CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 4th Floor Long Beach, CA 90802 (562) 570-5237 Fax: (562) 570-6205

H-3

November 20, 2012

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, consider the Belmont Heights Community Association's appeal, and uphold the decision of the Planning Commission to approve a Standards Variance allowing the reconstruction of a second home, demolished without a permit, at 237 Roycroft Avenue within the Single Family Residential zone. (District 3)

DISCUSSION

The proposed project is the reconstruction of a single-family home on the west side of Roycroft Avenue between Vista Street (north) and East Broadway (south). The subject property, an interior lot, measures 6,350 square feet and is located in the R-1-N zone (Single-Family District with Standard Lots). The property currently contains a rear, 926-square-foot guesthouse atop a four-car garage and the footings of a former two-story, 1,925-square-foot single-family front unit. The rebuilding of the front unit, demolished during a small home addition and remodel project in July 2012, is the subject of this request.

On May 10, 2012, plans for a complete remodel of the front unit along with a 108-square-foot front entry addition were filed with Development Services. As part of the remodel, all interior walls of the two-story home were to be removed. Planning corrections issued on May 15, 2012 sought information on the extent of exterior wall removals (removal of more than 50 percent of exterior walls constitutes a demolition) and clarification of the front entry addition height, among other things. Subsequent discussion with the applicant's contractor highlighted the consequences of a potential demolition and the need for a reduced entry addition height.

Plan revisions were made, and on June 18, 2012, building permit BADD135068 was issued for the remodel-addition. Approved plans indicated the removal of only 20.5 linear feet of the structure's exterior walls, all in the area of the front entry addition.

During construction, however, all exterior walls were removed, and the structure was stripped to its footings. This action effectively transformed the project from a remodel-addition to a demolition. Per 21.27.050 of the Zoning Regulations, all rights to a

nonconforming use (such as a second unit on a R-1-N lot, as is the case here) are lost if the structure housing the use is demolished. In other words, the legal-nonconforming status of the property to have two residential units was essentially forfeited with the demolition.

The original request was for Standards Variances to reinstate the nonconforming density status of the front unit and an allowance to rebuild the home to its previous nonconforming height of approximately 31 feet 7 inches (as measured, due to the lot's sloping nature, from the grade plane connecting the average top-of-curb elevation and the average rear property line elevation).

The Planning Commission heard the case on September 20, 2012. The staff report and minutes are provided in Exhibit A. At the hearing, neighbors spoke both in support of and in opposition to the rebuild request. Opposition was focused on enforcement of the R-1-N zone's maximum density of one unit per lot. The neighborhood was rezoned from R-2 (Two-Family Residential) in January 1998 after a six-year community effort to reduce the area's density. This position was reiterated by the Belmont Heights Community Association (BHCA) in their submitted comment letter and oral testimony.

After presentations by eight speakers, including the applicant, and a lengthy discussion behind the rail, the Planning Commission approved the Standards Variance allowing the home rebuild but denied the Standards Variance request to rebuild at a height exceeding the R-1-N zone's height maximum of 25 feet. On September 27, 2012, the BHCA appealed the home rebuild decision to the City Council. The appeal, provided in Exhibit B, was filed within the prescribed timeframe in accordance with the Municipal Code. Because the applicant did not appeal the Planning Commission's denial of the height variance, this request is not part of the appeal and therefore not under consideration.

The Planning Commission approval of the rebuild was based largely on the fact that the proposal would be consistent with the prevailing neighborhood development pattern, which typically features a smaller structure at the rear of the property and a larger, primary structure on the front-half. Their denial of the height variance request was based on the subject lot's sloping nature, which results in height measurements being taken from a grade plane that's higher than the standard top-of-curb grade, and staff's findings in favor of eliminating the home's previous height nonconformity. Findings supporting the Planning Commission's determination on the home rebuild variance are attached for the Council's review and consideration.

This matter was reviewed by Assistant City Attorney Michael Mais on October 30, 2012 and by Budget Management Officer Victoria Bell on October 23, 2012.

TIMING CONSIDERATIONS

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 27, 2012.

FISCAL IMPACT

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

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

ROBERT M. ZUR SCHMIEDE
DEPUTY DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

PATRICK H. WEST
CITY MANAGER

RMZ:DB:mh
P:\Planning\City Council Items (Pending)\Council Letters\2012\2012-11-20\1207-12 council letter.doc

Attachments: Exhibit A – Planning Commission staff report, attachments and minutes
Exhibit B – Application for Appeal

AGENDA ITEM No. 3

EXHIBIT A

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

September 20, 2012

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Approve a Standards Variance re-establishing nonconforming density rights related to the rebuild of a demolished single-family home and deny a Standards Variance request for the rebuild to exceed the allowable height limit of 25 feet measured from grade at 237 Roycroft Avenue (District 3).

APPLICANT: Sam Ramezani
319 Roycroft Avenue
Long Beach, CA 90803
(Application No. 1207-12)

DISCUSSION

The proposed project is the reconstruction of a single-family home on a Roycroft Avenue interior lot located between East Broadway and Vista Street in the Belmont Heights neighborhood (Exhibit A – Location Map). Measuring 6,350 square feet in size and located within the Single-family Residential zoning district (R-1-N), the lot currently contains a rear, 926-square-foot guesthouse atop a four-car garage and the footings of a former two-story, 1,925-square-foot single-family front unit (Exhibit B – Site Photographs). The rebuilding of the front unit, demolished during a small home addition and remodel project in July 2012, is the subject of this request.

On May 10, 2012, plans for a complete remodel of the front unit along with a 108-square-foot front entry addition were filed with Development Services. As part of the remodel, all interior walls of the two-story home were to be removed. Planning corrections issued on May 15, 2012 sought information on the extent of exterior wall removals (removal of more than 50 percent of exterior walls constitutes a demolition) and clarification of the front entry addition height, among other things. Subsequent discussion with the applicant's contractor highlighted the consequences of a potential demolition and the need for a reduced entry addition height.

Plan revisions were made and on June 18, 2012, building permit BADD135068 was issued for the remodel-addition (Exhibit C - Plans). Approved plans indicated the removal of only 20.5 linear feet of the structure's exterior walls, all in the area of the front entry addition.

During construction, however, all exterior walls were removed, the structure stripped to its footings. This action effectively transformed the project from a remodel-addition to a demolition. Per 21.27.050 of the Zoning Regulations, all rights to a nonconforming use (such as a second unit on a R-1-N lot, as is the case here) are lost if the structure housing the use is demolished. In other words, the legal-nonconforming status of the property to have two residential units was essentially forfeited with the demolition.

At this time, the applicant is requesting Standards Variances to reinstate the nonconforming density status of the front unit and rebuild the home as configured in the approved remodel-addition plans of July 2012. The request includes the rebuilding of the home to its previous nonconforming height of approximately 31 feet 7 inches (as measured, due to the lot's sloping nature, from the grade plane connecting the average top-of-curb elevation and the average rear property line elevation). Because the subject entitlement requests involve work beyond what was approved in the issued building permit, fees for this application were doubled.

The rebuild of the front unit is consistent with the prevailing neighborhood development pattern, which typically features a smaller structure at the rear of the property and a larger, primary structure on the front-half. This pattern has remained consistent since the 1920s, when the first two-unit improvements on Roycroft Avenue were built, and reflects the area's previous Two-Family Residential zoning (R-2). A rebuilt front unit, however, shall comply with all applicable development standards, including maximum building height. As mentioned, the lot's sloping nature results in height measurements being taken from a grade plane that's higher than the standard top-of-curb grade. This in effect affords the homeowner several feet of additional height when designing a building. Staff finds no hardship in a front unit rebuild that complies with the R-1-N zone's 25-foot height maximum, as measured from this increased grade plane.

Therefore, staff recommends approval of a Standards Variance re-establishing nonconforming density rights related to the rebuild of a demolished single-family home and denial of a Standards Variance request for the rebuild to exceed the allowable height limit of 25 feet, as conditioned (Exhibit D – Findings; Exhibit E – Conditions of Approval) .

PUBLIC HEARING NOTICE

The public hearing notices were distributed on August 30, 2012, in accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code. At the time of writing of this report, staff has received one letter supporting the requested variances and two (one letter, one phone call) testimonies in opposition to the requests.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption was prepared for the proposed project (Exhibit E – CE-12-055).

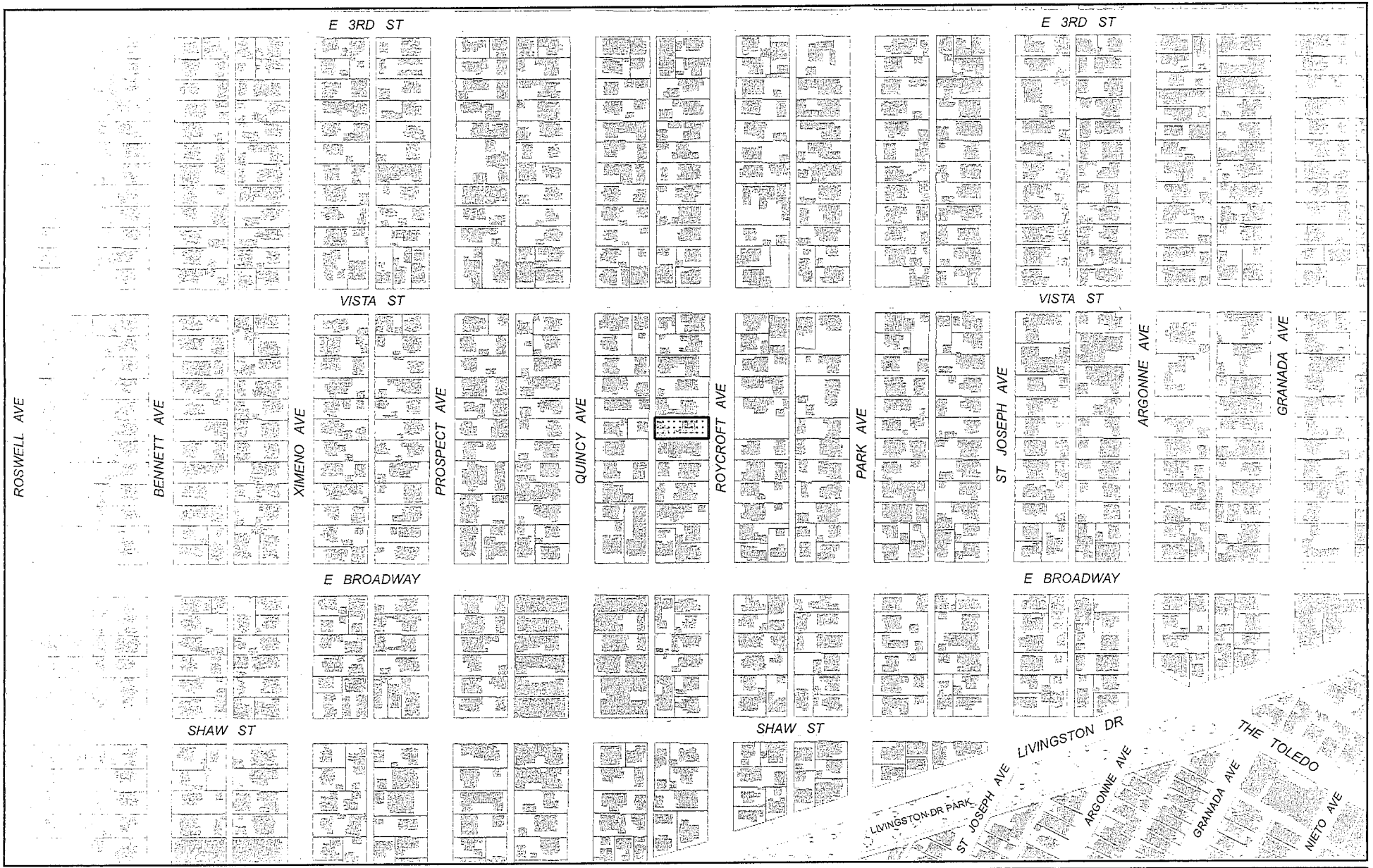
Respectfully submitted,

DEREK BURNHAM
PLANNING ADMINISTRATOR

ROBERT M. ZUR SCHMIEDE
DEPUTY DIRECTOR OF DEVELOPMENT SERVICES

RMZ:DB:mh
P:\Planning\PC Staff Reports (Pending)\2012\2012-09-20\237 Roycroft 1207-12\Staff Report.doc

Attachments:
Exhibit A – Location Map
Exhibit B – Site Photographs
Exhibit C – Plans
Exhibit D – Findings
Exhibit E – Conditions of Approval
Exhibit F – Categorical Exemption CE-12-055

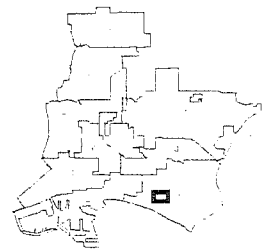


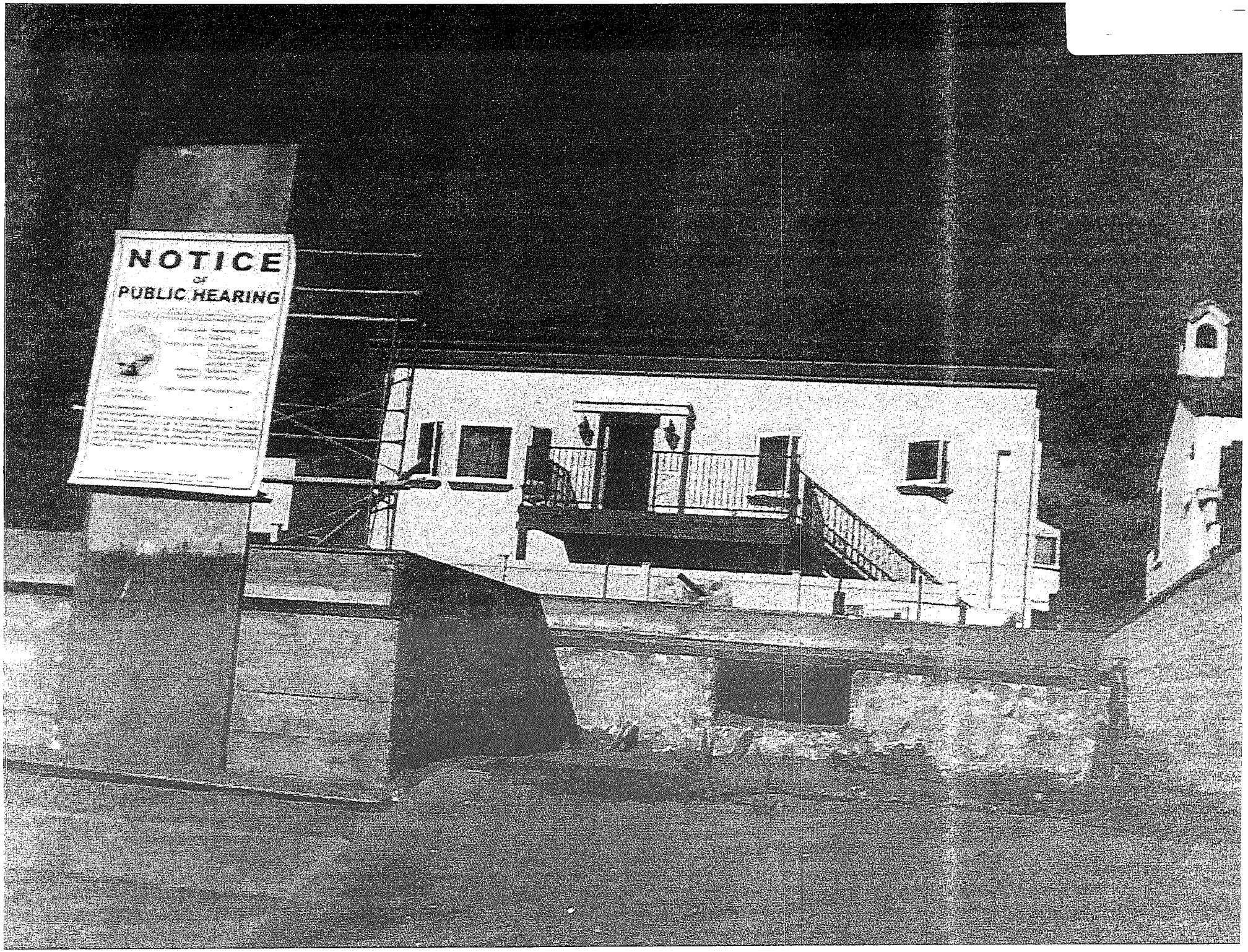
Subject Property:

237 Roycroft Ave
Application No. 1207-12
Council District 3
Zoning Code : R-1-N

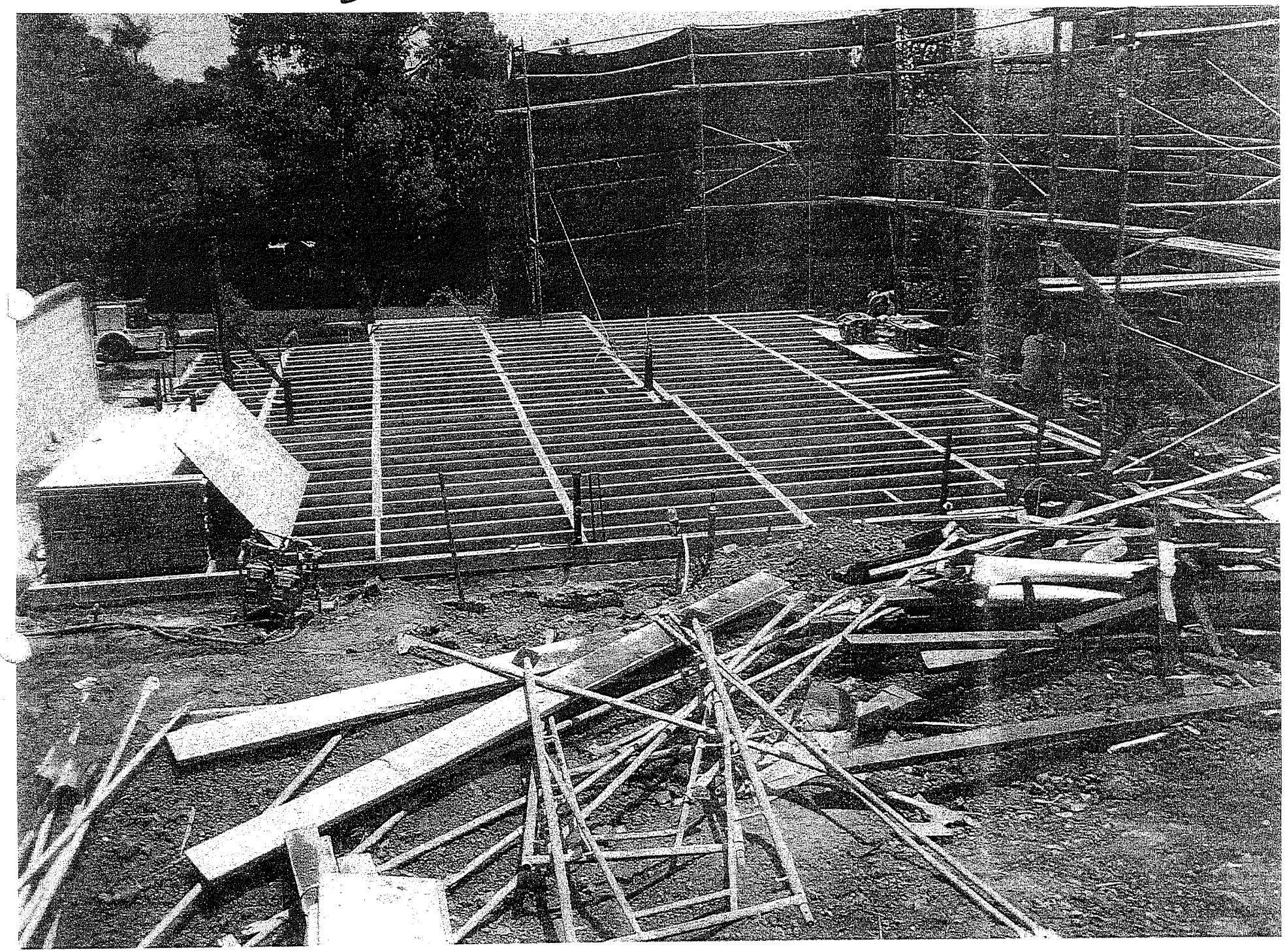
N

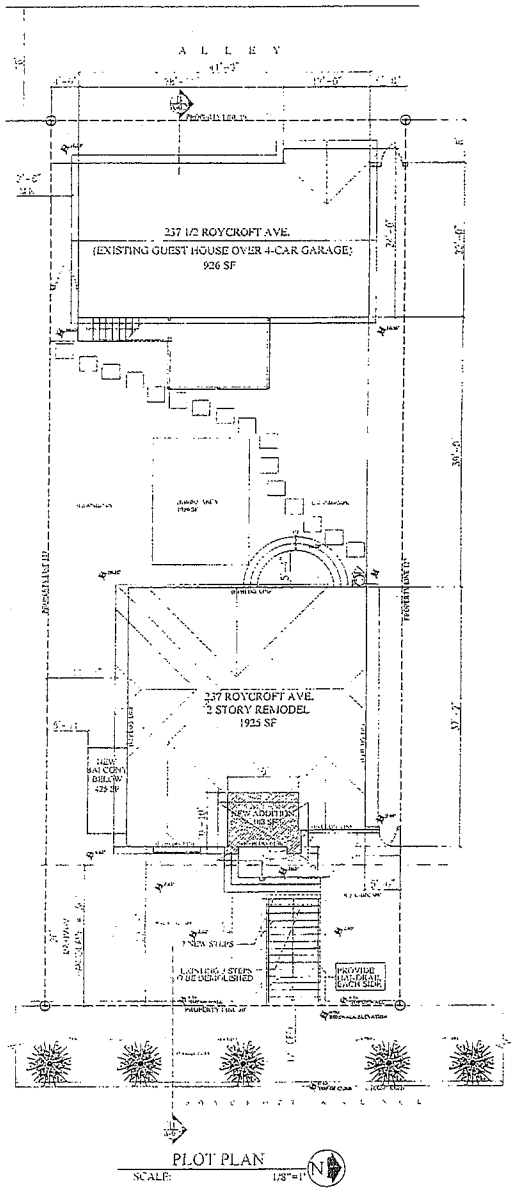
150 75 0 150 300 Feet




NOTICE
OF
PUBLIC HEARING

237 Roycroft 7/10/12 KE





SECURITY NOTES

1. ALL WORKS SHALL COMPLY WITH LOCAL BLDG. CODES AND ORDINANCES THE APPLICABLE CODE 2010 CBC, 2010 CEC, 2010 CMC, 2010 CPC & 2008 T-24 ENERGY.
2. ALL CONTRACTOR & SUBCONTRACTORS SHALL CHECK AND VERIFY DIMENSION ELEVATIONS & CONDITIONS AT THE SITE BEFORE COMMENCING ANY WORK AND BE RESPONSIBLE FOR ALL DIMENSIONS AT THE SITE,AND NOTIFY THE ARCHITECT OF ANY VARIATION OR DISCREPANCIES ON THE PLAN.
3. PROVIDE SMOKE DETECTOR AND CARBON MONOXIDE DEVICES (ALARMS) IN EA. SLEEPING ROOM & HALLWAY OR AREA GIVING ACCES TO A SLEEPING ROOM & EA.STORY. DETECTOR SHALL BE HARD WIRED AND EQUIPPED WITH BATTERY BACK UP & LOW BATTERY SIGNAL.
4. PROVIDE MECHANICAL VENTILATION EXHAUST FAN WITH 5 AIR CHANGES/HR. MIN. TO ALL BATHROOM WITHOUT OPERABLE WINDOWS.
5. PROVIDE TEMPORARY TOILET DURING CONSTRUCTION.
6. ALL GAS APPLIANCES SHALL HAVE A.G.A. APPROVAL AND LABEL.
7. ALL SHOWER ENCLOSURES,DOOR & PANELS TO BE OF AN APPROVED SHUTTER PROOFED MATERIALS(TEMPERED GLASS).
8. ALL WATER CLOSET COMPARTMENTS TO HAVE A MIN. CLEAR WIDTH OF 30" AND 24" MIN. CLEAR SPACE IN FRONT
9. ALL TUB & SHOWER ENCLOSURES TO HAVE WALLS CONSTRUCTED OF AN APPROVED DENSE NON ABSORBENT WATERPROOFED MATERIAL TO A HEIGHT NOT LESS THAN 6 FEET
10. WATER HEATER MUST BE STRAPPED TO WALL.
11. INSPECTION IS REQUIRED FOR ALL MATERIALS AND EXTERIOR IN PLACE LATH AND OR WALL BOARD BEFORE ANY PLASTERING IS APPLIED OR ANY JOISTS AND FASTENERS HAVE BEN TAPPED AND FINISH.
12. PROVIDE 15 LBS. APPROVED BUILDING PAPER UNDER ALL EXTERIOR FINISHES.
13. ALL WALLS CONTAINING HORIZONTAL VENTS OR 4"DIA. PIPES TO BE OF 2"X6" STUDS @ 16" ON CENTER AND R-13 INSULATION.
14. ALL GLAZING WITH IN 18" OF FLOOR,SHOWER OR TUB ENCLOSURE TO BE OF TEMPERED GLASS.
15. PROVIDE LOW CONSUMPTION WATER CLOSET FOR ALL NEW CONSTRUCTION, SHOWER HEAD MUST ALSO BE LOWER CONSUMPTION.
16. INSTALL APPROVED SEISMIC" GAS SHUTOFF" VALVE ON EACH FUEL GAS LINE ON THE DOWNSTREAM SIDE E RIGIDLY CONNECTED TO BUILDING.
17. EXIT DOORWAYS SHALL NOT BE LESS THAN 36" IN WIDTH AND NOT LESS THAN 6' -8" IN HEIGHT,PROJECTIONS INCLUDING PANIC HARDWARE,SHALL NOT REDUCE THE OPENING TO LESS THAN 32" CLEAR WIDTH.
18. PROVIDE UNDER FLOOR VENTILATION NOT LESS THAN1/150 OF UNDER FLOOR.
19. PROVIDE ANTI-SCALDING SHOWER AND TUB VALVES.
20. PROVIDE TO HT. NON-ABSORBENT WALL ADJACENT TO SHOWER AND APPROVED SHUTTER RESISTANT MATERIALS FOR SHOWER ENCLOSURE.
21. PROVIDE WATER RESISTANT GYPSUM BACKING BOARD AS A BASE FOR TILES OR WALL PLANES FOR TUB OR SHOWER ENCLOSURES OR WATER CLOSET COMPARTMENT WALLS.
22. PROVIDE ATTIC VENTILATION OF 1/150 OF THE AREA OF VENTILLATED SPACE.
23. ALL EXTERIOR POSTS LOCATED ON A SLAB SHALL BE AT LEAST 1" ABOVE FLOOR/SLAB AND 6" ABOVE EXPOSED EARTH, ISOLATED PIERS MUST BE 8" ABOVE EXPOSED EARTH,AS AN ALTERNATE USE PRESSURE TREATED POSTS.
24. PROVIDE ELECTRICAL OUTLETS PER CODE AND AS NOTED IN PLANS, LOCATE SWITCHES AND OUTLETS PER OWNER AND NOTIFY THE ARCHITECT.
25. THE CONSTRUCTION SHALL NOT RESTRICT A FIVE FOOT CLEAR AND UNOBSTRUCTED ACCESS OUTLETS PER OWNER AND NOTIFY THE ARCHITECT.
25. THE CONSTRUCTION SHALL NOT RESTRICT A FIVE FOOT CLEAR AND UNOBSTRUCTED ACCESS TO ANY WATER OR POWER DISTRIBUTION FACILITIES(POWER POLES,PULL BOXES,TRANSFORMERS, VAULTS,PUMPS,VALVES, METERS, APPURTENANCES ETC.) OR TO THE LOCATION OF THE HOOKED-UP. THE CONSTRUCTION SHALL NOT BE WITHIN TEN FEET OF ANY POWER LINES WHETHER OR NOT THE LINES ARE LOCATED ON THE PROPERTY.
26. PROVIDE ULTRA FLUSH WATER CLOSET FOR ALL NEW CONSTRUCTION. EXISTING SHOWER HEADS AND TOILETS MUST BE ADAPTED FOR LOW WATER CONSUMPTION.
27. ALL UTILITIES SHALL BE LOCATED UNDERGROUND, AND TOILETS MUST BE ADAPTED FOR LOW WATER CONSUMPTION.

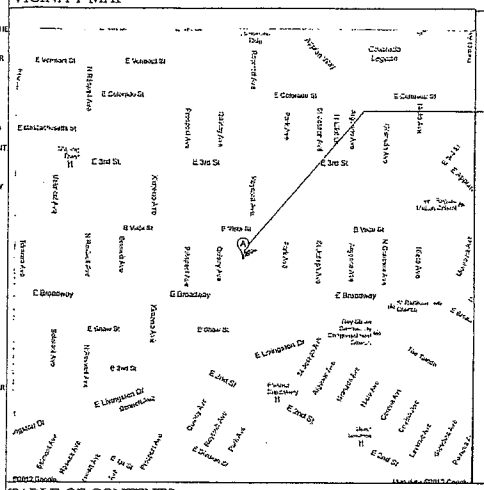
SECURITY NOTES

ALL OPENINGS MARKED WITH AN ASTRISK (*) SHALL BE SECURITY OPENINGS AND SHALL COMPLY WITH SECTION 1022(BUILDING SECURITY) OF THE CURRENT BUILDING CODE AND NOTED BELOW:
1. PROVIDE DOOR VIEWERS, VIEW PORTS, OR VIEWING WINDOWS AT ALL DWELLING ENTRANCE DOORS.
A: WINDOW SHALL BE A MINIMUM OF 40" FROM THE DOOR LOCK WHEN THE DOOR IS IN THE CLOSED POSITION.
B: VIEW PORTS SHALL NOT EXCEED 1-1/2" IN ANY DIMENSION UNLESS THEY ARE LOCATED AS IS REQUIRED FOR WINDOWS.
2. SWINGING DOORS:
A: DOOR STOPS OF IN-SWINGING DOORS SHALL BE OF ONE-PIECE CONSTRUCTION WITH THE JAMB OR JOINTED BY RABBET TO THE JAMB.
B: ALL PIN-TYPE HINGES WHICH ARE ACCESSIBLE FROM OUTSIDE THE SECURED AREA WHEN THE DOOR IS CLOSED SHALL HAVE NON-REMOVABLE HINGE PINS, IN ADDITION, THEY SHALL HAVE MINIMUM 3/4" DIAMETER STEEL JAMB STUDS WITH 1/4" MINIMUM PROTECTION UNLESS THE HINGES ARE SHAPED TO PREVENT REMOVAL OF THE DOOR IF THE HINGE PINS ARE REMOVED.
C: THE STRIKE PLATE FOR LATCHES AND THE HOLDING DEVICE FOR PROJECTING DEADBOLTS IN WOOD CONSTRUCTION SHALL BE SECURED TO THE JAMB AND TO THE WALL FRAMING WITH SCREWS NOT LESS THAN 2-1/2" IN LENGTH.
D: DEADBOLTS SHALL CONTAIN HARDENED INSERTS.
E: STRAIGHT DEADBOLTS SHALL HAVE A MINIMUM THROW OF 1" AND EMBEDMENT OF NOT LESS THAN 5/8".
F: A HOOK-SHAPED OR AN EXPANDING LUG DEADBOLT SHALL HAVE A MINIMUM THROW OF 3/4".
G WOOD FINISH-TYPE DOORS SHALL BE 1-3/8" THICK MINIMUM WITH A SOLID CORE OF WOOD.
H: GLASS DOORS SHALL HAVE FULLY TEMPERED GLASS COMPLYING WITH SECTION 91.1711(D) OF THE LOS ANGELES CITY BUILDING CODE.
I: EXIT DOORS SHALL BE OPENABLE FROM INSIDE WITHOUT THE USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT.
3. CYLINDER GUARDS SHALL BE INSTALLED ON ALL CYLINDER PROJECTS BEYOND THE FACE OF THE DOOR OR IS OTHERWISE ACCESSIBLE TO GRIPPING TOOLS.
4. SLIDING GLASS DOORS AND WINDOWS SHALL BE EQUIPPED WITH LOCKING DEVICES AND SHALL BE SO CONSTRUCTED AND INSTALLED THAT THEY REMAIN INTACT AND ENGAGED WHEN SUBJECTED TO THE TESTS SPECIFIED IN
5. SLIDING DOORS AND WINDOWS SHALL BE PROVIDED WITH A DEVICE IN THE UPPER CHANNEL OF THE MOVING PANEL TO PREVENT RAISING AND REMOVING OF THE PANEL IN THE CLOSED OR PARTIALLY OPEN POSITION.
6. OTHER OPENABLE WINDOWS SHALL BE PROVIDED WITH SUBSTANTIAL LOCKING DEVICES.
7. SCREENS, BARRICADES, OR FENCES MADE OF MATERIAL WHICH PRECLUDE HUMAN CLIMBING SHALL BE PROVIDED AT EVERY POSITION OF EVERY ROOF, BALCONY, OR SIMILAR SURFACE WHICH IS WITHIN 8 FEET OF A UTILITY POLE OR SIMILAR STRUCTURE.
8. GLAZED OPENINGS WITHIN 40" OF THE DOOR LOCK, WHEN THE DOOR IS IN THE CLOSED POSITION, SHALL BE 1/4" LAMINATED GLASS.
9. METAL OR WOODED OVERHEAD AND SLIDING DOORS SHALL BE SECURED WITH A CYLINDER LOCK, PADLOCK WITH A MINIMUM 9/32" DIAMETER HARDENED STEEL SHACKLE AND BOLTED, HARDENED STEEL HASPS, METAL SLIDE BOARD, BOLT OR EQUIVALENT DEVICE UNLESS SECURED BY AN ELECTRICAL POWER OPERATION.

FIRE PROTECTION NOTES & GENERAL NOTES

1. PERMITTED PROJECTIONS WITH A FIRE SEPARATOR DISTANCE OF LESS THAN (3) (5) FEET SHALL HAVE NOT LESS THAN ONE HOUR FIRE-RESISTIVE CONSTRUCTION ON THE UNDERSIDE PER TABLE R302.1 (R302.1).
THE BUILDING SHALL BE EQUIPPED WITH AN AUTOMATIC RESIDENTIAL FIRE SPRINKLER SYSTEM IN ACCORDANCE WITH SECTION R313.3 OR NFPA13D. (R313, 12.21a1.7(D))
2. WHEN THE WINTER DESIGN TEMPERATURE IS BELOW 60°F, EVERY DWELLING UNIT SHALL BE PROVIDED WITH HEATING FACILITIES CAPABLE OF MAINTAINING A TEMPERATURE OF 68°F AT 3 FEET ABOVE THE FLOOR AND 2 FEET FROM EXTERIOR WALLS IN ALL HABITABLE ROOMS (R303.8)
3. BATHTUB AND SHOWER FLOORS, WALLS ABOVE BATHTUBS WITH A SHOWER HEAD, AND SHOWER COMPARTMENTS SHALL BE FINISHED WITH A NONABSORBENT SURFACE. SUCH WALL SURFACE SHALL EXTEND TO A HEIGHT OF NOT LESS THAN 6 FEET ABOVE THE FLOOR (R307.2)
4. ALL EMERGENCY ESCAPE AND RESCUE OPENINGS SHALL HAVE A MINIMUM CLEAR OPENING OF 5.7 SQUARE FEET WITH A MINIMUM NET CLEAR OPENING HEIGHT OF 24 INCHES AND WIDTH OF 20 INCHES (R310.1.1, R310.1.2 AND R310.1.3)
5. SINGLE AND MULTIPLE-STATION SMOKE ALARMS SHALL BE INSTALLED IN THE FOLLOWING LOCATIONS:
A: IN EACH SLEEPING ROOM
B: OUTSIDE OF EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOMS.
C: ON EACH ADDITIONAL STORY OF THE DWELLING, INCLUDING BASEMENTS AND HABITABLE ATTICS BUT NOT INCLUDING CRAWL SPACES AND UNINHABITABLE ATTICS.
6. SMOKE ALARMS SHALL BE HARDWIRED WITH BATTERY BACKUP AND ALARMS INTERCONNECTED (R314.5)
7. AN APPROVED CARBON MONOXIDE ALARM SHALL BE INSTALLED OUTSIDE OF EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOM AND EVERY LEVEL INCLUDING BASEMENT IN DWELLING UNITS THAT HAVE FUEL-FIRED APPLIANCES OR ATTACHED GARAGES (R315.1)
8. ANY VENTILATION AREA OF NOT LESS THAN SQUARE FEET UNDER-FLOOR SPACE AREA SHALL BE PROVIDED (R408.1).
9. A MINIMUM ACCESS OPENING OF 18 INCHES BY 24 INCHES (457MM BY 610MM) AT A FLOOR OR 16 INCHES BY 24 INCHES THROUGH A PERIMETER WALL SHALL BE PROVIDED TO THE UNDER FLOOR SPACE (R408.4)

VICINITY MAP



* ALL NEW ROOF ELEMENTS SHALL NOT EXCEED 25' IN HEIGHT, MEASURED FROM GRADE PLANE (PLOT SHEET A-02)

2012

TABLE OF CONTENTS

SHT.NO.	SHEET CONTENTS
A-0	PLOT PLAN, GENERAL NOTES, PROJECT INFO AND SHEET INDEX
A-1	DEMOLITION PLANS
A-2	FLOOR PLANS
A-3	PROPOSED PITCH ROOF PLAN (FRONT ENTRY)
A-4	ELEVATIONS
A-5	SECTION & WINDOWS & DOORS SCHEDULE & HANDRAIL DETAIL
STRUCTURAL	
S-1	GENERAL STRUCTURAL NOTE
S-2	ROOF AND 2ND FLOOR FRAMING PLAN
S-3	FOUNDATION PLAN
S-4	DETAILS
S-5-6	DETAILS

SCOPE OF WORK

1-REMODEL OF EXISTING 2-STORY SINGLE FAMILY DWELLING; FRONT ENTRY ADDITION (108 S.F.)
2-DEMO INTERIOR WALLS AND RECONSTRUCTING ALL THE INTERIOR SPACES.
3-BALCONY ADDITION AT SECOND FLOOR (68 S.F.)

AREA CALCULATION

AREAS	EXISTING	NEW	TOTAL
FIRST FLOOR	1072 SF.	108 SF. (FRONT ENTRY ADD.)	1180 SF.
SECOND FLOOR	853 SF.	-	853 SF.
TOTAL	1925 SF.	108 SF.	2033 SF. (INSIDE)

APPROVED

EXISTING PERMITS:

BRMD130429 - NEW PITCHED ROOF TO REPLACE EXISTING FLAT ROOF (926 SF)

BRMD130429 - REMODEL OF EXISTING GUEST HOUSE OVER 4-CAR GARAGE (926 SF)

237 1/2 ROYCROFT - (E) GUEST HOUSE OVER 4 CAR GARAGE

(E) 2ND FLOOR - (2 BEDROOM, 2 BATH, KITCHEN LIVING AND DINING ROOM)	= 926 S.F.
(E) 1ST FLOOR - 4 CAR GARAGE	= 854 S.F.
TOTAL	= 1,780 S.F.

PROJECT INFO:

(E) 2-STORY SFD - FRONT HOUSE:

(E) 1ST FLOOR	= 1,072 S.F.
(E) 2ND FLOOR	= 853 S.F.
(N) FRONT ENTRY ADDITION	= 108 S.F.
TOTAL	= 2,033 S.F. (INSIDE)

NO. OF STORY	2 STORY
BUILDING HEIGHT	25'-11"
ASSESSOR'S ID. NO.	7250-010-023
ZONING:	R-1-N
COASTAL:	N/A
CONSTRUCTION:	TYPE - V-B
LOT AREA	6,350 S.F.
LOT	BELMONT HEIGHTS
BLOCK	18
	12
LOT COVERAGE	33%
926 SF + 1180 SF = 2,106 SF	
OPEN SPACE	67 %

FLOOR AREA RATIO .65

TOTAL GROSS AREA = 832 SF + 1151 SF + 1139 SF - 92 SF - 800 SF - 2250 SF / 6350 SF = .35

UNUSABLE OPEN SPACE

1950 SF + 120 SF + 425 SF + 156 SF = 2651 SF

Project Title :

ALTE. EXISTING 2-STORY RESIDENCE AND FRONT ENTRY ADDITION

237 ROYCROFT AVE.
LONGBEACH, CA.90803

Owner:

RESIDENT

237 ROYCROFT AVE.
LONGBEACH, CA.90803

Design Consultant :

ED LUMAWIG
DESIGN CONSULTANT

P: 818-466-4584

Seal/Signature :

JLG ENGINEERING
DESIGN AND ENGINEERING

3579 E. FOOTHILL BLVD.
PASADENA, CA 91107
T: 213.593.1037
F: 626.689.2981

Rev. No.	Revision/Issue	Date/Issue
	SUBMITTAL SET	06-03-12

Date :	Scale :	X-Refs :
APRIL 2012	1/8"=1'	0
Drawn By :	Checked By :	
EL	RL / JG	

Cad File :

Project Number :

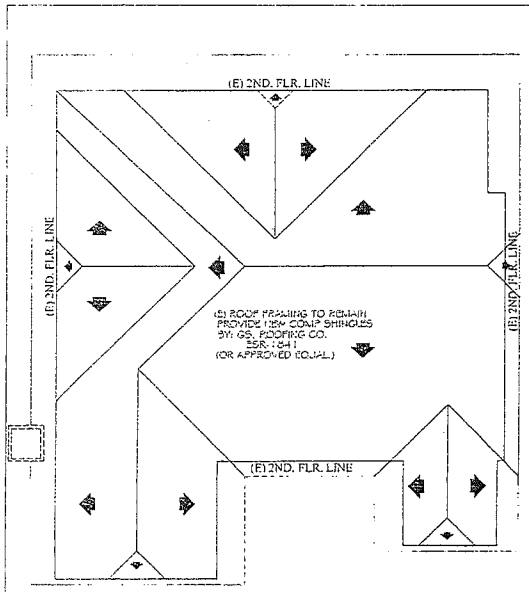
12-01AR

Sheet Title :

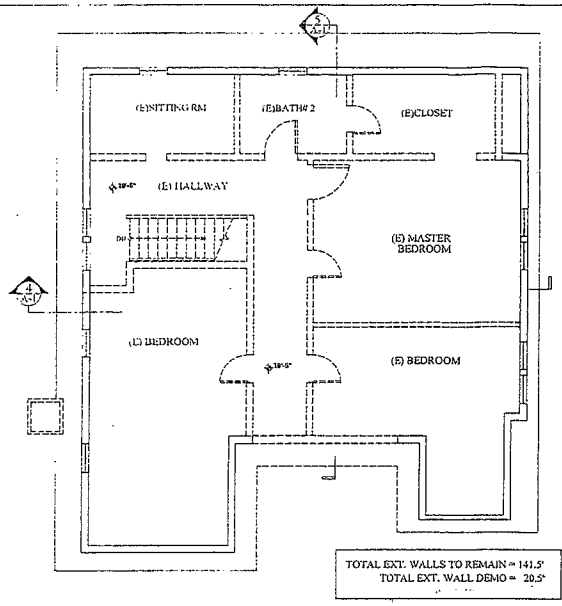
PROJECT INFO:
PLOT PLAN
GENERAL NOTES
SHEET INDEX

Sheet Number :

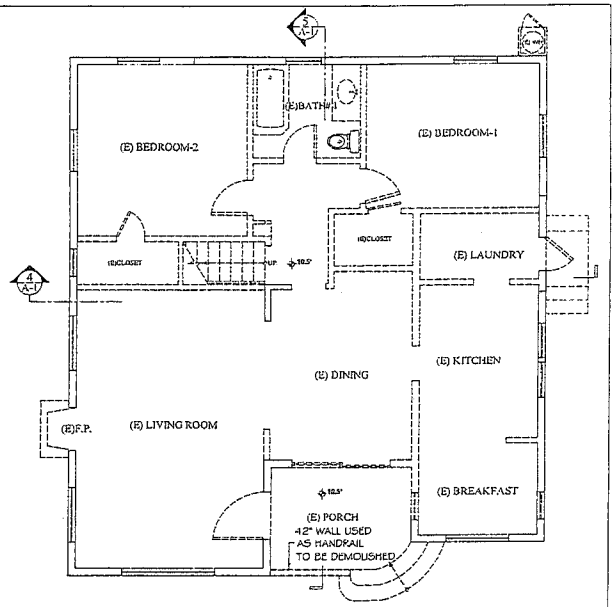
A-0



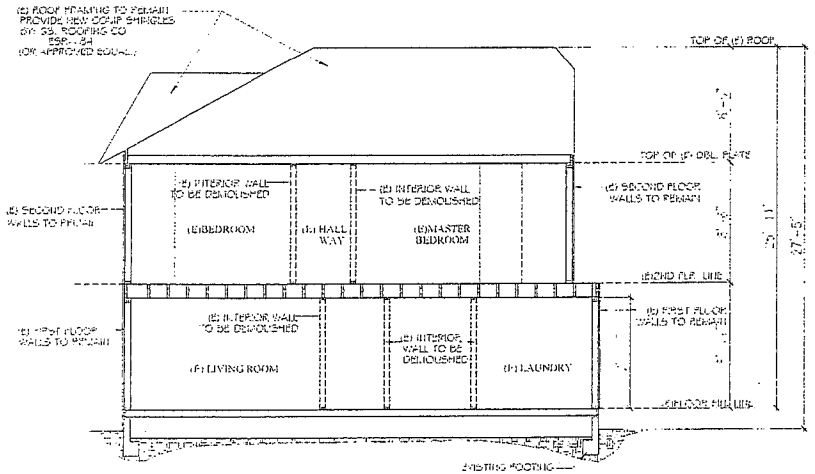
1 EXIST. ROOF PLAN MAIN HOUSE TO REMAIN
SCALE: 1/4"=1'



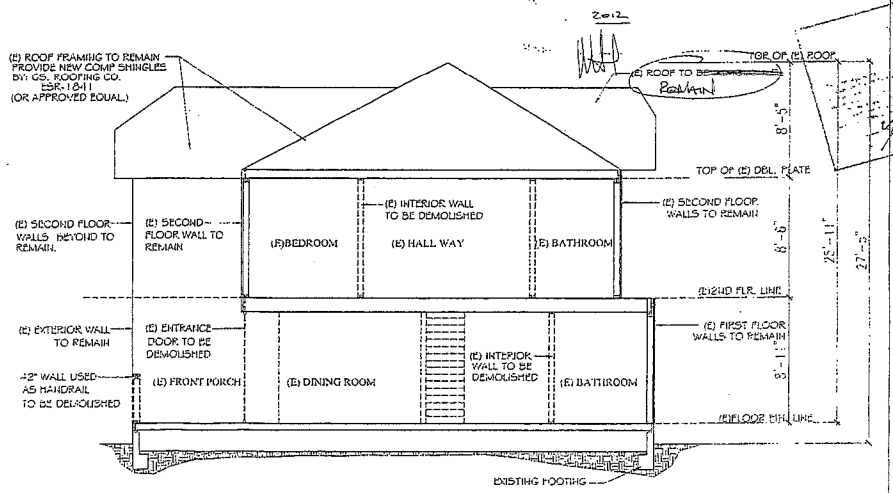
2 DEMOLITION 2ND FLOOR PLAN MAIN HOUSE
SCALE: 1/4"=1'



1 DEMOLITION 1ST FLOOR PLAN MAIN HOUSE
SCALE: 1/4"=1'



4 EXISTING BUILDING SECTION
SCALE: 1/4"=1'



4 EXISTING BUILDING SECTION
SCALE: 1/4"=1'

Project Title :

ALTERATION OF EXISTING 2 STORY RESIDENCE AND FRONT ENTRY ADDITION

237 ROYCROFT AVE.
LONGBEACH, CA.90803

Owner:

RESIDENT

237 ROYCROFT AVE.
LONGBEACH, CA.90803

Design Consultant :

ED LUMAWIG
DESIGN CONSULTANT

P: 818-466-4584

Seal/Signature :

JLG ENGINEERING
DESIGN AND ENGINEERING
3579 E. FOOTHILL BLVD.
PASADENA, CA 91107
T: 213.593.1037
F: 626.689.2981

Revr No.	Revision/Issue	Date/Issue
1.	SUBMITTAL SET	05-08-12

Date :	Scale :	X-Rate :
APRIL 2012	1/4"=1'	0
Drawn By :	Checked By :	
EL	RL / JG	

Cad File :

Project Number :

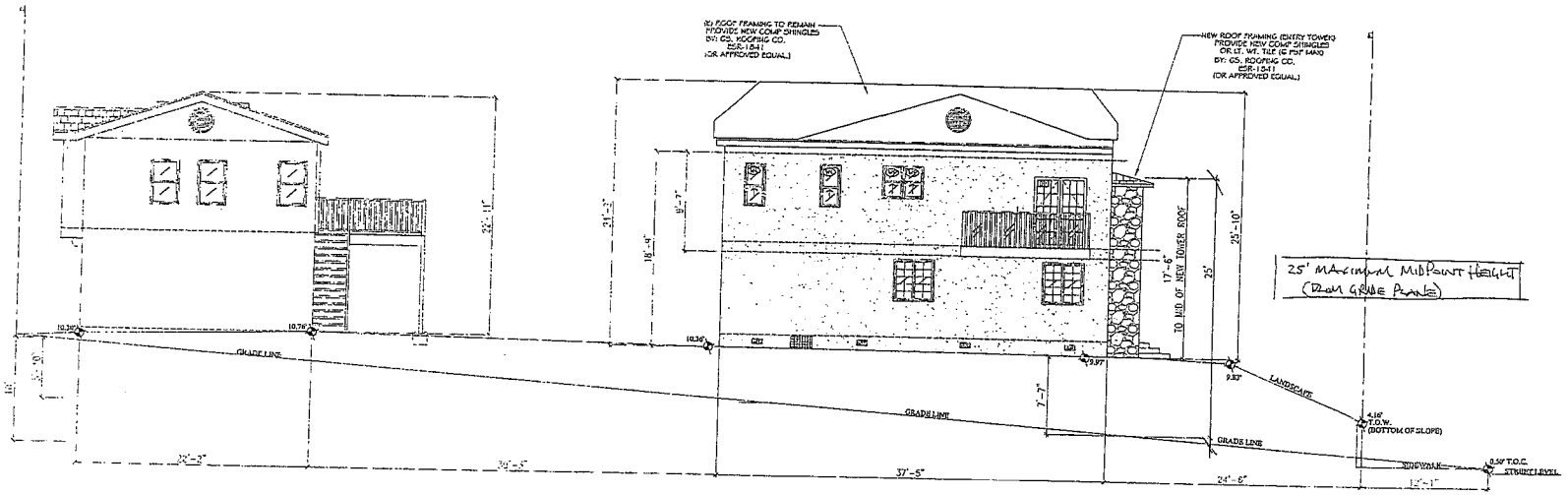
12-01AR

Sheet Title :

DEMOLITION FIRST&SECOND& ROOF PLAN&EXISTIN SECTIONS

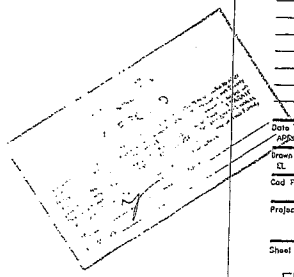
Sheet Number :

A-1



SECTION - GRADE (B)

SCALE: 3/16"=1'



Project Title :

ALTERATION OF EXISTING 2 STORY RESIDENCE AND FRONT ENTRY ADDITION

237 ROYCROFT AVE.
LONGBEACH, CA.90803

Owner:

RESIDENT

237 ROYCROFT AVE.
LONGBEACH, CA.90803

Design Consultant :

ED LUMAWIG
DESIGN CONSULTANT

P: 818-466-4584

Seal/Signature :

JLG ENGINEERING
DESIGN AND ENGINEERING

3579 E. FOOTHILL BLVD.
PASADENA, CA 91107
T: 213.593.1037
F: 626.689.2981

Rev. No.	Revision/Issue	Date/Issue
1.	SUBMITTAL SET	06-08-12

Date	Scale :	X-Refs :
APRIL 2012	3/16"=1'	0
Drawn By :	Checked By :	
CL	RL / JG	

Cad File :

Project Number :

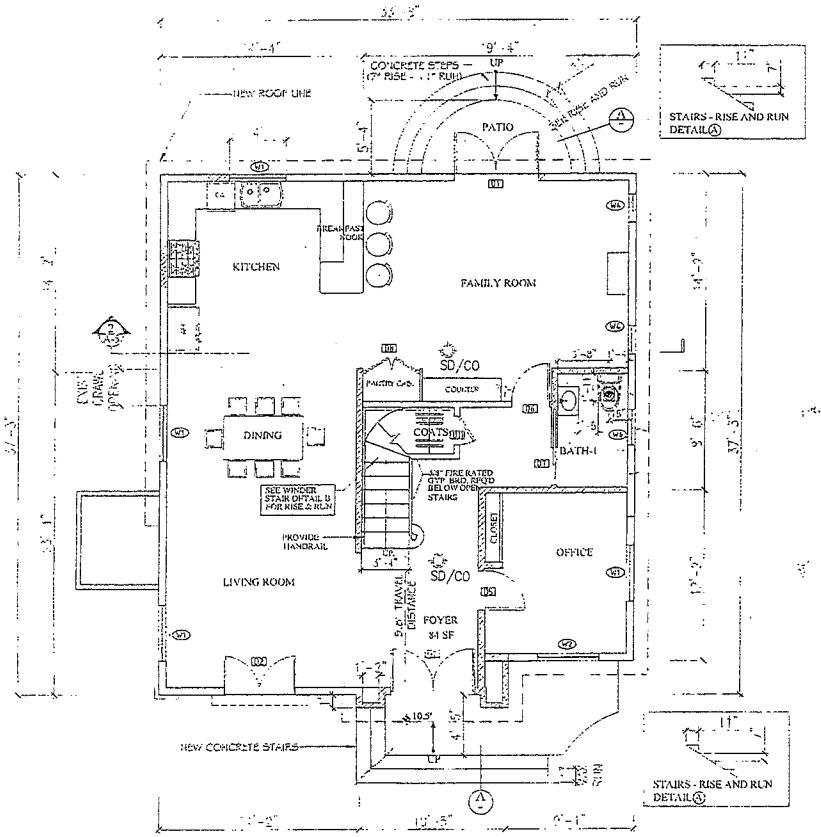
12-0IAR

Sheet Title :

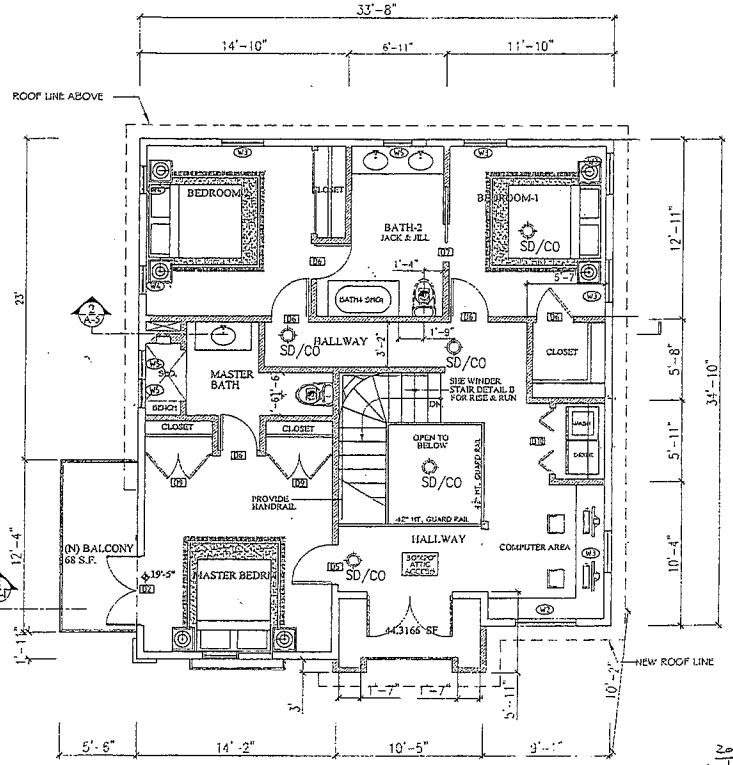
ELEVATION PLAN - GRADE

Sheet Number :

A-0.2



PROPOSED
1ST FLOOR PLAN MAIN HOUSE
SCALE: 1/4"=1"



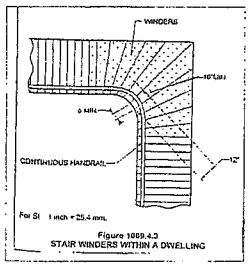
PROPOSED
2ND FLOOR PLAN MAIN HOUSE
SCALE: 1/4"=1"

LEGEND:

- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE DEMOLISHED
- NEW WALL
- SD/CO — SMOKE DETECTOR(HARD WIRED BATTERY BACK UP) AND AN APPROVED CARBON MONOXIDE ALARM INSTALLED OUTSIDE EA. SLEEPING AREA AND PER R315.1.
- CEILING MOUNTED EXHAUST FAN 5 AIR CHANGES CYCLE PER HOUR

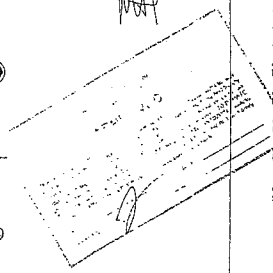
ADDITIONAL GENERAL NOTES

1. LANDINGS OF FLOOR AT REQUIRED EGRESS DOOR SHALL NOT BE MORE THAN 1 ½ INCHES THRESHOLD (R311.3.1).
2. A CONTINUOUS HANDRAIL SHALL BE PROVIDED ON AT LEAST ONE SIDE OF EACH CONTINUOUS RUN OF TREADS OR FLIGHT WITH FOUR OR MORE RISERS (R311.7.7).
3. HANDRAIL HEIGHT, MEASURED VERTICALLY FROM THE SLOPED PLANE ADJOINING THE TREAD NOSING OR FINISH SURFACE OF RAMP SLOPE SHALL BE NOT LESS THAN 34 INCHES AND NOT MORE THAN 38 INCHES. HANDRAILS ADJACENT TO A WALL SHALL HAVE A SPACE OF AT LEAST 1-½" INCHES BETWEEN THE WALL AND THE HANDRAIL (R311.7.1).
4. TREADS SHALL BE AT LEAST 10 INCHES DEEP, RISERS SHALL NOT BE GREATER THAN 7-¾ INCHES IN HEIGHT AND THE TREAD OR RISER VARIANCE SHALL NOT EXCEED ⅜ INCH WITHIN ANY FLIGHT OF STAIRS (R311.7.4.1 AND R311.7.4.2).
5. WINDER TREADS SHALL COMPLY WITH SECTION R311.7.3.
6. SPIRAL STAIRS SHALL COMPLY WITH SECTION R311.7.9.1.



DETAIL B

MAX RISE = 7 3/4"
MIN. RUN = 10"
PER SECTION 10.09



Project Title :

ALTERATION OF EXISTING 2 STORY RESIDENCE AND FRONT ENTRY ADDITION

237 ROYCROFT AVE.
LONGBEACH, CA.90803

Owner

RESIDENT

237 ROYCROFT AVE.
LONGBEACH, CA.90803

Design Consultant :

ED LUMAWIG
DESIGN CONSULTANT

P: 818-466-4584

Seal/Signature :

JLG ENGINEERING
DESIGN AND ENGINEERING

3579 E. FOOTHILL BLVD.
PASADENA, CA 91107
T: 213.593.1037
F: 626.689.2981

Rev. No.	Revision/Issue	Date/Issue
1.	SUBMITTAL SET	06-08-12

Date :	Scale :	X-Refs :
APRIL 2012	1/4"=1'	0

Drawn By :	Checked By :
RL	RL / JG

Cad File :

Project Number :

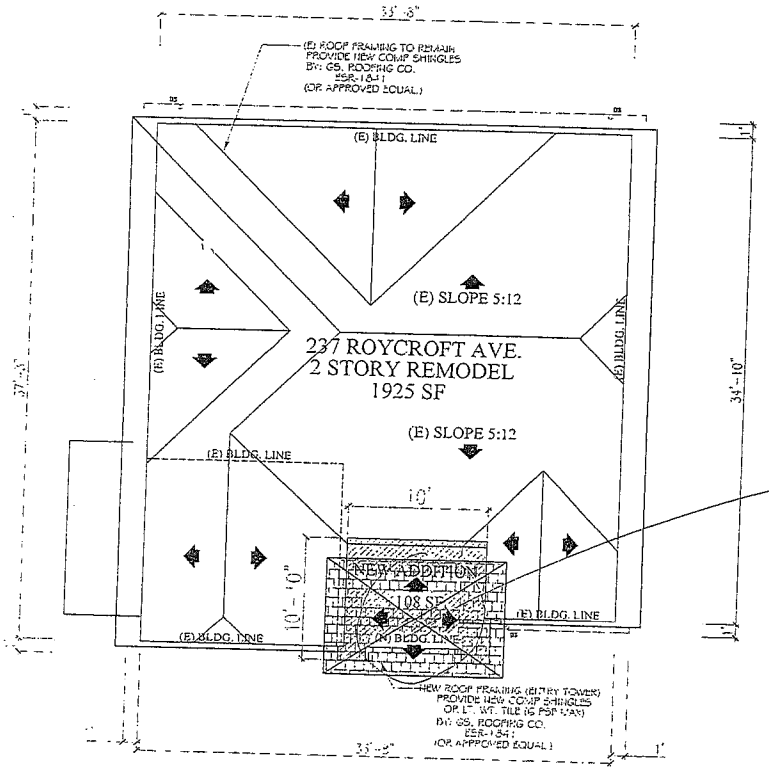
12-01AR

Sheet Title :

PROPOSED
1ST FLOOR PLAN
2ND. FLOOR PLAN

Sheet Number :

A-2



ROOF NOTES:

PERMITTED PROJECTIONS WITH A FIRE SEPARATION DISTANCE OF LESS THAN 5 FEET SHALL HAVE NOT LESS THAN ONE-HOUR FIRE-RESISTIVE CONSTRUCTION ON THE UNDERSIDE PER TABLE R302.1.

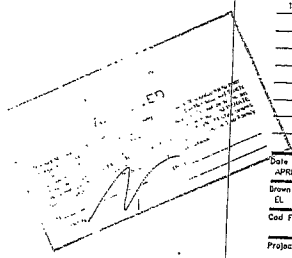
MIDPOINT MAX HEIGHT = 25'
(SEE SHEET A-02 FOR GRADE PLANE)

SEE A-4 FOR ATTIC VENTS

ATTIC VENT. CALCS.
ATTIC AREA = 1054 S.F./150 = 7 S.F. (REQ'D)
PROVIDED 10.86 S.F.
20"
3-SETS
3.62 S.F. (FREE FLOW)
MANUFACTURER SPECS.

PROPOSED
PITCH ROOF PLAN MAIN HOUSE
SCALE: 1/4"=1'

2012



Project Title :
ALTERATION OF EXISTING 2 STORY RESIDENCE AND FRONT ENTRY ADDITION
237 ROYCROFT AVE.
LONGBEACH, CA. 90803

Owner:
RESIDENCE FOR
237 ROYCROFT AVE.
LONGBEACH, CA.90803

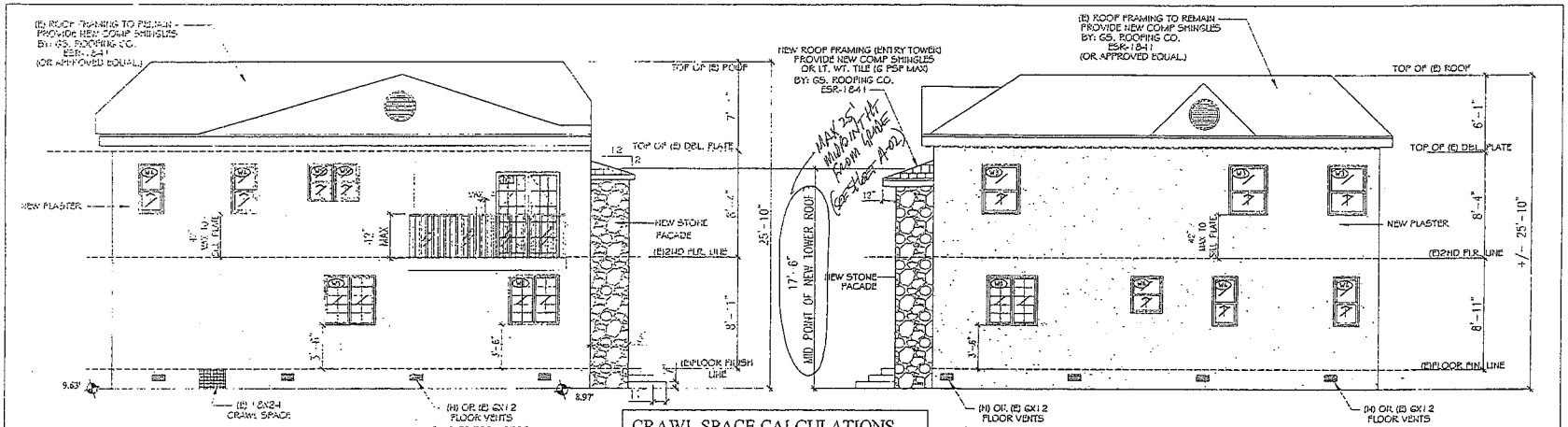
Design Consultant :
ED LUMAWIG
DESIGN CONSULTANT
P: 818-466-4584

Seal/Signature :

JLG ENGINEERING
DESIGN AND ENGINEERING
3579 E. FOOTHILL BLVD.
PASADENA, CA 91107
T: 213.393.1037
F: 626.689.2981

Rev. No.	Revision/Issue	Date/Issue
1.	SUBMITTAL SET	06-08-12

Date : APRIL 2012
Scale : 1/4"=1"
X-Refs : 0
Drawn By : EL
Checked By : RL / JG
Cad File :
Project Number : 12-01AR
Sheet Title : PROPOSED ROOF PLAN
Sheet Number : A-3

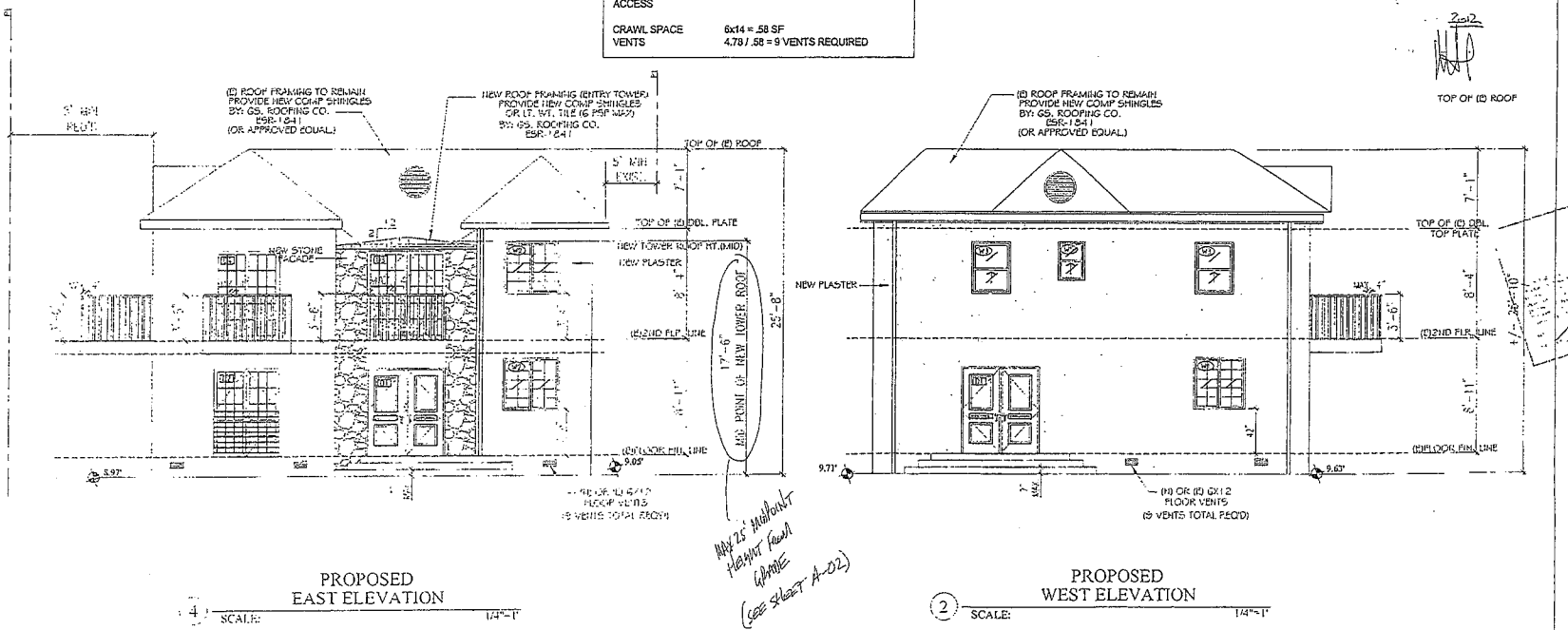


3 PROPOSED NORTH ELEVATION
SCALE: 1/4"=1'

1 PROPOSED SOUTH ELEVATION
SCALE: 1/4"=1'

CRAWL SPACE CALCULATIONS

CRAWL SPACE AREA	1168 SF
REQUIRED VENT AREA	1168/150 = 7.78 SF
CRAWL SPACE ACCESS	18X24 = 3 SF
CRAWL SPACE VENTS	6x14 = .58 SF 4.78 / .58 = 9 VENTS REQUIRED



4 PROPOSED EAST ELEVATION
SCALE: 1/4"=1'

2 PROPOSED WEST ELEVATION
SCALE: 1/4"=1'

Project Title :

ALTERATION OF EXISTING 2 STORY RESIDENCE AND FRONT ENTRY ADDITION

237 ROYCROFT AVE. LONGBEACH, CA.90803

Owner:

RESIDENCE FOR

237 ROYCROFT AVE. LONGBEACH, CA.90803

Design Consultant :

ED LUMAWIG
DESIGN CONSULTANT

P: 818-466-4584

Seal/Signature :

JLG ENGINEERING
DESIGN AND ENGINEERING

3579 E. FOOTHILL BLVD.
PASADENA, CA 91107
T: 213.593.1037
F: 626.689.2981

Rev. No.	Revision/Issue	Date/Issue
1	SUBMITTAL SET	06-08-12

Date :	Scale :	X-Refs :
APRIL 2012	1/4"=1'	0

Drawn By :	Checked By :
EL	RL / JG

Cad File :

Project Number :

12-01AR

Sheet Title :

PROPOSED ELEVATIONS

Sheet Number :

A-4

STANDARDS VARIANCE FINDINGS
Case No. 1207-12
Date: September 20, 2012

Pursuant to Chapter 21.25, Division III of the Long Beach Municipal Code, the variance procedure is established to allow for 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 the flexibility, certain findings of fact must be made before any variance can be granted. These findings have been incorporated in the Long Beach Municipal Code.

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

Density

The subject site was previously developed with two detached units. The unit fronting on Roycroft Avenue was demolished as part of a permitted remodel-addition. As a result of the demolition, the site now contains only a structure that is located at the rear of the lot. This condition is inconsistent with the overall development pattern of the block, which typically features a unit fronting on Roycroft Avenue and a second structure, housing either a second dwelling unit or a garage (or both), along the alley. Allowing the demolished unit to be rebuilt will bring the site back into consistency with the overall development pattern of the neighborhood and result in a structure that fits within the context of the adjacent lots.

Rebuild Height

The demolished two-story single-family home stood 31 feet 7 inches above grade, as defined by the plane connecting the average elevation at front top-of-curb and the average elevation at the rear property line. Located higher than the standard grade (defined as the average elevation at front top-of-curb), the grade plane measurement affords the applicant, in this case, approximately 3.5 feet of additional height over standard grade (please refer to Sheet A-0.2 of Exhibit C). In other words, the Zoning Regulations fairly compensate for sloped lot hardships.

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; AND

Density

Prior to the July 2012 demolition of the front unit, the subject lot had been improved with two units. This condition dated back to 1927, when the structure housing the smaller rear unit and garages was built. (The demolished front unit

was built in 1925.) While this stretch of Roycroft Avenue has a zoning designation of R-1-N (Single-Family Residential), roughly half of the lots on the same block as the subject lot are improved with two units. An allowance to rebuild the demolished unit would therefore not create a unique lot situation; rather it would reflect the existing development pattern.

Rebuild Height

Measured from grade plane, the height of the demolished front unit was 31 feet 7 inches. Though this height exceeded the current R-1-N height maximum of 25 feet, it was considered legally nonconforming (legal in that it was permitted to stand that tall; nonconforming in that it exceeds current height limitations). Since the demolished unit's construction in 1925, allowable building heights have changed. Subsequent development projects have had to comply with limitations in effect at the time of application. Affording an additional height allowance on a new structure, particularly when that structure's height is measured from a higher grade than the standard top-of-curb elevation, is inconsistent with the limitations imposed on other R-1-N properties.

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

Density

The request is to re-establish a unit that had been in place since 1925. Once construction is completed, the unit would pose no additional adverse effects on the community than existed prior to the unit's demolition. Moreover, the subject lot is parked for two units (four enclosed garage stalls located under the rear unit) and would remain in compliance with lot coverage, floor area ratio, and usuable open space requirements.

Rebuild Height

As mentioned previously, the Belmont Heights area has experienced changes in maximum building height over time. These changes are in part a reaction to perceived detrimental effects that too-tall structures have on surrounding land uses and the community at large. Therefore, to limit these potential adverse effects, a code compliant height, as required on surrounding lots, is sought.

STANDARDS VARIANCE
CONDITIONS OF APPROVAL
Case No. 1207-12
Date: September 20, 2012

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. Approved under this permit is a Standards Variance for the re-establishment of nonconforming rights related to the rebuild of a demolished two-story single-family home. Denied under this permit is a Standards Variance request to rebuild the demolished two-story single-family home at its previous legal-nonconforming height.

3. A rebuild of the two-story single-family home shall be limited to 2,033 square feet in size (pre-existing square footage plus 108 square foot entry addition approved under Project No. BADD135068).

4. 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.

5. 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.

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

7. 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).

8. All conditions of approval and Building Bureau T.A.C. comments (dated August 15, 2012) must be printed verbatim on all plans submitted for plan review to Long Beach Development Services. These conditions and comments must be printed on the site plan or a subsequent reference page.

9. 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.

10. 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.

11. 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.

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 shall be required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.

14. 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

15. Any 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.

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.

NOTICE of EXEMPTION from CEQA

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 Fillings
12400 E. Imperial Hwy. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE- 12-055

Project Location/Address: 237 ROYCROFT AVENUE

Project/Activity Description: STANDARDS VARIANCES (2) IN CONJUNCTION WITH THE RE-ESTABLISHMENT OF NONCONFORMING RIGHTS RELATED TO A DEMOLISHED SECOND UNIT IN THE R-1-N ZONE.

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

Applicant Name: Sam Ramirez and

Mailing Address: 319 ROYCROFT AVE LONG BEACH, CA. 90814

Phone Number: 562 777 2435 Applicant Signature: [signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1207-12 Planner's Initials: MH

Required Permits: STANDARDS VARIANCE (2)

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: Construction of single family residence

Contact Person: Craig Chalfant Contact Phone: 562-570-6368

Signature: [signature] Date: 8/31/12

Belmont Heights Community Association
375 Redondo Avenue #332
Long Beach, CA 90814
www.mybelmontheights.org

Long Beach Planning Commission
333 West Ocean Boulevard, 4th Floor
Long Beach, CA 90802

September 18, 2012

Dear Commissioners,

The Board of the Belmont Heights Community Association (BHCA) has concern over the staff recommendations for the rebuild of a house at 237 Roycroft. The BHCA Board must strongly object to any outcome that allows the homeowner to have two houses on one lot, once this project fell out of legal non-conforming status.

This property, located on the west side of Roycroft between Vista and 3rd, is in an R-1-N (single family residential, standard lot) zone. Until recently there were two homes on the lot, which was a legal, non-conforming use of the property, since these homes were here before down-zoning occurred. Once the house was demolished without the review of a building inspector, current building codes must apply for any new construction. In this case, this means there can be no more than one home built on the lot.

We are not unsympathetic to the needs of home owners, but we must look at the big picture. Granting variances for homeowners who do not conform to planning requirements rewards those who break the rules. Conversely, those who abide by current building laws are left feeling duped. The property owner in question owns several residences in the area and has remodeled many of them. The property owner is not a newcomer to the building code, and certainly not to R-1-N zoning.

We ask that you remember that, in the late 1990s, the BHCA led the efforts to down-zone Belmont Heights. This was a hard-fought and serious exercise in codifying the will of the residents of our neighborhood. We owe it to the health of our neighborhood to uphold this R-1 zoning.

Having numerous lots with multiple houses caused parking, open-space, density, and quality of life issues for years. Homeowners now move into our neighborhood precisely because we have worked hard to curtail the R-2 trend. Allowing the homeowner on Roycroft - who had many opportunities to work with city staff on creating a new house in a legal fashion - to flagrantly disregard current zoning is setting a risky precedent. The value of all surrounding property is adversely affected by illegal activity.

Frankly, allowing an exception for this project will open the door for the many more demolitions and rebuilds that can - and the assumption will now be legally, follow. This is in clear violation of the down-zoning ordinance.

Commissioners, we request that you honor the current code of R-1-N of Belmont Heights and not grant this applicant at 237 Roycroft a variance to erect a second home on the lot.

Thank you for your consideration,

Dianne Sundstrom
President, BHCA

September 10, 2012

Mark Hungerford
Honorable Members of the Planning Commission
City of Long Beach
333 West Ocean Blvd
Long Beach, CA 90802

RE: 237 Roycroft Avenue, Long Beach CA 90803

Dear Mark,

Please convey to the members of the planning commission that I do not approve of either of the two standard variances requested for the Application No. 1207-12, property address 237 Roycroft Avenue.

I am strongly opposed to both variances requested for the above stated property.

I reside adjacent to this property across the alley on Quincy. The density of our neighborhood is already impacted. We were down zoned to R1 in the early 90's. I believe strongly that this preserves the value and quality of life in our neighborhood and applaud the City's decision to maintain and preserve the R1 zoning. Given the R1 zoning I found it suspect that it was legal to add a 200+ square foot (bedroom and bath) to the small, one bedroom back unit and to raise the roof line of that structure which then blocked the view of many of my neighbors. So I called the City to inquire. Please note: Mr. Ramezani apparently pulled permits to moderately alter the back unit, and then devised another plan on his own after he had the permit. It is only because he had a good City inspector and concerned neighbors that Mr. Ramezani was shut down for several weeks until he pulled correct legal permits for what he was actually building. He was then supervised as required to follow City code on the completion of the back unit.

Where once lived a single man, who took care of the single woman home owner, now lives a family of four with two cars, who often block the alley, because they refuse to consistently park in garages provided for the back unit. (This, back unit is currently the one existing structure on the property). Adding another new nonconforming structure would add a greater density burden to our neighborhood community. Additionally, we previously had two people who actually parked in their garages; we now have a potential for 4 to 6 cars that may not park in their designated garages. I believe conforming to the current zoning of R1 in our neighborhood--one house on one lot--provides not only the best quality of life, but also the best value to our community and neighborhood.

I am sorry that Mr. Ramezani may lose potential investment money he thought he would make with the purchase of this property. Those are the investment risks he ventured to take. Mr. Ramezani filed incorrectly for the permit to expand the back unit at the onset (as mentioned above) and was granted a permit to remodel the front house but then again broke the rules and demolished it to rebuild a brand new front house. My understanding from speaking with Mark Hungerford, as well as my reading of the Notice of Public Hearing that I received in the mail from the City of Long Beach, is that Mr. Ramezani lost his right to have two dwellings on the subject property once he tore down the front house. It is my deepest hope that the City Planning commission abides by its own guidelines for R1 zoning in our City which clearly stipulates that only one dwelling is allowed and does NOT allow two dwellings to exist at 237 Roycroft Avenue.

Lastly, I am also opposed to the height variance requested. Mr Ramezani's request for a height variance on the proposed new front house is now moot if the City upholds its own zoning guidelines, which I urge you to do.

Sincerely,

Cynthia Walter

Standards variance: 237 Roycroft Ave.
Larry Milne
to:
Mark.Hungerford@longbeach.gov
09/18/2012 08:12 AM
Cc:
"larrymilne@yahoo.com"
Please respond to Larry Milne
Show Details

Mark,

Please submit this letter to the members of the Long Beach Planning Commission regarding Standard Variance request (No. 1207-12) for the property located at 237 Roycroft Ave., Long Beach, CA 90803.

On the above mentioned property stood a single family home and a small one bedroom unit over four garages. It is my understanding that Mr. Sam Ramezani, the new and current owner of the property, applied for and was granted a permit to expand the one bedroom unit and remodel the front house by removing approximately 20.5 linear wall feet. Mr. Ramezani, in fact, purposely removed 140+ linear wall feet, effectively demolishing the front house entirely and thus disregarding completely the constraints of his permit.

It is clear that Mr. Ramezani purposely violated the contingencies of his permit. Now he is attempting to circumvent his "mistake" by asking the City of Long Beach to grant him a variance that would allow him to build a completely new home on the property, thereby permitting the reestablishment of non-conforming density rights. In addition, Mr. Ramezani is requesting an allowance to build said new home up to the previous non-conforming height of 31' 7."

As you all know, Belmont Heights is an impacted area with both single family homes and many multiple unit properties that were built before the City finally downzoned the area to a strict R-1 in the early 1990's. This downzoning was not only sorely needed it was also enacted to prevent the Sam Ramezani's from doing exactly what he is attempting to do at 237 Roycroft.

The R-1 zoning attempts to limit, if not restrict, overbuilding in the Belmont Heights area, thus protecting this neighborhood from further multiple unit properties and more impacted streets.That Sam Ramezani cynically chose to ignore the existing zoning laws of the neighborhood and the restrictions and conditions of his own permit, places him in the unenviable position of facing rather dire consequences. So be it. The irony, of course, is that had Mr. Ramezani simply honored the conditions of his permit in the first place, he could have remodled the front house with little or no problem.

As a thirty year resident of Belmont Heights, I am catagorically opposed to the City granting Mr. Ramezani Standards Variance, No. 1207-12. Moreover, I resent his purposeful effort to both disregard the provisions of his original permit and to transparently attempt to "end run" the City and his neighbors by requesting said variance.

Lawrence P. Milne
234 Quincy Ave.
Long Beach, Ca

Agenda item for Thurs, Sept 20

Mary Barton to: mark.hungerford 09/19/2012 11:33 AM

History: This message has been replied to.

Dear Mr. Hungerford:

As a resident of Belmont Heights, I am opposed to granting a variance for the two homeowners who "accidentally" demolished homes on their lots and now are requesting the Planning Commission to help them restore the property. I recall very well the fights and struggles our community had in the 1990's, trying to keep the density of this old neighborhood at the levels which make it so desirable. People who ignore the rules should not be rewarded with changing the rules! Don't set a precedent that will soon result in a flurry of demolition by short-sighted property owners. Keep our property values intact and save the quality of life here!

Sincerely,
Mary E. Barton Mayes, Ph.D.
4300 Theresa Street

standards variance: 237 Roycroft Ave.
emma f. smith
to:
mark.hungerford
09/19/2012 01:03 PM
Show Details

History: This message has been replied to.
Good Day Mark,
Please submit this letter to the members of the Long Beach Planning Commission regarding Standard Variance request No.1207-12 for the property located at 237 Roycroft Ave., Long Beach, Ca. 90803.

As a concerned neighbor and long time resident of Long Beach, I am passionate about conserving the history and values of the area. To our unfortunate dismay, the owner of 237 Roycroft demolished a beautifully quaint, 2 on a lot, home and with no regard to the city or his new neighbors,and began to build a massive building which now towers over all other homes, even those that are higher up on the incline of the hill. It is my understanding that the owner now wishes to build another massively tall, towering home in our beautifully quaint neighborhood of Belmont Heights. I believe the city chose rezone this area so that investment builders could not come in and turn beautifully historic homes into massive, cookie cutter style properties and prevent more impacted streets. Please uphold the current zoning restrictions.

I am categorically opposed to the City granting the owner of 237 Roycroft Standards of Variance, no. 1207-12. I also think that the height of the current building is higher than the set limit (of 25 feet) and should be followed up upon.

Thank you for your time.

Emma Smith

237 Roycroft Ave., Belmont Heights
Carlo Piazza & Donna DiRocco
to:
mark.hungerford
09/19/2012 05:56 PM
Cc:
"Gary DeLong Councilman", "DIANNE SUNDSTROM"
Show Details

History: This message has been replied to.

We totally agree with the opinion stated in the attached letter from the Belmont Heights Community Association. The property at 237 Roycroft should not be granted a variance to build an additional home on the lot which is zoned R-1.

Donna DiRocco & Carlo Piazza
20-years of home ownership in Belmont Heights

Will Cullen

Long Beach Planning Commission
333 West Ocean Boulevard, 4th Floor
Long Beach, CA 90802

September 20, 2012

Dear Commissioners,

I'm writing in regards to the request for variance at 237 Roycroft Ave. in Long Beach

I am against approving this request for two reasons:

First, it will set a legal precedent for other property owners to follow and this will have a negative impact on the value of my home in Belmont Heights and on the quality of life here.

Secondly, if you approve this variance, you will open the City up for future lawsuits. I don't want my tax dollars being spent on costly litigation.

As a homeowner and a landlord I work hard to comply with City code. I keep up with regulations, I pull permits and I follow the rules. I expect the same from my neighbors.

Please support the City code and homeowners like myself. I urge you to not approve this request.

Sincerely,

Will Cullen

241 Loma Ave

Long Beach CA 90803

562-881-4530

Please refer to Application No. 1207-12

CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • FAX (562)570-6068

NOTICE OF PUBLIC HEARING

Application filed on: July 16, 2012

An application for the project described below has been filed with the City. For more information, call Mark Hungerford at (562)570-6439.

(THE LAW REQUIRES THAT WE MAIL YOU THIS OFFICIAL NOTICE)

Project Location: 237 Roycroft Avenue

Permit(s) Requested: Standards Variance

What is being proposed: Two Standards Variances in conjunction with the rebuild of a two-story home demolished during a July 2012 remodeling project. Standards Variance requests are for the re-establishment of nonconforming density rights (the home was one of two on the R-1-N zoned property) and an allowance to build up to the home's previous nonconforming height (31 feet, 7 inches).

I have no objections.

Applicant: Sam Ramezani
319 Roycroft Avenue
Long Beach, CA 90814

John Hancock
258 Roycroft

This project is NOT in the Coastal Zone.

Scheduled Hearing of the Planning Commission:

Meeting Date: September 20, 2012
Meeting Time: 5:00 PM
Place: 1ST Floor Council Chamber

(9-5-2012)

This is your opportunity to voice your opinion regarding the proposed permit. To establish "AGGRIEVED" status (leading to a right to appeal) you must present oral or written testimony at this hearing; otherwise, you may not appeal this project. For information on presenting written testimony, please see reverse side.

Hearing/Meeting Procedures: After taking public oral or written testimony in support and opposition, a decision will be rendered.

"If you challenge the action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or issues raised via written correspondence delivered to the (public entity conducting the hearing) at or prior to the public hearing."

AGGRIEVED APPEAL: APPEALS INFORMATION IS CONTAINED ON THE REVERSE SIDE OF THIS FORM.

District: 3

Application No.1207-12
Filed on 7/17/2012

Mr. Mark Hungerford
Department of Development Services

Let me start by saying my wife was a very active member of the Belmont Heights Homeowners Association. During her ten years of tenure, she and other members of the association along with the City Of Long Beach drafted the changes of R-2 into R-1's. That was an effort..

The neighborhood was becoming over-dense with the tear down of "Granny-Shacks" and newer large apartments being built in their place. The front primary house were also being demolished and "Mac-Mansions" in their place.

My understanding at the time (what 15/ 20 years ago?). The change to R-2 to R-1 was to limit the size of the rear Granny-shack and front house to the present size. If one was removed, demolished, or burnt down then only one unit was allowed on the property and the other could not be replaced...This would in time make this Eastside neighborhood more desirable and increase the property values with single dwellings..

The two car garage at 237 Roycroft and it'Granny-Shack apartment has been rebuilt within the past year and it's size increased .. Was this built with the knowledge of the City Planning Department ?

Now the owner is looking to have the front house rebuilt from the ground up with an increase in height after a total demolishing and removing it. Also to legalize the rear unit by asking for two Standards Variances, one for the front and one for the rear.

If the 31.7foot is allowed this would be to the center of the height of the roof..Let's add another 7 foot for chimney plus the roof top patio with it's 3 foot guard rail and the 8 foot patio sun umbrella. Now what we have is a house with a view of the ocean and the mountains....Topping out for less the 40 feet..

If that is what my interpretation on your Application No.1207-12 is asking...

I know this letter isn't going to change the thoughts of many with the "Let's get more tax base group..

I'm not about to make a dozen copies as I feel one is enough to pass around if someone is truly interested in another's opinion.

If this house is owned by the original owner and not been purchased lately.. No problem rebuild the front and put the rear unit back to what it was with the old standard...

If the property was recently bought, then the new owner knew what the restrictions on a R-1-N was, being informed by the Realtor before the sale. Let him build to the current codes of R-1-N without Variances...

I feel it is wrong and goes against what the local homeowners wanted by changing the R-2's into R-1's.

Yours,

Steve Dul
244 Quincy
Sept 6th 2012

Bye the Bye, on many trips walking the dog through the alleyway; I asked one of the guy's working on the back garage as to;..... If it was legal to increase the back unit? No reply but a caustic glare...

CITY OF LONG BEACH
PLANNING COMMISSION MINUTES

THURSDAY, SEPTEMBER 20, 2012
333 W. OCEAN BOULEVARD
COUNCIL CHAMBER, 5:00 PM

Becky Blair, Chair
Alan Fox, Vice Chair

Molly Campbell, Commissioner
Mark Christoffels, Commissioner
Phil Saumur, Commissioner
Melani Smith, Commissioner
Donita Van Horik, Commissioner

FINISHED AGENDA AND MINUTES

CALL TO ORDER (5:03 PM)
see media

At 5:03 p.m., Chair Blair called the meeting to order.

ROLL CALL (5:03 PM)
see media

Commissioners Present: Alan L. Fox, Phillip Joseph Saumur, Melani Smith, Donita Van Horik, Becky Blair, Mark Christoffels and Molly Campbell

Also present: Amy Bodek, Director of Development Services; Derek Burnham, Planning Administrator; Jill Griffiths, Planning Officer; Michael Mais, Deputy City Attorney; Steven Valdez, Planner; Scott Kinsey, Planner; Mark Hungerford, Planner; Heidi Eidson, Bureau Secretary.

FLAG SALUTE (5:04 PM)
see media

Commissioner Smith led the flag salute.

MINUTES (5:05 PM)
see media

see media

12-065PL Recommendation to receive and file the Planning Commission minutes of September 6, 2012.

A motion was made by Smith, seconded by Saumur, to approve the recommendation. The motion carried by the following vote:

Yes: 7 - Alan L. Fox, Phillip Joseph Saumur, Melani Smith, Donita Van Horik, Becky Blair, Mark Christoffels and Molly Campbell

DIRECTOR'S REPORT (5:05 PM)
see media

Derek Burnham, Planning Administrator, spoke.

Chair Blair spoke.

SWEARING OF WITNESSES (5:06 PM)
see media

Do you solemnly swear or affirm that the evidence you shall give in this Planning Commission Meeting shall be the truth, the whole truth, and nothing but the truth.

CONTINUED ITEM (5:06 PM)
see media

see media

1. 12-060PL Recommendation to: 1) Adopt findings for denial of a Conditional Use Permit (CUP) request to allow a financial service operation (Title Loan Company) to locate within an existing one-story commercial building located at 201 West Pacific Coast Highway in the Community Automobile-Oriented (CCA) and the Regional Highway (CHW) zoning districts; or 2) Adopt findings for approval of a Conditional Use Permit (CUP) request to allow a financial service operation (Title Loan Company) to locate within a one-story commercial building at 201 West Pacific Coast Highway in the Community Automobile-Oriented (CCA) and Regional Highway (CHW) zoning districts. (District 6) (Application No. 1203-06)

   Michael Mais, Assistant City Attorney, spoke.

   David Carlat, representing the applicant, spoke.

   Michael Mais responded to a query from Chair Blair.

   Jack Smith, representing CPAC, provided public comment.

   Michael Mais responded to a remark from Jack Smith.

   Jack Smith spoke.

   Lisa Wibroe provided public comment.

   Lee Fukui provided public comment.

   Chair Blair spoke.

Barbara Sinclair provided public comment.

Commissioner Fox spoke.

Michael Mais responded to a query from Chair Blair.

Commissioner Fox responded to a query from Chair Blair.

A dialogue ensued between Commissioner Van Horik and Michael Mais.

Commissioner Van Horik spoke.

A dialogue ensued between Chair Blair and Michael Mais.

Chair Blair spoke.

Michael Mais spoke.

Commissioner Van Horik spoke.

Michael Mais responded to a query from Commissioner Campbell.

Commissioner Campbell recused herself from the item.

Commissioner Fox spoke.

Amy Bodek, Director of Development Services, spoke.

Derek Burnham, Planning Administrator, spoke.

Commissioner Van Horik affirmed that she had watched the video of the August 2nd Planning Commission meeting.

Derek Burnham, Planning Administrator, presented the staff report.

A dialogue ensued between Chair Blair and Amy Bodek.

Steven Valdez, Project Planner, presented the staff report.

Amy Bodek responded to a query from Commissioner Van Horik.

Derek Burnham responded to a query from Chair Blair.

David Carlat spoke.

Jack Smith, representing CPAC, provided public comment.

Lee Fukui provided public comment.

Michael Mais responded to a query from Chair Blair.

Mauna Eichner provided public comment.

Colleen McDonald, President of the Wrigley Association, provided public comment.

Lisa Wibroe provided public comment.

John Deats provided public comment.

Barbara Sinclair provided public comment.

Linda Mendoza, representing the property owner, spoke.

David Carlat spoke.

Michael Mais spoke.

Derek Burnham responded to a query from Commissioner Smith.

Commissioner Saumur spoke.

Amy Bodek responded to queries from Commissioner Saumur.

Commissioner Christoffels spoke.

Michael Mais responded to a query from Chair Blair.

Commissioner Smith spoke.

Commissioner Fox spoke.

Michael Mais restated the motion.

Michael Mais spoke.

Michael Mais responded to queries from Commissioner Christoffels.

Chair Blair spoke.

Commissioner Van Horik spoke.

Chair Blair spoke.

A motion was made by Commissioner Smith, seconded by Commissioner Christoffels, to approve the recommendation to adopt findings for denial of a Conditional Use Permit. The motion failed by the following vote:

Yes: 3 - Phillip Joseph Saumur, Melani Smith and Mark Christoffels

No: 3 - Alan L. Fox, Donita Van Horik and Becky Blair

Excused: 1 - Molly Campbell

REGULAR AGENDA (6:25 PM)
see media

see media

2. 12-066PL Recommendation to approve a Conditional Use Permit request for the establishment of a new wireless telecommunications facility on the rooftop of a four-story apartment building located at 4205 East Anaheim Street in the CCN zoning district. (District 4) (Application No. 1111-02)

Derek Burnham, Planning Administrator, introduced Scott Kinsey, Project Planner, who presented the staff report.

Scott Kinsey responded to a query from Commissioner Christoffels.

Tim Miller, representing the applicant, spoke.

Tim Miller responded to a query from Commissioner Smith.

Yolanda Verrecchia, President of the Recreation Park Neighborhood Coalition, provided public comment.

Patricia Blomgren provided public comment.

Kirt Ramirez provided public comment.

Tim Miller responded to comments made by the public.

Tim Miller responded to a query from Chair Blair.

A dialogue ensued between Commissioner Christoffels and Derek Burnham.

Scott Kinsey responded to a query from Commissioner Fox.

Michael Mais, Assistant City Attorney, responded to a query from Commissioner Saumur.

Scott Kinsey responded to queries from Commissioner Christoffels.

Commissioner Smith spoke.

A motion was made by Commissioner Smith, seconded by Commissioner Saumur, to approve the recommendation. The motion carried by the following vote:

Yes: 7 - Alan L. Fox, Phillip Joseph Saumur, Melani Smith, Donita Van Horik, Becky Blair, Mark Christoffels and Molly Campbell

see media

3. 12-067PL Recommendation to approve a Standards Variance re-establishing nonconforming density rights related to the rebuild of a demolished single-family home and deny a Standards Variance request for the rebuild to exceed the allowable height limit of 25 feet measured from grade at 237 Roycroft Avenue. (District 3) (Application No. 1207-12)

Amy Bodek, Director of Development Services, recused herself from the item.

Derek Burnham, Planning Administrator, introduced Mark Hungerford, Project Planner, who presented the staff report.

Dale Ramezani, applicant, spoke.

John Fries provided public comment.

Dianne Sundstrom, President of the Belmont Heights Community Association, provided public comment.

Gordana Kajer provided public comment.

Todd Hawke provided public comment.

Gordon Byles provided public comment.

Lois Byles provided public comment.

Tobi Castillo provided public comment.

Dale Ramezani spoke.

Sam Ramezani, applicant, responded to a query from Commissioner

Saumur.

A dialogue ensued between Commissioner Fox and Dale and Sam Ramezani.

Derek Burnham spoke.

A dialogue ensued between Commissioner Van Horik and Derek Burnham.

Derek Burnham responded to a query from Commissioner Fox.

Commissioner Fox spoke.

Commissioner Saumur spoke.

Derek Burnham responded to a query from Commissioner Saumur.

Commissioner Van Horik spoke.

Commissioner Fox spoke.

Derek Burnham responded to queries from Commissioner Christoffels.

Commissioner Smith spoke.

Commissioner Campbell spoke.

Chair Blair spoke.

A dialogue ensued between Commissioner Christoffels and Michael Mais.

Commissioner Saumur spoke.

Chair Blair spoke.

Derek Burnham spoke.

A motion was made by Commissioner Van Horik, seconded by Commissioner Fox, to approve the recommendation. The motion carried by the following vote:

Yes: 6 - Alan L. Fox, Phillip Joseph Saumur, Donita Van Horik, Becky Blair, Mark Christoffels and Molly Campbell

No: 1 - Melani Smith

PUBLIC PARTICIPATION (7:50 PM)
see media

Bob Ladd, ASLA, provided public comment.

COMMENTS FROM THE PLANNING COMMISSION (7:53 PM)
see media

Derek Burnham responded to a request from Chair Blair.

Derek Burnham responded to queries from Chair Blair.

ADJOURNMENT (7:55 PM)
see media

At 7:55 p.m., Chair Blair adjourned the meeting.

hge

EXHIBIT B

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

PLANNING BUREAU

APPLICATION FOR APPEAL

1207-12

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

- ☐ Zoning Administrator
- ☒ Planning Commission
- ☐ Cultural Heritage Commission
- ☐ Site Plan Review Committee

on the 20th day of Sept, 20 12

Project Address: 237 Roycroft

Reasons for Appeal:

The Belmont Heights Neighborhood Association believes that the zoning variance requested by the homeowner as a result of "inadvertent demolition" of the front structure at this address, and which was granted by the Planning Commission is inappropriate and should not be granted. The zoning regulations are clear and the consequences of this demolition require that the homeowner be allowed a single story

Your appellant herein respectfully requests that Your Honorable Body **reject** the decision and ☒ **Approve** / ☐ **Deny** this application.

	Appellant 1	Appellant 2
Name:	Bet Gordana Kayer	
Organization	Belmont Heights Comm Assoc	
Address:	235 Loma Avenue	
City/ZIP:	Long Beach	
Phone:	562 438 9161	
Signature:	Gordana Kayer	
Date:	9/27/12	

- A separate appeal form is required for each appellant party, except for appellants from the same address, or those representing an organization.
- Appeals must be filed within 10 days after the decision is made (LBMC 21.21.502).
- You must have established *aggrieved* status by presenting oral or written testimony at the hearing where the decision was rendered; otherwise, you may not appeal the decision.
- See reverse of this form for the statutory provisions on the appeal process.

(Below This Line for Staff Use Only)

☐ **Appeal by Applicant, or** ☑ **Appeal by Third Party**

Received by: SV App. No.: 1207-12 Filing Date: 9/27/12

Fee: $50.00 ☑ Fee Paid Project (receipt) No.: PZON-28485

Revised November 2011

Statutory Provisions for Appeal, from LBMC Chapter 21.21 (Administrative Procedures)

Division V. - Appeals

21.21.501 - Authorization and jurisdiction.

A. Authorization. Any aggrieved person may appeal a decision on any project that required a public hearing.

B. Jurisdiction. The Planning Commission shall have jurisdiction on appeals of interpretations made pursuant to Section 21.10.045 and decisions issued by the Zoning Administrator and Site Plan Review Committee, and the City Council shall have jurisdiction on appeals from the Planning Commission as indicated in Table 21-1. Decisions lawfully appealable to the California Coastal Commission shall be appealed to that body.

21.21.502 - Time to file appeal. An appeal must be filed within ten (10) days after the decision for which a public hearing was required is made.

21.21.503 - Form of filing. All appeals shall be filed with the Department of Planning and Building on a form provided by that Department.

21.21.504 - Time for conducting hearing of appeals. A public hearing on an appeal shall be held:

A. In the case of appeals to the City Planning Commission, within sixty (60) days of the date of filing of the appeal with the Department of Planning and Building; or

B. In the case of appeals to the City Council, within sixty (60) days of the receipt by the City Clerk from the Department of Planning and Building of the appeal filed with the Department.

21.21.505 - Findings on appeal. All decisions on appeal shall address and be based upon the same conclusionary findings, if any, required to be made in the original decision from which the appeal is taken.

21.21.506 - Finality of appeals.

A. Decision Rendered. After a decision on an appeal has been made and required findings of fact have been adopted, that decision shall be considered final and no other appeals may be made except:
   1. Projects located seaward of the appealable area boundary, as defined in Section 21.25.908 (Coastal Permit—Appealable Area) of this title, may be appealed to the California Coastal Commission; and
   2. Local coastal development permits regulated under the city's Oil Code may be appealed to the city council.

B. No Appeal Filed. After the time for filing an appeal has expired and no appeal has been filed, all decisions shall be considered final, provided that required findings of fact have been adopted.

C. Local Coastal Development. Decisions on local coastal development permits seaward of the appealable area shall not be final until the procedures specified in Chapter 21.25 (Coastal Permit) are completed.