

Item R-44  
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NCS  
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**LARRY & BARBEE TIDBALL**

3826 N. Weston Place, Long Beach, CA 90807

(310) 424-1556

Steve Gerhardt  
Community Planner  
Department of Planning & Building  
City of Long Beach  
333 W. Ocean Blvd. 5<sup>th</sup> Floor  
Long Beach, CA 90802

**Re: Neighborhood Character Stabilization**

After attending the August 9th community meeting with the City staff in the Los Cerritos Neighborhood we wanted to address some additional comments to the Planning Department and to the City Council concerning the development standards and variances.

**I. VARIANCES:**

We have been very concerned about the process where variances have been granted to allow construction beyond that normally allowed by the zoning code. In some cases we have been personally notified of a variance application. We have written letters in opposition to the variances to reduce building setbacks and we have attended Planning Commission hearings to voice our opposition to the proposed development. In each case we feel that the City has acted to approve variances over neighborhood opposition and contrary to the required legal findings of the zoning code.

We were also shocked to read in the Press Telegram that many variances have been approved after the fact for developers who blatantly build beyond the legally allowed limitations of the zoning code. In other local cities where this type of development abuse has taken place, the City will require the developer to demolish the illegally constructed portion of the building and to bring the structure into compliance with the zoning code.

To cite the City Zoning Code (21.25.301) *the City recognizes that certain properties, due to their unique size, shape, location or other physical conditions, cannot be developed in strict accord with the regulation of this title.....(21.25.306) The following findings must be analyzed, made and adopted before any action is taken to approve or deny the subject standards variance and must be incorporated into the record of the proceedings relating to such approval or denial.*

- A. *The site or the improvements on the site are physically unique when compared to other sites in the same zone;*
- 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 grant a special privilege inconsistent with the limitations imposed on similarly zoned properties or inconsistent with the purpose of the zoning regulations;*
- C. *The variance will not cause substantial adverse effects upon the community; ....*

At the hearings we have attended these findings could not be made and the variances were approved over the objections of neighbors. We feel strongly that this lax application of the current zoning regulations dilutes its effectiveness and opens our city to abusive development by speculative developers. Especially with regards to the lot setback requirements, these variances result in reduction of light and air to adjoining properties as well as **substantially changing the open and spacious character of the neighborhood in the Los Cerritos area.**

Specific recommendations for changes in the variance process we recommend be adopted:

1. Require notification of owners and residents within a 500' radius instead of the current 300' radius to get broader community input and notification of the proposed variance.
2. Conduct all variance hearings during evening hours when working residents will be able to attend the hearings.
3. Apply a stricter threshold for adopting findings in support of any variances.
4. Where a variance request or CUP application for a commercial property is within 500' of residentially zoned properties, require that the public noticing be expanded to a 1000' radius.

## II. NEIGHBORHOOD CHARACTER STABILIZATION

We purchased our home in Los Cerritos about a dozen years ago primarily for the quality of the neighborhood character. The tree lined streets, the wide variety of quality and architecturally varied homes, and the open feel of the community.

*This neighborhood is zoned R-1-L: This district is a single family residential district with large lots. This District recognizes the need for an open, un-crowded living environment within metropolitan centers. This implements Land Use District N. 1 of the General Plan. (21.30.020)*

The vast majority of homes in this community were built years ago and do not fill the entire buildable footprint allowed by the zoning standards. There are large homes, but they are respectful of their neighbors and fit in with the fundamental principal of the R-1-L zoning of "open and un-crowded." Some more recent reconstruction projects or additions have taken full advantage of the minimums allowed by the zoning code to pack as many square feet of house on the lot as possible. The current development standards are too lax to adequately protect the open and un-crowded nature of the community as required in the zoning code.

When a developer can build within 6 feet of a side yard for the entire length of a property (less given allowances for projections, bay windows, chimneys, etc already allowed in the code) we end up with situations with little or no separation between adjacent homes. The 6' side yard should be considered a minimum side setback. We suggest changing this for new construction or additions to only allow 25% of the depth of the lot to be built within 6' of the side yard, and to require a 10' or 12' set back for the remainder. With many homes now built to a 2-story height these proposed setbacks will allow for better air circulation and will allow natural lighting to reach all properties. Who wants to live in the perpetual shade of a neighbor's McMansion?

The code also gives a minimum front yard setback 20 feet. Many blocks of this community have all (or a vast majority) of existing homes with deeper front setbacks. If a block has a historic setback of say 40 feet, it would dramatically effect the feel of the neighborhood to allow a home to be built with only a 20' setback. The code should require that the front setback for any new construction or addition respect the current and historic setbacks of the local street if these exceed the 20' minimum allowed in the zoning code.

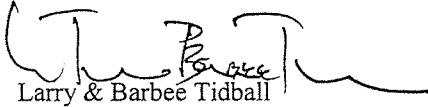
During the community hearing a question was asked about the possibility of requiring architectural guidelines. We all love this community for the eclectic mix of historic architectural styles and the wide variety of ages of dwellings we have among our neighborhood. The existing homes are for the most part of high quality design and use traditional materials appropriate for the age and style of architecture of the home. No one wants to see our neighborhood turn into a highly regulated subdivision where every house looks the same and must be painted that same shade of beige. Some new development and much of what has happened in other cities that have experienced Mansionization turn out to be uninteresting stucco boxes that squeeze the maximum amount of square footage onto the lot with no respect for the character of the community or the privacy of neighboring residents.

We do support some architectural guidelines that would mandate that buildings have articulation, fenestration, and architectural detailing appropriate to the style. In addition to the minimum zoning setback requirements, these guidelines can help new development and additions to be compatible with the rich architectural heritage of this community. Many communities also require that for any proposed 2 story home that the proponent of the development show that they will not be building rooms with windows that look directly into a neighbor's bedroom or bathroom windows to ensure privacy is not negatively impacted by the new construction.

In conclusion we support:

1. Stronger zoning development standards to prevent changes to the character of the Los Cerritos Community so as to maintain the open and un-crowded intent of the zoning code.
2. Implementation of Architectural Guidelines to help developers and owners achieve good quality design that fits into the neighborhood.

Sincerely



Larry & Barbee Tidball