

**STANDARDS VARIANCE
LOCAL COASTAL DEVELOPMENT PERMIT
FINDINGS**

**Case No. 1101-03
January 19, 2012**

STANDARDS VARIANCE

- 1. THE SITE OR THE IMPROVEMENTS ON THE SITE ARE PHYSICALLY UNIQUE COMPARED TO THE OTHER SITES IN THE SAME ZONE;**

The subject property measures 26 feet 11 inches – 28 feet 10 inches (width) x 80 feet (depth) – totaling 2,231 square feet – and is located in the R-2-S zoning district. The R-2-S subdivision standards call for a minimum 40-foot lot width, which the subject property falls short of. That in itself does not make the lot unique, as the vast majority of R-2-S lots do not meet this standard. What does make the subject property unique is its status as the narrowest of the 23 properties on the 0-100 block of Pomona Avenue, and the second narrowest of all Pomona Avenue's residentially improved properties (83 in total) located between Ocean Boulevard and 2nd Street (only 130 Pomona Avenue, with a lot width of 27 feet 6 inches, is narrower).

- 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;**

Side Setback (Alley)

As mentioned in Finding 1 above, the subject property is a relatively narrow lot. Perhaps in acknowledgement of the subject property's substandard width, the existing single-family home was permitted/constructed in 1927 with an alley side setback ranging from zero (at its narrowest) to 1 foot 3 inches (at its widest). An allowance to continue this same nonconforming alley side setback with a second floor addition would thus not create a new nonconformity, and a finding that the uniquely narrow property width creates a development hardship can reasonably be made.

Front Setback (Street)

Similar to the side setback Standards Variance request, the proposed front setback Standards Variance involves a continuation of an existing building face. In addition, there are numerous examples of front setback living space encroachments on Pomona Avenue, including the abutting 26 Pomona property.

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

The proposed development is an addition to an existing single-family home that's located on residentially-zoned parcel of land. Impacts associated with proposed improvements would thus be negligible.

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.

See Local Coastal Development Permit Findings.

LOCAL COASTAL DEVELOPMENT PERMIT

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 site, located on the east side of Pomona Avenue in the area commonly known as Belmont Shore, falls within Area C - Belmont Heights Neighborhoods - of the Local Coastal Program. Area C is primarily residential in character, and coastal-related recreation in the area is "generally readily accessible." Proposed development of a residential addition on privately owned property thus complies with the intent of the Local Coastal Program.

The specific Local Coastal Program provision of low and moderate-income housing replacement would not apply to this development proposal, as the existing single-family home is privately owned and not deed restricted to any income group(s).

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.

A positive finding can be made for this item.

Chapter 3 of the Coastal Act deals with the public's right to use of beach and water resources for recreational purposes. The chapter provides the basis for state and local government beach access requirements with a stated objective of

prohibiting development projects that restrict public access to the beach and/or water resources.

The proposed project is located south/southwest of the nearest public highway (Pacific Coast Highway) and would not restrict access to coastal or recreational amenities. Proposed development would occur entirely upon a privately owned parcel of land and pose no obstruction to coastal or recreational access.

**STANDARDS VARIANCE
LOCAL COASTAL DEVELOPMENT PERMIT
CONDITIONS OF APPROVAL**

App. No. 1101-03

Date: January 19, 2012

1. The use permitted on the subject site, in addition to other uses permitted in the R-2-S zoning district, shall be a second story and roof deck addition to an existing one-story single-family home.

Permits approved for this project:

- A side (alley) setback of zero – 1 foot 3 inches instead of not less than 3 feet;
 - A front (street) setback of 12 feet 9 inches instead of not less than 15 feet; and
 - A Local Coastal Development Permit.
2. This permit and all development rights hereunder shall terminate one year from the effective date (21 days after the Local Final Action Date) of this permit unless construction is commenced, a business license establishing the use is obtained, or a time extension is granted based on a written and approved request submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
 3. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, at the discretion of city officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).

Standard Conditions

4. 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.
5. This permit shall be invalid if the owner(s) and 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 (21 days after the local final action date). 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.

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, which 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 Planning and Building Department. These conditions must be printed on the site plan or a subsequent reference page.
8. 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 and if no detrimental effects to neighboring properties are caused by said modifications. The Zoning Administrator or Planning Commission shall review any major modifications, respectively.
9. 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, Redevelopment and Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
10. All landscaped areas must be maintained in a neat and healthy condition, including public parkways and street trees. Any dying or dead plant materials must be replaced with the minimum size and height plant(s) required by Chapter 21.42 (Landscaping) of the Zoning Regulations.
11. 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).
12. 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.

13. Separate building permits are required for signs, fences, retaining walls, trash enclosures, flagpoles, pole-mounted yard lighting foundations and planters.
14. 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.
15. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):

Weekdays and federal holidays:	7:00 a.m. to 7:00 p.m.;
Saturday:	9:00 a.m. - 6:00 p.m.; and
Sundays:	Not allowed
16. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.