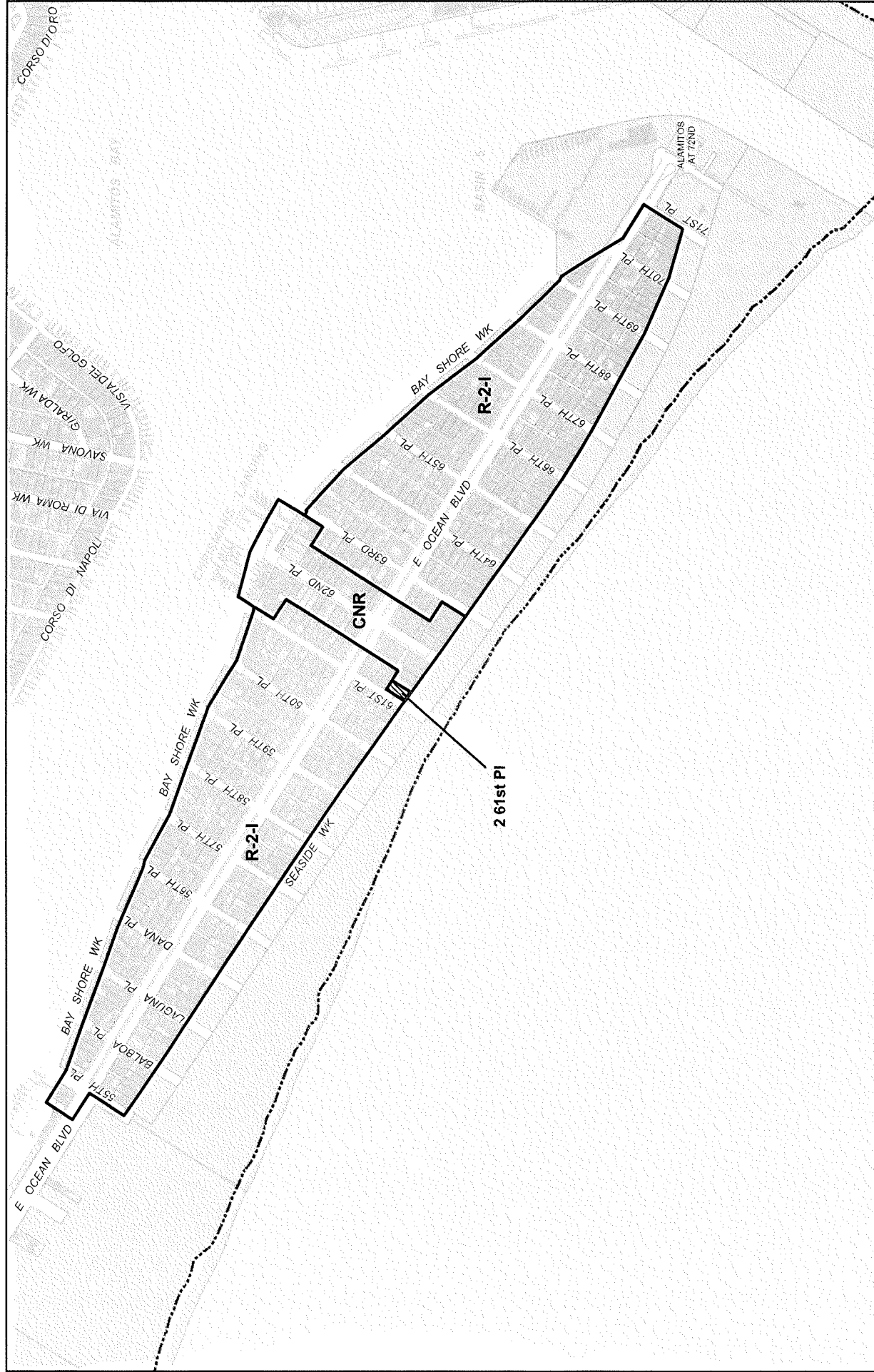


AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LT:CT:sk

Attachments:

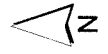
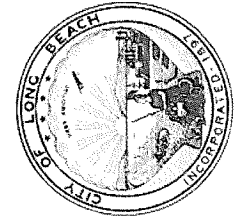
- Exhibit A – Vicinity and Zoning Map
- Exhibit B – Page 6 of the General Plan Land Use District Map
- Exhibit C – Plans
- Exhibit D – Findings and Conditions of Approval
- Exhibit E – Zone Change map
- Exhibit F – Negative Declaration ND-03-16



Subject Property:

2 61st PI
Application No. 1603-22
Neg. Dec. No. ND-03-16
Council District 3
Zoning Code : CNR

Exhibit A



FINDINGS LOCAL COASTAL DEVELOPMENT PERMIT and ZONE CHANGE

**2 61st Place
Application No. 1603-22
October 20, 2016**

Zone Change Findings

Pursuant to Section 21.25.106 of the Long Beach Municipal Code, in all cases, the Planning Commission and the City Council shall be required to make the following findings of fact before rezoning a parcel. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

- 1. THE PROPOSED CHANGE WILL NOT ADVERSELY AFFECT THE CHARACTER, LIVABILITY OR APPROPRIATE DEVELOPMENT OF THE SURROUNDING AREA; AND**

The project site is currently zoned CNR (Neighborhood Pedestrian District), which is a mixed-use commercial and residential zoning district (see page 6 of the Zoning Map). The site will be rezoned to R-2-I, which is a two-family, three-story residential district that is specific to The Peninsula neighborhood of Long Beach, where the project is located. The vast majority of private land is zoned R-2-I in The Peninsula neighborhood, with the exception of this strip of CNR zoning for all of the parcels with frontage on 62nd Place, and extensions at either end of the strip to include additional parcels with frontage on Seaside Walk (to the south) or Bay Shore Walk (to the north) between 61st Place and 63rd Place (see vicinity and zoning map in the project case file, Application No. 1603-22). The subject site is the last parcel on the western edge of the southern extension of the CNR district, having frontage on Seaside Walk and abutting 61st Place.

A majority of buildings in The Peninsula neighborhood are two and three stories tall. Most are a mixture of low- and medium-low density housing types between one and four units on a lot. A number of four-story, medium-high-density multifamily buildings are located between 61st and 63rd Places, in the immediate vicinity of the proposed project. Out of 37 buildings (having 49 separate addresses) located in the strip of the CNR district, a total of three commercial uses are present, all located on 62nd Place north of Ocean Boulevard. The subject site is south of Ocean Boulevard in an area of exclusively residential development, an area that has never shown a market-driven propensity to shift to the mixed-use commercial/residential form of development currently allowed by the CNR zoning district.

Changing the zoning from CNR to R-2-I will allow for three-story residential development, which is a right afforded to most of the residential properties on The

Peninsula. This change will not adversely affect the character, livability, or appropriate development of the area, but rather will bring it more in line with the development standards applying to the rest of The Peninsula, and the existing development pattern.

2. THE PROPOSED CHANGE IS CONSISTENT WITH THE GOALS, OBJECTIVES AND PROVISIONS OF THE GENERAL PLAN.

The Zoning Regulations (Title 21, Long Beach Municipal Code) describes the R-2-I zoning district as a two-family residential district with small lots, which recognizes existing subdivision and use patterns in distinct portions of the City, and allows an intensity of development appropriate only in areas within immediate proximity to public open space. The description notes that the R-2-I zone implements Land Use District (LUD) No. 2 of the General Plan. In the case of The Peninsula, which is the only neighborhood in the City where R-2-I zoning is used, the public open space referenced in the zoning district description is the wide public beach found on both sides of The Peninsula.

Although the subject site currently has a zoning designation of CNR, it is located in the same General Plan Land Use District as the R-2-I-zoned areas of The Peninsula, which is LUD No. 2—Mixed Style Homes (see page 6 of the General Plan Map of Land Use Districts). LUD No. 2 recognizes the existing conditions in large areas of the City, including The Peninsula neighborhood, where a mixture of low-density housing types, consisting of single-family homes, duplexes, triplexes, etc., are present on the same block faces and in the same neighborhood. These situations exist, according to the Land Use Element, as a result of these areas having been zoned for higher density housing in the past, the buildout of which was only partially accomplished. The purpose of LUD No. 2 is stated to be preservation of the existing mixture of housing types and density situation, without requiring a density reduction to single-family density levels, nor allowing an advance in density to that of the densest housing prevalent in districts of LUD No. 2 (this typically would be 4+ units on a lot of comparable size to the subject site).

The strip of CNR zoning that covers the lots fronting on 62nd Place, along with the northern extension of CNR along the lots fronting on Bay Shore Walk between 61st Place and 63rd Place, fall under a different LUD, which is LUD No. 7—Mixed Use District. However, for those lots located within the southern extension of the CNR district along Seaside Walk between 61st Place and 63 Place, not having frontage on 62nd Place, LUD No. 2 remains the General Plan LUD designation (see Figure 3, and page 6 of the General Plan Map of Land Use Districts). The historical reason for this disparity between the General Plan LUD and the zoning district is not clear.

The proposed Zone Change would correct the current situation where the CNR zoning is inconsistent with the General Plan's LUD No. 2, by changing it to R-2-I,

which is consistent with LUD No. 2, and is specifically described as having such consistency and carrying out LUD No. 2 in the Zoning Regulations.

3. IF THE PROPOSED CHANGE IS A REZONING OF AN EXISTING MOBILE HOME PARK, THAT THE REQUIREMENTS OF SECTION 21.25.109 HAVE BEEN OR WILL BE FULLY MET.

The proposed change is not a rezoning of an existing mobile home park.

Local Coastal Development Permit Findings

Pursuant to Section 21.25.904 of the Long Beach Municipal Code, a Local Coastal Development Permit can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Ordinance. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

1. 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 project conforms to the certified Local Coastal Program (LCP). This project is located in Area E of the LCP (Naples Island and The Peninsula, see pages III-E-1 through III-E-22 of the LCP). 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. Since this project involves demolition of an existing single-family dwelling and construction of a new single-family dwelling on the same site, it is consistent with that requirement of the LCP. The project will comply with all development standards contained in the Zoning Regulations.

The project is located within the LCP's Area E—Naples Island and The Peninsula. Area E emphasizes maintaining and improving access to the coast, and preservation of the existing residential character of The Peninsula, with a duplex density to prevail. The Area E implementation plan also acknowledges the trend toward three-story development among the residential buildings located on The Peninsula. The LCP specifically calls for a strip of mixed-use commercial zoning along 62nd Place to create a commercial node or axis, but is silent regarding the extension of this zoning beyond 62nd Place along Bay Shore Walk and Seaside Walk between 61st and 63rd Places.

The LCP additionally aims to protect the existing amount of affordable housing within the Coastal Zone, requiring one-for-one replacement of any very low-, low-, and moderate-income housing units removed as the result of a project (see pages II-6 through II-14 of the LCP). However, the LCP goes on to exempt from this

requirement any removals for the purpose of construction of one or two new residential units.

2. 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.

The proposed project is located seaward of the nearest public highway to the shoreline (Ocean Boulevard). All development will occur on an established lot, and will not encroach upon any public right-of-way. Public access and recreation will not be affected by the project, as it makes no changes to the streets, sidewalks, Seaside Walk boardwalk, or the public beach and shoreline. The project will not affect any existing public access to the coast.

**CONDITIONS OF APPROVAL
LOCAL COASTAL DEVELOPMENT PERMIT
and ZONE CHANGE**

2 61st Place

Application No. 1603-22

October 20, 2016

Special Conditions

1. The permits approved for this project are a Zone Change from CNR to R-2-I, and a Local Coastal Development Permit to find this project consistent with the City's Certified Local Coastal Program. The project, with no code exceptions, consists of the demolition of an existing single-family dwelling, and construction of a new single-family dwelling with an attached garage. The Zone Change shall be only for the subject parcel, as shown on the rezoning map for Application No. 1603-22. These permits grant no exceptions from the requirements and development standards of the Zoning Regulations. All new construction shall comply with said regulations.
2. The developer shall submit a construction staging and management plan for the review and approval of the Zoning Administrator prior to issuance of any building permits for this project.

Standard Conditions:

3. This permit and all development rights hereunder shall terminate one year from the effective date of this permit unless construction is commenced, or a time extension is granted based on a written request submitted prior to the expiration of the one year period and approved by the Zoning Administrator, as provided in Section 21.21.406 of the Long Beach Municipal Code.
4. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).
5. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.

6. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
7. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
8. All plans submitted for plan review must explicitly call out and describe all materials, textures, and colors approved by the Zoning Administrator. The new structure shall be harmonious in terms of the colors, materials, and architectural design to the satisfaction of the Director of Development Services. No substantial changes shall be made without prior written approval of the Zoning Administrator.
9. Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval to the satisfaction of the Zoning Administrator.
10. The Director of Development Services is authorized to make minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.
11. Site development, including landscaping, shall conform to the approved plans on file in the Department of Development Services. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
12. All landscaped areas must be maintained in a neat and healthy condition. Any dying or dead plants materials must be replaced with the minimum size and height plant(s) required by Chapter 21.42 (Landscaping) of the Zoning Regulations. At the discretion of City officials, a yearly inspection shall be conducted to verify that all irrigation systems are working properly and that the landscaping is in good healthy condition. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by the City Council.
13. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).

14. Any graffiti found on site must be removed within 24 hours of its appearance.
15. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
16. Separate building permits shall be required for fences, retaining walls, flagpoles, and pole-mounted yard lighting foundations.
17. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.
18. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for their review and approval prior to the issuance of a building permit.
19. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
 - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
 - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
 - c. Sundays: not allowed
20. Any off-site improvements found to be damaged shall be replaced to the satisfaction of the Director of Public Works.
21. All unused curb cuts shall be replaced with full height curb, gutter and sidewalk and shall be reviewed, approved and constructed to the specifications of the Director of Public Works.
22. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless City and its agents, officers, and employees from any claim, action, or proceeding against City or its agents, officers, and employees to attack, set aside, void, or annul the approval of City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation costs.