



Legislation Text

File #: 12-0907, **Version:** 1

Recommendation to receive supporting documentation into the record, conclude the hearing, consider the Belmont Heights Community Association's appeal, and uphold the decision of the Planning Commission to approve a Standards Variance and Local Coastal Development Permit to allow the reconstruction of a second home, demolished without a permit, located at 213 Roswell Avenue within the Single Family Residential zone. (District 3)

The proposed project is the reconstruction of a single-family home on the southwest corner of Roswell and Shaw Avenue. The site is a corner lot of 5,842 square feet in the R-1-N district (Single-Family District with Standard Lots). The site was developed with two single-family homes of approximately 1300 square feet each when the applicants purchased the property in October 2004. According to assessor records, the original home was built in 1924 and the second home in 1954. The two single-story homes together cover forty-five percent (45%) of the lot and were a legal non-conforming use on the property.

In November 2011, the applicants requested a building permit to add 140 square feet to the second residence, Home "B", at 213 Roswell Avenue, as part of a remodeling project. This expansion and renovation would have extended the existing bedroom, bathroom, and kitchen and provided a seismic upgrade, and was approved in January 2012. Subsequent to this approval, Home "B" was completely demolished.

The demolition of the home was a violation of the municipal code because it was completed without a permit. Once more than 50 percent of the perimeter of the structure was removed, the legal non-conforming rights to the unit were forfeited. In order to reinstate the legal non-conforming status of the second dwelling and rebuild the home, a Standards Variance and Local Coastal Development Permit were required.

The Planning Commission heard the case on September 6, 2012. The staff report and minutes are provided in Exhibit A. At the hearing, neighbors spoke both in support of and opposition to the Standards Variance request. Opponents cited several reasons for their position. One was the need for additional off-street parking in the parking impacted neighborhood, because the home only had previously and is proposing a single-car garage. The most repeated sentiment, however, was the neighborhood's collective desire to see the single-family downzoning be implemented whenever opportunities presented themselves. This downzoning from R-2 duplex zoning was approved by the City Council in January 1998 after community efforts for nearly six years to reduce the overall density in the neighborhood. This position was reiterated by the Belmont Heights Community Association (BHCA) in their submitted comment letter and oral testimony.

After presentations by eight speakers in addition to the applicant, and a lengthy discussion behind the rail, the Planning Commission approved the Standards Variance, which would allow the home to be rebuilt as previously approved, subject to a building permit.

On September 17, 2012, the BHCA appealed the decision to the City Council. The appeal was filed

within the prescribed timeframe in accordance with the Municipal Code (Exhibit B).

The Planning Commission approval focused on the fact that the proposal would result in two small houses, maintaining more of the neighborhood's prevailing development pattern, and would preclude the possibility of construction of a single, but much larger home on the lot in the future. Considering all of the possible outcomes, including denying the request to rebuild the home leaving the corner vacant or the possibility of a larger home in the foreseeable future, staff's recommendation is to uphold the Planning Commission decision.

This matter was reviewed by Assistant City Attorney Michael Mais and by Budget Management Officer Victoria Bell on October 4, 2012.

The Long Beach Municipal Code Section 21.21.504 requires City Council action within 60 days of receiving an application for appeal. The subject appeal was received on September 17, 2012.

There is no fiscal impact and no local job impact as a result of the recommended action.

Approve recommendation.

AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

PATRICK H. WEST
CITY MANAGER