

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

5517 East Ocean Blvd.

Application No. 1109-06

Date: November 14, 2011

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 request approved by the Zoning Administrator, submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
2. 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 set forth in the conditions of approval to the satisfaction of the Zoning Administrator.
3. The code exceptions approved for this project are as follows:
 - A garage setback two-inches from the front property line (Ocean Blvd.) (instead of not less than 20'0") in conjunction with the demolition of the existing home and construction of a new three-story single family home.

Special Conditions:

4. The eaves and roof overhangs shall be setback a minimum of 2'6" from the side property line.
5. All unused portions of the existing curb cut more than 20'0" in width shall be closed to the satisfaction of the Director of Public Works.
6. The applicant shall provide a sectional roll-up type garage door with an automatic opener to the satisfaction of the Director of Development Services.
7. The applicant shall provide exterior lighting for the garage on the street elevation.
8. There shall be no structure greater than 3'0" in height measured from the sidewalk elevation along the north property line in the 8'0" setback area.

Standard Conditions:

9. 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 that are a part

thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.

10. All conditions of approval must be printed verbatim on all plans submitted for plan review to Long Beach Development Services. These conditions must be printed on the site plan or a subsequent reference page.
11. 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.
12. 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 or Planning Commission, respectively.
13. Site development, including landscaping, shall conform to the approved plans on file with Long Beach 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.
14. 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.
15. 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, fences and the perimeter of the site (including all public parkways).
16. Any graffiti found on site must be removed within 24 hours of its appearance.
17. 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.
18. Separate building permits shall be required for fences, retaining walls, and flagpoles.
19. 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.

20. 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.
21. 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
22. Any off-site improvements found to be damaged shall be replaced to the satisfaction of the Director of Public Works.
23. A height survey conducted by a licensed surveyor may be required at the time of inspection and prior to approval of rough framing. Please note on plans.
24. 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.

**STANDARDS VARIANCE
FINDINGS**

5517 East Ocean Blvd.

Case No. 1109-06

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The variance procedure is established in the Municipal Code in order to allow for the flexibility in the Zoning Regulations. This flexibility is necessary because not all circumstances relative to all lots can be foreseen and evaluated in the writing of such regulations. In order to prevent abuse of this flexibility, certain specific findings of fact must be made before any variance can be granted. These findings have been incorporated in the Long Beach Municipal Code.

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

The subject site is an interior through lot located on Ocean Blvd. and Bayshore Walk (Alamitos Bay). The site is 30' wide by 81'87" deep and zoned R-2-l. Improved with a two-story single family home and attached two-car garage, the plans call for the removal of more than 50% of the exterior walls of the structure thereby meeting the definition of demolish although three garage walls will remain in place as well as a portion of the existing first and second story walls of the home. A new third story will be added to the home for a total of 4,253 square feet of living area. The existing garage is 478 square feet. The site is rectangular shaped with no significant change in elevation.

The improvements are unique when compared to other sites in the same zone as the home qualifies as a demolition under Long Beach Municipal Code Section 21.15.750; however, three existing garage walls will remain in place as well as portions of the first and second floors.

B. 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.

A unique situation exists due to the home meeting the code definition of demolition although three garage walls will remain in their current location. The garage currently exists with a two-inch front setback. Since more than 50% of the exterior walls of the home will be removed the project qualifies as a demolition and all nonconforming rights are lost including nonconforming setbacks. This unique situation creates a hardship on the owner. If the garage were to be built with a 3'0" setback similar to the home to the east a portion of the exterior garage walls would have to be relocated/rebuilt, the interior wall between the garage and home would have to be relocated, and the floor heights changed as the garage floor is approximately twelve inches lower than the floor of the home. Approval of this request is not expected to grant a special privilege as there are numerous garage street setbacks from zero to three feet and the primary reason the garage will not be required to have a three-foot setback similar to many of the more recent developments is the maintenance of the three garage walls

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

Approval of a reduced garage setback is not expected to cause adverse effects upon the community. The garage currently exists in this location with a 2" setback. Due to shallow lot depths very few of the garages on the peninsula meet the code required setback of 20'0". Typical garage setbacks for more recent construction along Ocean Blvd. are 3'0". The two-inch setback is being recommended due to the unique situation where the garage will be maintained in its current location although more than 50% of the exterior walls of the home will be removed. The home to the west has a zero garage setback. This variance request is generally consistent with the development pattern on the peninsula

D. 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 site is located in the coastal zone. Please see the attached findings.

**LOCAL COASTAL DEVELOPMENT PERMIT
FINDINGS**

Case No. 1109-06 (5517 East Ocean Blvd.)

Date: November 14, 2011

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

A positive finding can be made for this item.

The site is located in Naples Island and the Peninsula (Area E) of the Local Coastal Plan. This area of the Peninsula allows single-family and duplex development (R-2-I). The project involves the removal of more than 50% of the exterior walls of an existing two-story single family home and attached two-car garage as defined by section 21.15.750 of the Long Beach Municipal Code although the garage walls and a portion of the first floor and second floor walls will remain. A new third floor will be added to the home. The site is an interior through lot with frontage on Ocean Blvd. and Bayshore Walk (Alamitos Bay). The property is 30' wide by 81'/87' deep. A Standards Variance request has been submitted to maintain the garage setback of two inches instead of not less than 20'0" as all nonconforming rights are lost when a home is demolished.

The demolition of an existing two-story single family residence and reconstruction of a new three-story single family home with attached two-car garage on a R-2-I zoned property complies with the Local Coastal Program.

2. THE PROPOSED CONFORMS TO THE PUBLIC ACCESS AND RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT. THE 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 governments to require beach access dedication and to prohibit development, which restricts public access to the beach and/or water resources

The site is located north of the nearest public highway, Ocean Boulevard. There is an eight-foot wide public sidewalk located between this lot and the beach that provides public access to the water and by the site.