



Legislation Text

File #: 07-0355, **Version:** 1

Recommendation to receive supporting documentation into the record, conclude the public hearing, overrule the appeal by William "Mike" Wilson, and sustain the decision of the City Planning Commission to approve an Administrative Use Permit and Local Coastal Development Permit to legalize four dwelling units creating a total of eight dwelling units at 1826-1932 E. 1st Street (Case No. 0610-12). (District 2)

This is an appeal of a Planning Commission decision to approve an Administrative Use Permit to legalize four dwelling units created without benefit of building permits. The property is currently developed with two two-story structures: a four-unit building on the front of the lot that was originally constructed as a single-family home, and four apartments at the rear of the lot that was originally constructed as a duplex over a four-car garage. Five parking spaces are located in the area between the two buildings, with vehicular access from 1 S Street.

This application began as a result of complaints filed in March, 2004 related to inadequate gas meters, electrical problems, a water heater illegally installed in a bathroom, lack of ventilation, and bathroom mold. Code Enforcement staff inspected the buildings and issued an Order to Vacate to the owner on October 25, 2004. The Order to Vacate was appealed by the owner and was heard at the Board of Examiners, Appeals, and Condemnation (BEAC) on February 2, 2005. The Board agreed that the building was substandard and required the owner to correct all items listed in the Findings of the Building Official and the Notice of Substandard Building.

The owner was directed to apply for an Administrative Use Permit to legalize the four unpermitted units by June 27, 2005. The application for an Administrative Use Permit was filed on October 11, 2006. The Long Beach Municipal Code (Section 21.25.403 (0) and 21.52.240) allows a property owner to file an application for an Administrative Use Permit to legalize units where there is no permit record, but where other evidence may lead to a reasonable conclusion that the unit has been in continuous use since 1964. Staff looks to the applicant to offer proof to support this contention through a review of tax records, rental receipts, utility bills, visual inspections, etc. The unit must also meet minimum housing standards, and each unit cannot exceed 640 square feet.

In analyzing City building permits and City tax records on all eight units, staff determined that the front detached two-story home, which has been divided into four units, was legally converted to a duplex with one kitchen upstairs and one kitchen downstairs in 1931. An additional bath was added in 1946. The rear unit, which also currently contains four units, was legally approved as a duplex over four garages in 1922. Two garages were converted legally to sleeping rooms with bathrooms and no kitchens in 1945. No substantial proof of continual occupation of the four units in question was submitted by the applicant through rental receipts or other methodologies as discussed above.

Based on the information available, staff made a recommendation to the Planning Commission that the Administrative Use Permit and Local Coastal Development Permit be approved with several significant conditions. These conditions included:

- . A requirement that three of the non-permitted apartment units be restored to their original use as either portions of other units, or in the case of the lower half of the rear building, to two garage parking spaces.
- . That the two other garage spaces that had been converted with a building permit to provide two "sleeping rooms" in 1945 could be legalized as one dwelling unit.
- . That building permits be obtained to complete or remove all work that has occurred without permits or that is required by the previous code enforcement notices.

The intent of this recommendation was to allow those units that had been converted legally from garages to sleeping rooms to be recognized as a single dwelling and brought up to meet minimum health and safety standards. The removal of the non-permitted unit from the other two garage spaces and restoration of those spaces would result in a situation where seven parking spaces would be provided for the five remaining apartments.

The Planning Commission conducted a public hearing on January 4, 2007 and considered information provided by the applicant and staff, as well as testimony from tenants (Attachment 1). Following discussion of available parking onsite, the high density of development in the area, a motion was made by Commissioner Greenberg directing staff to prepare approval findings and conditions of approval for an Administrative Use Permit and Local Coastal Development Permit to legalize all four units to create a total of eight units. On February 1, 2007, after public testimony, the Planning Commission acted to formally approve the Administrative Use Permit and Local Coastal Development Permit, subject to conditions. In taking this action, the Planning Commission found that there is sufficient parking provided with the existing five open parking spaces onsite. The Planning Commission also found that the legalization of the units would be a benefit to the tenants and the community, since it would add affordable rental units to the community. In taking this action, the Commission determined that positive Administrative Use Permit Findings as to continual occupancy of the units could be made through anecdotal evidence contained in the public testimony.

One letter was received in opposition to the request and one person spoke in opposition of the request (Attachment 2). An appeal was filed by Mike Wilson, President of the Alamitos Beach Neighborhood Association, on February 8, 2007 (Attachment 3). In his appeal, Mr. Wilson contends that the legalization of the units would further impact street parking in a neighborhood that is already parking impacted. .

Assistant City Attorney Michael J. Mais reviewed this report on March 26, 2007.

The Long Beach Municipal Code requires that an appeal of the Planning Commission's decision be heard within 60 days of filing of the appeal, or by April 7, 2007. A 10-day public notice of the hearing is required.

None.

Approve recommendation.

LESLIE GENTILE, CHAIR
CITY PLANNING COMMISSION

SUZANNE FRICK
DIRECTOR OF PLANNING AND BUILDING

NAME
TITLE

APPROVED:

GERALD R. MILLER
CITY MANAGER