

STANDARDS VARIANCE FINDINGS

5701 East Seaside Walk

Application No. 2006-02 (SV20-001)

June 26, 2020

Pursuant to Section 21.25.306 of the Long Beach Municipal Code, a Standards Variance 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 SITE OR THE IMPROVEMENTS ON THE SITE ARE PHYSICALLY UNIQUE WHEN COMPARED TO OTHER SITES IN THE SAME ZONE;

Negative Finding: The project site in question is found within the R-2-I Zoning District and located in the General Plan PlaceType of Founding and Contemporary Neighborhood (FCN) and within the Peninsula neighborhood. The subject zone “recognizes existing subdivision patterns and use patterns in distinct portions of the City and allows an intensity of development appropriate in areas within immediate proximity to public space. The development standards provide reduced front, side, and rear setback as compared to other R-2 Zones. The standards variance request proposes a 4-foot garage setback where a 20-foot garage setback is required, as shown on the project plans found within the case file.

The proposed development includes the removal of the existing improvements, which results demolition of the principal use. Therefore, the existing improvements do not apply to these findings.

Within the Peninsula neighborhood, the average lot size is 2,740 sq. ft. and the median lot size is 2,408 sq. ft. The lot size in question is 2,841 sq. ft., and is above both the average and median lot size. Additionally, the lot is 40 feet in width, which meets the minimum width requirement for newly created lots in the R-2-I zone, and is above the median lot width of 30 feet and the average width of 34 feet. Lastly, the shape of the lot is a standard rectangular which is consistent with other sites in the same zone. Therefore, the site is not physically unique when compared to other sites in the same zone. For this reason, staff makes a negative finding in order to deny the Standards Variance.

2. 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;

Negative Finding: The site in question is found within the R-2-I Zoning District and located in the General Plan PlaceType of Founding and Contemporary Neighborhood (FCN). The standards variance request proposes a 4-foot garage setback where a 20 foot is required, as shown on the project plans found within the case file.

As discussed herein, the lot area and dimensions are not below the average of those found within the similarly zoned lots found within the Peninsula neighborhood. This negates a unique situation that causes hardship which deprives the applicant of substantial use of the property. The R-2-I zone is intended for high-intensity development and does not include maximums in lot coverage or floor area ratio whilst allowing three stories. Providing the 20-foot setback lot area would therefore not constitute a substantial depriving of developable area.

Therefore, allowing a reduced setback for the garage would constitute a grant of special privilege as a full 20-foot setback is feasible. For this reason, staff makes a negative finding to deny the Standards Variance.

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

Negative Finding: A 4-foot garage setback removes the ability to allow for additional off-street parking in the subject property's driveway, which would otherwise be long enough to accommodate a vehicle, in addition to the required garaged parking. Removing this code-required additional opportunity for off-street parking may result in additional parking impacts to what is already a parking impacted area.

4. 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 located as the first lot from the water 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 and duplexes. This project proposes to rebuild an existing single-family dwelling on private property and thus will not interfere with the access to or along the coast. This development is therefore consistent with the LCP. Furthermore, the project this single-family development, which will maintain the appropriate development of the neighborhood and the environment, and will not detract from the coastal environment, psychological aspects of access to the coast.

LOCAL COASTAL DEVELOPMENT PERMIT DENIAL FINDINGS

**5701 East Seaside Walk
Application No. 2001-18 (LCDP20-005)
April 26, 2020**

Pursuant to Section 21.25.903 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 Local Coastal Program (LCP) identifies the subject site as residential comprised primarily as single-family and duplexes. This project is located in Area E of the LCP (Naples Island and The Peninsula). 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.

The proposed development, however, does not conform to the zoning development standards for the R-2-I zoning district in which it is located. Staff has made negative findings for the Standards Variance request, thus the proposed development, without being revised to comply with the zoning regulations, would be inconsistent with the implementing documents of the LCP. For this reason, staff makes a negative finding in order to deny the Local Coastal Development Permit.

No removal of low- or moderate-income housing will occur as a result of the project.

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. The proposed project consists of demolition of an existing single family home and construction of a new single-family home. A Standards Variance has been requested to allow a 4-foot garage setback instead of the code-required 20-foot garage setback. However, staff has made negative findings in order to deny this variance request. Since the project would not conform to the certified Local Coastal Program without revision, the Local Coastal Development Permit also is denied. However, the project would not be deficient in conformity to the public access and recreation policies of Chapter 3 of the Coastal Act and, should it be revised in the future to comply with the Zoning Regulations, a positive finding could be made.