



CITY OF LONG BEACH

THE CITY PLANNING COMMISSION

333 West Ocean Boulevard • Long Beach, California 90802 • (562) 570-6194 FAX (562) 570-6068

October 19, 2004

HONORABLE MAYOR AND CITY COUNCIL

City of Long Beach
California

SUBJECT: Hearing on Appeals of a Standards Variance for Construction of a Single-Family Residence, Located at 56 La Linda Drive (District 8)

DISCUSSION

The applicant (Charles Belak-Berger) is requesting approval of a Standards Variance to construct a two story single-family residence at 56 La Linda Drive with code exceptions. The zoning designation for the subject site is R-1-L, Single-Family Residential District with Large Lots, which permits one dwelling unit per lot.

The code exceptions requested by the applicant are as follows:

1. First and second stories located 10 feet from the front property line on Bixby Road (instead of not less than 20 feet). The Zoning Regulations define Bixby Road as the front of this lot. The proposed design places the front of the residence on La Linda Drive.
2. First and second stories located 3 feet from the western side property line (instead of not less than 6 feet).

The Planning Commission originally held a public hearing on this request at their regular May 6, 2004 meeting and heard testimony from several concerned persons regarding the health and preservation of the oak tree on the project site, reduced setbacks from Bixby Road and the western side property line, and possible removal of the hedge fronting Bixby Road. At that time, the applicant requested three code exceptions: 1) first and second stories located 5 feet, 6 inches from the front property line along Bixby Road; 2) first story located 3 feet from the western side property line; and 3) second story located 6 inches from the western side property line. The Commission approved a motion to continue this matter in order to give the applicant and concerned parties an opportunity to explore mutually acceptable project design alternatives.

On June 22, 2004, the City Council adopted a minute order initiating a study for protection of all oak trees of historic significance and approved an interim moratorium prohibiting any permit or entitlement which could lead to alteration or destruction of any historically significant oak tree. The City Council subsequently adopted Ordinance No. C-7940 on August 10, 2004, placing a temporary limitation on the removal of protected oak trees and requiring an Oak Tree Permit prior to any pruning or other alteration of such oak trees.

The Planning Commission conducted a public hearing on the applicant's revised request for the two above referenced code exceptions and an Oak Tree Permit at their September 2, 2004 meeting. Staff recommended approval of this request and found that due to the subject site's irregular lot dimensions, substandard lot size and substantial oak tree canopy spread, the site is physically unique when compared to other sites in the same zoning district. Staff found that this unique situation causes a hardship that deprives the applicant of a substantial right to use of the property as other properties in the same zoning district without variance relief for some building encroachment into required yard setback areas.

Staff also found that the requested variance relief would not cause substantial adverse effects upon the community as these actions would lead to preservation of the existing oak tree and front yard hedge through a recorded covenant on the property as required in the conditions of approval. This covenant would ensure the proposed residence would be partially screened from Bixby Road by both the hedge and oak tree.

During the September 2, 2004 public hearing, the Planning Commission heard testimony from several concerned neighbors and interested parties regarding potential project impacts to the surrounding community. The issues raised involved compatibility of a 10 foot front yard setback with neighboring properties, protection of the oak tree and hedge, and the overall building mass in relation to nearby residences. After considering this testimony, as well as the information provided by staff and the applicant, a motion to approve the applicant's request was made by Commissioner Jenkins and seconded by Commissioner Stuhlbarg. The motion passed 5-0-1, with Commissioners Greenberg, Jenkins, Sramek, Stuhlbarg and Winn voting for approval and Commissioner Gentile abstaining (Commissioner Rouse was absent).

A total of four appeals of the Planning Commission's approval were submitted within the required 10 day appeal period. The appellants and the reasons for filing their appeals are listed below. The attached staff report for the September 2, 2004 Planning Commission meeting provides information related to neighborhood compatibility.

1. Richard Ivey, 242 E. Bixby Road: stated that the requested front yard setback encroachment on Bixby Road is not in conformance with other homes on this street.
2. Jeff Kellogg, 212 E. Bixby Road: also stated that the requested front yard setback encroachment on Bixby Road is not in conformance with the street.
3. Harry Pope, 45 La Linda Drive: stated that the proposed residence is too large and out of character for the community; protection of the oak tree is not assured; and the parties involved in this application are unreliable.
4. Mike Kowal (Los Cerritos Improvement Association), 3756 Pine Avenue: stated that the proposed front yard setback encroachment would impair the character of Bixby Road; a two story residence is out of scale and not appropriate; and the front yard on Bixby Road would be used as a back yard.

On October 7, 2004, Richard Ivey submitted a letter to the City Clerk's office formally withdrawing his appeal (this letter is attached with the appeal forms).

Michael J. Mais, Assistant City Attorney, reviewed this report on September 27, 2004.

ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, a Categorical Exemption (CE 04-06) was prepared for this project on April 20, 2004.

TIMING CONSIDERATIONS

The Long Beach Municipal Code requires that the Planning Commission's recommendation must be transmitted to the City Clerk for presentation to the City Council within 60 days of the September 2, 2004 Planning Commission action.

A 14-day public notice of the hearing is required.

FISCAL IMPACT

Not applicable.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

- 1) Receive the supporting documentation into the record and conclude the public hearing; and
- 2) Uphold the decision of the Planning Commission and deny the appeal requests.

Respectfully submitted,

MORTON STUHLBARG, CHAIR
CITY PLANNING COMMISSION

BY: 

FADY MATTAR
ACTING DIRECTOR OF PLANNING AND BUILDING

Attachments:

1. Planning Commission staff reports for the May 6, 2004 and September 2, 2004 Planning Commission meeting and attachments
2. Appeal forms