



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 WEST OCEAN BOULEVARD

LONG BEACH, CALIFORNIA 90802

(562) 570-6194

FAX (562)570-6068

SEPTEMBER 2, 2010

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Deny the Appeal of the Zoning Administrator's decision to approve a Standards Variance request to combine the required private and common open space to private only in conjunction with a new two-story, four-unit residential development with third floor roof decks and a semi-subterranean garage located at 1630 E. Carson Street within the R-4-N zone. (District 7)

APPLICANT: Rodin Associates
c/o Jerry Rodin, AIA
29000 S. Western Avenue, Suite 408
Rancho Palos Verdes, CA 90275
(Application No.: 0911-01)

APPELLANTS: Roy & Claudia Colmer
1642 E. Carson Street
Long Beach, CA 90807

DISCUSSION

The subject site, 1630 E. Carson Street, is located on the south side of Carson Street between Walnut and Gardenia Avenues (Exhibit A – Location Map), and has a zoning designation of R-4-N (High-Density Multi-Family Residential District). The property is improved with a one-story single-family residence and detached garage originally built in 1940. The lot is approximately 6,125 square feet (50 feet by 122.5 feet).

The applicant is proposing to demolish the existing improvements on the property in order to construct a new two-story, four-unit, multi-family structure with a semi-subterranean garage and private roof decks (Exhibit B – Plans and Photographs). Based on the lot size, the R-4-N zone allows for a maximum of four units (one per 1,500 square feet) on this property provided all other development standards can be met including parking, setbacks, height, and open space.

After revising the plans to comply with Zoning and Building Code standards, the applicant was able to design a project that meets these standards with the exception of

CHAIR AND PLANNING COMMISSIONERS

APPLICATION NO.: 0911-01

September 2, 2010

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providing common open space for the residential units. The R-4-N zone requires a minimum of 150 square feet of usable open space per unit with 50 percent of the required area dedicated to common and 50 percent to private open space. This requirement equates to a minimum required 600 square feet of total usable open space, of which 300 square feet should be common open space with each unit requiring a minimum of 80 square feet of private open space. The proposed plans for the two-story, four-unit development does not include common open space and instead provides private open space on individual roof decks that far exceeds the minimum square feet required. Two units will have roof decks of 678 square feet each with the other two units having smaller, but still considerable, roof decks of 461 square feet and 419 square feet.

The request for a Standards Variance to combine the common and private open space into private only was originally scheduled to be heard by the Zoning Administrator on June 14, 2010, but was continued to June 28, 2010 when neighboring residents alerted staff that the hearing poster had been improperly displayed. On June 28, 2010, the Zoning Administrator held a hearing on the request for a Standards Variance. At the hearing a number of residents, including the appellants, spoke in opposition to the request citing the number of units and increase in traffic as the basis of their opposition. After hearing all the testimony and reviewing additional letters in opposition to the project, the Zoning Administrator approved the project noting that all other development standards including density, parking, and height were being complied with and granting the variance would not be a special privilege for the applicant or cause substantial adverse effects upon the community.

The appellants, residents of a single-family residence immediately adjacent to the project site, were in attendance at both hearings of the Zoning Administrator and submitted multiple letters in opposition to the project and filed an appeal after the Standards Variance was approved (Exhibit C – Application for Appeal). As stated on the appeal form, the appellants feel, based on the design, that the proposed structure will not be used as a residential property but as a board and care or nursing home facility. The appellants' earlier letters in opposition have also been attached (Exhibit D – Letters in Opposition).

The proposed structure complies with the City's zoning code for the R-4-N zone with the exception of the common open space requirement. Staff believes that approval of this application will have minimal impact upon the surrounding area. Allowing the variance provides the residents of the new four-unit building with large, private, open space areas that will provide more enjoyment than an underutilized common area (Exhibit E – Findings and Conditions of Approval). Staff recommends that the Planning Commission deny the appeal and uphold the Zoning Administrator's approval of the Standards Variance, subject to the conditions of approval.

PUBLIC HEARING NOTICE

Public notices were distributed on August 16, 2010. No responses were received as of the preparation of this report.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 09-096) was prepared for the proposed project (Exhibit F – Categorical Exemption).

Respectfully submitted,



REGINALD I. HARRISON *for*
INTERIM DIRECTOR OF DEVELOPMENT SERVICES

RH:DB:AZ

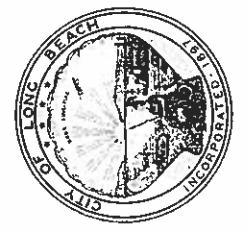
Attachments: Exhibit A – Location Map
Exhibit B – Plans & Photographs
Exhibit C – Application for Appeal
Exhibit D – Letters in Opposition
Exhibit E – Findings and Conditions of Approval
Exhibit F – Categorical Exemption CE 09-096



Exhibit A



Subject Property:
 1630 E Carson St
 Application No. 0911-01
 Council District 7
 Zoning Code : R-4-N





CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

<input checked="" type="checkbox"/> Zoning Administrator	on the <u>28</u> day of <u>June</u> , 20 <u>10</u>
<input type="checkbox"/> Planning Commission	
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Appellant(s): Roy + Claudia Colmer

Project Address: 1630 EAST CARSON STREET, Long Beach, CA. 9080

Reasons for Appeal: AT The June 28th Hearing - Jerry Rodin The Architect stated about the building "All 4 units will be in accordance to American with Disabilities Act standards." It appears to us the property owner is building a Board & Care facility in an area NOT zoned for commercial business. The underground garage may be for Board & Care staff.
Also Mr. Rodin stated this 3rd story roof deck will be accessible for wheelchairs via elevators. Sounds like a nursing home NOT apts. like Mr. J.illian claims. This block is residential, ill suited for a Board & Care.

Your appellant herein respectfully requests that Your Honorable Body **reject** the decision and

<input type="checkbox"/> Approve	this application.
<input checked="" type="checkbox"/> Deny	

	Appellant 1	Appellant 2
Name:	<u>Roy Colmer</u>	<u>Claudia Colmer</u>
Address:	<u>1642 E. Carson Street</u>	<u>1642 E. Carson Street</u>
City/ZIP:	<u>Long Beach, CO. 90807</u>	<u>Long Beach, CA. 90807</u>
Phone:	<u>(562) 989-6114</u>	<u>(562) 989-6114</u>
Signature:	<u>[Signature]</u>	<u>[Signature]</u>
Date:	<u>7-1-10</u>	<u>7-1-10</u>

Attach additional sheets if necessary for further appellants.

Appeals must be filed within 10 days after the decision is made (LBMC 21.21.502).

(Staff Use Only Below This Line)

Received by: AZ App. No.: 0911-01 Filing Date: 7/1/10

Materials Required: Plans Photographs Special Materials

Fee: 50 Fee Paid Project (receipt) No.: 00872019

June 14th, 2010

Roy & Claudia Colmer
1642 East Carson Street
Long Beach, CA. 90807
Tel: 562 989-6114

Att: Mr. Derek Burnham,
Current Planning Officer
City of Long Beach
Dept. Development Services
333 W.Ocean Blvd., 5th floor
Long Beach, CA. 90802

Re: Application # 0911-01
Written Testimony

Dear Mr.Burnham:

We are aggrieved parties to the proposed project at 1630 East Carson Street. Our property is next door at 1642 E, Carson St. It is located on a modest block, with a mix of apartments & homes. Most are maintained & kept clean. This is not the case at 1630 E.Carson St., since it was purchased in 2005 by Hussein Jalallian. His first move as owner was to cut down most of the trees at 1630 E.Carson St. The City of Long Beach recently released it's Urban Forest Master Plan. Mr.Jalallian is not in keeping with those goals. When he did remodeling on 1630 in 2005 he had noisy work even on Sundays. We finally could not take it, asked him to stop (it was after 6 PM). Mrs.Colmer told him she would call the police if he did not stop the noise. He told her "go ahead & call them" she finally did & he complied with the law. He installed tenants who we feared, one threw a beer can at Mrs.Colmer when she was going to her car. Our property was broken into late 2005, nothing was stolen. The police were called. The present tenants leave trash around & dump it over the fence to our property. They have 2 pit bulls in the yard. Several years ago one got loose in the alley & bit a woman on the leg. We called animal control & the police, nothing was done. Please see recent photographs.

We are not against all development & would welcome Mr.Jalallain showing some respect for the property & Bixby Terrace. However we have grave concerns about any project he would be backing. Presently there are 15 apartments for rent on E.Carson between Atlantic & Orange. Why 4 more units now? We are scared that Mr.Jalallain would have construction done all hours of the day & night by workmen picked up on street corners. This could endanger our home, our foundation & personal safety. Roy Colmer works from home, is an artist (Guggenheim Fellow) presently showing at the Santa Barbara Museum of Art & the Reina Sofia Museum in Madrid. How will he work with endless noise & heavy equipment only a few feet from our home. He is 74, has a hearing disorder, the noise would excecuate. We would like to know what bank would finance such a foolhardy project during this endless recession. The project could end up half-built & vacant, sadly as many other developments in Long Beach & LA County.

Respectfully submitted,



Roy Colmer

Claudia Colmer

June 28th, 2010

Roy & Claudia Colmer
1642 East Carson Street
Long Beach, CA. 90807
Tel 562 989-6114

Att: Mr. Derek Burnham
City of Long Beach
Planning Department
333 West Ocean Blvd.
Long Beach, CA. 90802

Re: application #0911-01

Dear Mr. Burnham,

As homeowners, we are greatly concerned about privacy issues. We are writing to **object to the Variance**, which has been applied for the above subject application. We hope that the planning dept. will **DENY** a variance for the rooftop access proposed at 1630 E. Carson Street. A smaller project is more suited to such a small lot, a plan that includes green space.

Mr. Hussein Jalilian the property owner has shown a lack of responsibility in his role as maintaining the property for the past five years. If the past is prologue, it appears plain wrong that he should be rewarded by the planning dept. for his negligent behavior & general disrespect for the Bixby Terrace community.

Sincerely,


Roy Colmer


Claudia Colmer

**STANDARDS VARIANCE
CONDITIONS OF APPROVAL
Case No. 0911-01
Address: 1630 E. Carson Street
Date: September 2, 2010**

Standard Conditions:

1. 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 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.
2. The code exception approved for this project is as follows:
 - a) Allow the combination of the required common private and common open space to private only.
3. 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). Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes, if any, set forth in the conditions of approval to the satisfaction of the Zoning Administrator.
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. 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.
6. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Planning and Building Bureaus. These conditions must be printed on the site plan or a subsequent reference page.
7. All plans submitted for plan review must explicitly call out and describe all materials, textures, and colors approved by the Zoning Administrator. No substantial changes shall be made without prior written approval of the Zoning Administrator.

8. The Director of Long Beach 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.
9. Site development, including landscaping, shall conform to the approved plans on file in Long Beach Development Services. At least one set of approved plans containing Planning, Historic Preservation, 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. 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.
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. Any graffiti found on site must be removed within 24 hours of its appearance.
13. 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.
14. Separate building permits are required for fences, retaining walls, and flagpoles.
15. 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.
16. 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.

17. 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
18. Any off-site improvements found to be damaged shall be replaced to the satisfaction of the Director of Public Works.
19. 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.
20. 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.

Special Conditions:

21. This approval is for activities shown on plans received by the Department of Development Services – Planning Bureau dated May 3, 2010. These plans are on file in this office, except as amended herein.
22. An 18-foot sectional roll-up garage door shall be added to the plans for the semi-subterranean garage. A brochure showing the design and finish of the proposed garage doors shall be provided to staff at the time of plan check review.
23. The applicant shall work with staff to revise the elevations to address the following:
 - a. Windows shall be consistent in size and shape and the surround style shall be the shed roof with brackets. This surround style shall be limited to accent only and shall not be present on all windows. The applicant shall work with staff to address the design of the other windows, but they should generally be finished with a simple decorative sill and trim with half terra-cotta décor elements above some of the windows.

- b. Windows and doors shall be recessed by a minimum of 2½ inches from the face of the finished wall.
 - c. Faux rafter tails/corbels shall be removed from all elevations including the tower element and under windows.
 - d. The stacked stone veneer shall be used on the base and tower element only.
 - e. Railings shall be consistent in style and shape.
 - f. Plans shall include a window and door schedule. Windows shall be tan vinyl with wide divided lites.
 - g. Any foam mouldings used on the exterior of the building shall be high-quality and a sample shall be provided to the project planner for approval prior to or at the time of Building plan check submittal.
 - h. The plans shall be revised to show the locations of any exterior rain spouts, if applicable. The materials and finish of the gutters and rain spouts shall be indicated on the plans for approval by the Planning Bureau.
24. The applicant shall submit a landscape plan with the Building plan check submittal for Planning review.
25. Fences and walls shall be submitted under separate review, but shall be constructed of block and stuccoed to match the building and finished with a decorative cap.

**STANDARDS VARIANCE
FINDINGS
Case No. 0911-01
Address: 1630 E. Carson Street
Date: June 14, 2010**

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

The subject site is located on the south side of Carson Street between Walnut and Gardenia Avenues. It is located within the R-4-N Zone – a high-density multi-family residential district.

The property is improved with a one-story single-family residence and detached garage originally built in 1940. The lot is approximately 6,125 square feet (50 feet by 122.5 feet). The size of the subject property is more in line with an R-1-N zone than the standard size lot for an R-4-N, which is 18,000 square feet based on the development standards as shown on Table 31-2A of the Zoning Code. However, based on the lot size the R-4-N zone allows for a maximum of 4 units (1 per 1,500 square feet) on this property provided all other development standards can be met including parking, setbacks, height, and open space. Other properties near the subject site are improved with a multiple units typically with one single-story unit at the front of the lot and a two-story, multi-unit structure in the rear of the property. Many of these properties exceed the currently allowed density for the zone.

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 THE LIMITATIONS IMPOSED ON SIMILARLY ZONED PROPERTIES OR INCONSISTENT WITH THE PURPOSE OF THE ZONING REGULATIONS.

The applicant is requesting to demolish the existing single-family residence and detached garage in order to construct a new two-story, 4-unit, structure with a semi-subterranean garage and private roof decks. The applicant is requesting to combine the required common and private open space into private only.

Staff is recommending approval of the open space variance. The open space requirement for the R-4-N zone is 150 square feet per unit with half of it dedicated to common and half to private open space. Typically, this means each unit would have a 75 square foot private open area and a shared common area

of 300 square feet minimum. By eliminating the common open space and combining it with the required private open space on individual roof decks, each unit will enjoy large private areas. Two units will have roof decks of 678 square feet and the other two will have 461 square feet and 419 square feet. Allowing the variance provides the residents of the new 4-unit building with large private open space areas that will provide more enjoyment than an underutilized common area.

Strict compliance with the Zoning Regulations with regards to the open space requirement would cause the applicant to experience an unnecessary hardship inconsistent with the intent of the Zoning Regulations. Granting of this variance in conjunction with the conditions of approval would not be a special privilege for the applicant, but would grant relief from the code in a manner similar to other properties with this existing condition.

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

The standards variance for the combination of common and private open space to private only that Staff is recommending approval on will not cause an adverse effect on the community. In fact, the new 4-unit structure with the large private roof decks will increase demand for the units and potentially result in quality tenants.

4. IN THE COASTAL ZONE, THE VARIANCE WILL CARRY OUT THE LOCAL COASTAL PROGRAM AND WILL NOT INTERFERE WITH THE PHYSICAL, VISUAL AND PSYCHOLOGICAL ASPECTS OF ACCESS TO OR ALONG THE COAST.

The subject site is not located in the Coastal Zone.



CITY OF LONG BEACH NOTICE OF EXEMPTION

DEPARTMENT OF DEVELOPMENT SERVICES
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lbds.longbeach.gov

TO: Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Department of Development Services
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

L.A. County Clerk
Environmental Filings
12400 E. Imperial Hwy. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE- 09-093

Project Location/Address: 1635 E. CARSON ST. LONG BEACH, CA 90807

Project/Activity Description: DEMO EXISTING SINGLE FAMILY RESIDENCE REPLACE WITH NEW 4-UNIT APARTMENT COMPLEX. 2 STORIES OVER GRADE LEVEL PARKING BA SEMI-ROOF DECKS, TRASH AREA AND GUEST PARKING, COMMON AND PRIVATE OPEN SPACE. (2) PARKING (STANDARD) STALLS PER UNIT & 1 GUEST STALL LOW BUDGET TOLERANT LANDSCAPING. Standards Variance request to combine required common and private open space to private only.

Public Agency Approving Project: City of Long Beach, Los Angeles County, California

Applicant Name: JERRY C. RODIN, ARCHITECT, AIA - RODIN ASSOCIATES

Mailing Address: 29000 S. WESTERN AVE, STE #408, RANCHO PALOS VERDES, CA 90275

Phone Number: (310) 832-3135

Applicant Signature: [Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 0911-01 Planner's Initials: AZ

Required Permits: Standards Variance

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15303, Class 3, New Construction of Small Structures

Statement of support for this finding: New 4 unit apartment building

Contact Person: Craig Chaffant

Contact Phone: 562-570-6368

Signature: [Signature]

Date: 8/17/10