



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5<sup>th</sup> Floor Long Beach, CA 90802 (562) 570-6194 FAX (562) 570-6068

December 19, 2013

... portions of the building are above the height  
... above the height limit for the R-1-S zoning  
... a Standards Variance (Exhibit B – Plans and  
... by a California-licensed land surveyor (Exhibit C  
... 7 feet above grade (maximum allowed is 28'-0")

... approved on plans, and moreover, all  
... district, which creates the need for a  
... Photos). According to a height survey  
... – Height Survey). the roof peak is 28.0

... PLANNING COMMISSIONERS  
... g Beach

CHAIR AN  
City of Lon  
California

... ENDATION:

RECOMM

... approve a Standards Variance for a building height of 24 feet 3 inches to the  
... point of a sloped roof, with a height of 28 feet 1 inch to the top of roof ridge,  
... g. height of 25 feet to the top of the roof ridge, and  
... e grade (maximum allowed is 24'-0"),  
... e grade (maximum allowed is 24'-0"  
... age elevation at the front top of curb  
... ce to allow the roof ridge and roof  
... top of a parapet wall/guardrail, and  
... mit, for an addition to a single-family  
... in the R-1-S zoning district. (Council

... the mid-point of the sloped roof is 24.43 feet above  
... and the top of the parapet wall is 24.22 feet above  
... again). In this case, grade is taken to be the avera  
... for the property. The applicant requests a varian  
... and a height of 25 feet 0 inches to the  
... approve a Local Coastal Development Per  
... dwelling located at 334 Claremont Avenue  
... District 3)

APPLICANT: Jonathan Potts  
c/o Drake Smith  
7422 Mount Joy Drive  
Huntington Beach, CA 92648

... midpoint to remain as constructed, a

CHAIR AND PLANNING COMMISSIONERS

December 19, 2013

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Additionally, a guard railing of 18 inches is required on top of the already over-height, or at least five feet between front and rear. At this point, currently (taken from a plane connecting the average front and in order to prevent this hardship. However, since the slope is case, the hardship is still present and the applicant is deprived of the right to use and improve the property as other properties in the same zone are used (Exhibit D – Findings).

slope reaches a difference of at least five feet between front and rear. At this point, currently (taken from a plane connecting the average front and in order to prevent this hardship. However, since the slope is case, the hardship is still present and the applicant is deprived of the right to use and improve the property as other properties in the same zone are used (Exhibit D – Findings).

Also, this site is not located in the flood zone, while many surrounding sites are, including all of the properties in this block on the other side of this same street. Being located in the flood zone provides a height advantage, because if the lot is taken

Coastal Development Permit that is made necessary by the project's location in the Coastal Zone.

Staff examined the height survey and the conditions of the site, and found that a hardship exists that makes strict compliance with the code's height limits difficult. Although the lot and the surrounding neighborhood both appear flat, the site has a nearly 3-foot upward slope from front to rear. This puts any development approaching the height limits on this lot at a disadvantage. *Grade* is still taken from the front top of the curb, but due to the rising slope of the lot, the end effect is that the height of the building above the ground becomes more limited as it moves toward the rear of the lot. Several variances have been granted in this area. A search of zoning records returned no fewer than thirty-nine discretionary approvals for residential properties in the 250–300 blocks of Santa Ana Avenue, Claremont Avenue, and Bay Shore Avenue, as well as the 5300–5400 blocks of Appian Way. The exceptions granted took many forms, including variances for setbacks, fence heights, and roof parapet surround. This puts the applicant at a disadvantage compared to a flat lot of the same size in the same zoning district.

The City also has a long history of granting standards variances in this specific area. A search of zoning records returned no fewer than thirty-nine discretionary approvals for residential properties in the 250–300 blocks of Santa Ana Avenue, Claremont Avenue, and Bay Shore Avenue, as well as the 5300–5400 blocks of Appian Way. The exceptions granted took many forms, including variances for setbacks, fence heights, and roof parapet surround. This puts the applicant at a disadvantage compared to a flat lot of the same size in the same zoning district.

ights on sloped lots unless the

The zoning regulations do not make allowances for height when the slope reaches a difference of at least five feet between front and rear.

CHAIR AND PLANNING COMMISSIONERS

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The City will require the applicant to bring the building into compliance with the code's height limits if the variance is not approved. This would involve changes to the roof pitch ~~two requests are unratified~~, except for the physical circumstances on the lots that create a hardship regarding building height.

**PUBLIC HEARING NOTICE**

Public hearing notices were distributed on December 5, 2013, in accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code. At the time of writing ~~of the sloped roof to achieve compliance with the height limits for mid-point and ridge height.~~ However, the applicant has indicated that the roof slope has already been reduced in an attempt to meet these standards, and that further reduction may require demolition and reconstruction of the roof.

Regarding the parapet height for the roof deck, ~~the applicant has expressed intent to modify~~ of this report, staff has received six letters in opposition to the project, and one expressing neither opposition nor support. Any additional correspondence received between the writing of this report and the Planning Commission hearing will be provided to the Commission prior to the hearing.

**ENVIRONMENTAL REVIEW**

~~work, the applicant has expressed intent to use a different method to construct the additional height. A 42-inch guardrail required by building code. A transparent material through conditions of CEQA and volume from extending above the~~

~~Regarding the parapet height for the roof deck, the applicant has expressed intent to use glass, steel cable, or another transparent material above solid parapet required to create the 4-foot height. The City could require the use of this transparent material for approval in order to keep the building me~~

the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption was issued for the proposed project (Exhibit G –

In accordance with the California Environmental Quality Act, a Categorical Exemption (CE-13-082).

GRAND AVENUE PLANNING COMMUNICATIONS

October 10, 2018

Page 4 of 4

Respectfully submitted,



AMY J. DEINEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

Attachments:

1. Final Land Use Plan for the Property at 2000 Grand Avenue, including all other attachments.

**Attachments:**

**Exhibit A - Location Map**

**Exhibit B - Plans and Profiles**

**Exhibit C - Height Survey**

**Exhibit D - Photos**

**Exhibit E - Final Zone Map Overlay**

**Exhibit F - Conditions of Approval**

**Exhibit G - City Council Resolution (C17-002)**

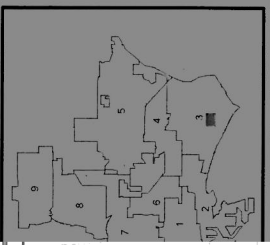
SORRENTO DR

Property:  
Ave  
1308-14  
3  
R-1-S

ANA AVE

MARINE STADIUM  
SHORE AVE

APPIAN WAY



Subject Property  
14 Claremont  
Application No.  
Council District  
Zoning Code : F

VISTA ST

SANTA

200 Feet

SI 33 AP CC ZC



MONROE AVE

AVE

E BROADWAY

# Exhibit A



50 0 100



PAOLI WAY

APPIAN WAY

December 19, 2013

Section 21.25.306 of the Long Beach Municipal Code, the following findings must be analyzed, made and adopted before any action is taken to approve or deny the project standards variance and must be incorporated into the record of proceedings relating to such approval or denial.

**EXHIBIT C**

**Anthony Rudisill**

Licensed Land Surveyor

11861 Montecito Road

Los Alamitos, CA 90720

(562) 430-5808

October 2, 2013

With findings from the Zoning Regulations, which must be answered, are presented in answer to each finding, describing how the project does (positive finding) or does not (negative finding) comply, is below.

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

422 Modugno Dr.  
Huntington Beach, CA 92648

Dear Mr. Smith,

I have surveyed the residence under construction at 334 Claremont Ave., Long Beach and found the elevation of the roof high point to be 28.07 feet above grade (top of curb at center of property) (plan 28' max.), the top of parapet wall to be 24.22 feet

compared to a standard lot in the same zone, the site is not located on a steep slope of nearly 3 feet, the height of building is measured from the ground level. Additionally, the site is not located

above grade (plan 24') and the roof midpoint to be 24.43 feet above grade (plan 24' max.)

Positive Finding. The site is physically unique compared to other sites in the R-1-S zoning district. This subject lot has a significant slope rising from front to back. This changes the way height is measured and affects the height allowed for structures. Additional

Please call if you have any questions.

Mr. Drake Smith  
7127 Murrig  
bold. Staff's a  
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1. THE S  
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of

STANDARDS VARIANCE FINDINGS

Application No. 1308-14

334 Claremont Ave.

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

ber 19, 2013

Decem

ch Municipal Code, the following findings must e any action is taken to approve or deny the e incorporated into the record of proceedings

Per Section 21.25.306 of the Long Beach be analyzed, made and adopted before subject standards variance and must relating to such approval or denial.

ATIONS;

The findings fr " ZONING REGULA

The applicant requests a height variance for midpoint of a 43 feet tall, instead of the maximum 24 feet specified by code. requests a second variance for height to the top of ridge on a 07 feet tall, instead of the maximum 28 feet specified by code

Positive Finding. sloped roof at 24. The applicant rec sloped roof at 28.

The findings from the Zoning Regulations, which must be answered, are presented in bold. Staff's answer to each finding, describing how the project does (positive finding) or does not (negative finding) comply, is below.

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

Positive Finding. The site is physically unique compared to a standard lot in the R-1-S zoning district. This subject lot has a significant slope of nearly 3 feet, rising from front to back. This changes the way height of building is measured and affects the height allowed for structures. Additionally, the site is not located

Last, the applicant requests a third variance for parapet wall height (surrounding a roof deck) of approximately 25'-8", instead of the maximum 24 feet specified by code. The subject site's nearly 3-foot front-to-back slope makes compliance with the 24-foot height limit difficult, since grade (the base point from which building

in the flood zone, while similar properties on the same block are. A site located in the flood zone is conferred a height advantage, as height is measured from top of flood plain instead of curb grade.

2. THE UNIQUE SITUATION CAUSES THE APPLICANT TO EXPERIENCE HARDSHIP THAT DEPRIVES THE APPLICANT OF A SUBSTANTIAL RIGHT

height is measured) is taken from front average top-of-curb elevation, as it would be for a lot with no slope. But because a slope is present, strict application of the code effectively imposes a shorter building height than would be allowed on a flat lot. The Zoning Regulations establish grade differently for sloped lots where the slope is 5 feet or greater; in such a case grade is taken as a plane connecting the

average front and average rear elevation and building height is measured along this plane. However, because the slope is less than 5 feet on the subject lot, this

approval of this variance request would not cause substantial adverse effects upon the community. Approval will result in a building with a sloped roof having a peak midpoint and ridge height only several inches above the height limit mandated by code. The parapet/guard rail surrounding the roof deck will be approximately 20 inches above the height limit specified by code. The applicant proposes to use conditions of approval to require the top 18 inches of the parapet/guard rail to be constructed using glass or steel cable or another transparent method, such that the apparent mass and volume of the structure is not increased. Staff cannot find that this approval will cause any substantial effects upon the community.

adverse effects upon the community. Approval will result in a building with a sloped roof having a peak midpoint and ridge height only several inches above the height limit mandated by code. The parapet/guard rail surrounding the roof deck will be approximately 20 inches above the height limit specified by code. The applicant proposes to use conditions of approval to require the top 18 inches of the parapet/guard rail to be constructed using glass or steel cable or another transparent method, such that the apparent mass and volume of the structure is not increased. Staff cannot find that this approval will cause any substantial effects upon the community.

at the subject site that it deprives the applicant of the same effective relief as the "relief" provision of the Zoning Regulations.

"relieving" provision does not apply. The effect is that the applicant experiences hardship, since the slope is significant enough to trigger the "relief" provision of the Zoning Regulations, but the slope is not enough to trigger the "relieving" provision of the Zoning Regulations. The effect is that the applicant experiences hardship, since the slope is significant enough to trigger the "relief" provision of the Zoning Regulations, but the slope is not enough to trigger the "relieving" provision of the Zoning Regulations.

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

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

will not change the way the Local Coastal Program is carried out at the subject site, or interfere with physical, visual, or psychological aspects of access to or along the coast.

Positive Finding. The variance will not change the way the Local Coastal Program is carried out at the subject site, or interfere with physical, visual, or psychological aspects of access to or along the coast.

the Zoning Regulations provide for lots with 5 feet or more of slope. Additionally, a number of properties on the subject block and in the immediately surrounding area are constructed above the nominal height limit, in some cases considerably above it. Approval of this request will not constitute a grant of special privilege inconsistent with limitations imposed on similarly-zoned properties (since this

is carried out at the subject site, or interfere with physical, visual, or psychological aspects of access to or along the coast. The project consists of a new second story addition to a single-family dwelling with a roof over the second story in the rear. The site is located on an interior lot

Program is carried out at the subject site, or interfere with physical, visual, or psychological aspects of access to or along the coast. The project consists of a new second story addition to a single-family dwelling with a roof over the second story in the rear. The site is located on an interior lot

of the nearest public highway to the coast (since this privilege already is enjoyed by other nearby properties), and will not be inconsistent with the purpose of the zoning regulations.

privilege already is enjoyed by other nearby properties), and will not be inconsistent with the purpose of the zoning regulations.

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

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

request would not cause substantial adverse effects upon the community. Approval of this variance request would not cause substantial adverse effects upon the community.

Positive Finding. Approval of this variance request would not cause substantial adverse effects upon the community.



# LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS

334 Claremont Ave.  
Application No. 1308-14  
December 19, 2013

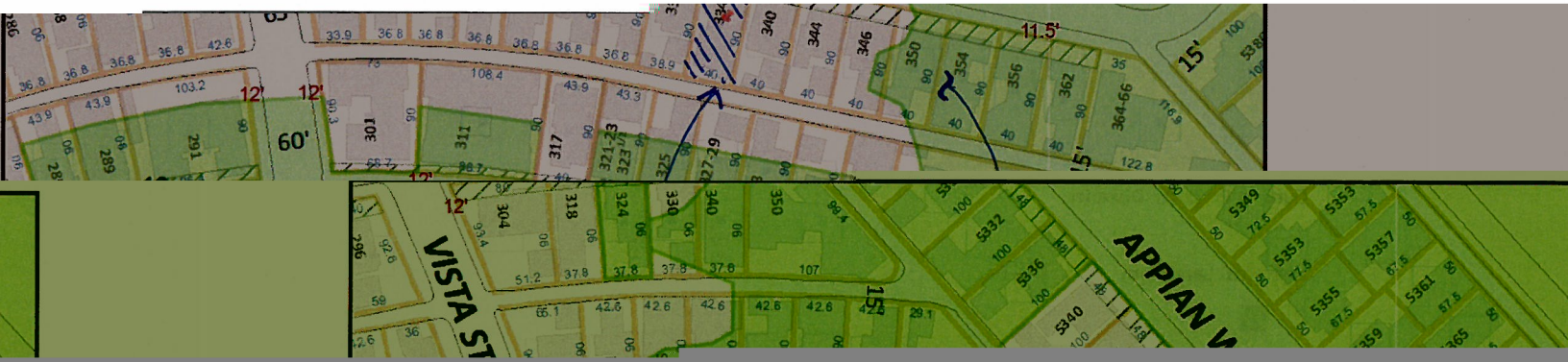
Pursuant to Section 21.25.004 of the Long Beach Municipal Code, a Local Coastal Development Permit can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Ordinance. These findings and staff recommendations are presented for consideration, adoption and incorporation into the record of proceedings:

The findings from the Zoning Regulations, which must be answered, are presented in bold. Staff's answer to each finding, describing how the project does (positive finding) or does not (negative finding) comply, is below.

- 1. THE PROPOSED DEVELOPMENT CONFORMS TO THE CERTIFIED LOCAL COASTAL PROGRAM INCLUDING BUT NOT LIMITED TO ALL REQUIREMENTS OF THE NEAREST PUBLIC HIGHWAY TO THE SHORELINE.**
- 2. THE PROPOSED DEVELOPMENT CONFORMS TO THE PUBLIC ACCESS AND POLICIES OF CHAPTER 3 OF THE COASTAL ACT. THIS FINDING APPLIES ONLY TO DEVELOPMENT LOCATED SEAWARD OF THE NEAREST PUBLIC HIGHWAY TO THE SHORELINE.**

public Not Applicable. The proposed project is located landward of the nearest highway (Appian Way) to the shoreline.

# EXHIBIT E



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

334 Claremont Ave

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.

**Special Conditions:**

4. The top 18 inches (18") of the parapet wall surrounding the roof deck shall be constructed primarily using glass, steel cable, wrought iron, or similar

Application No. 1308-04  
December 19, 2013

inate one year  
ommenced or a  
proved by the

1. This permit and all development rights hereunder shall terminate from the effective date of this permit unless construction is commenced within the time extension is granted, based on a written request approved by the Zoning Administrator, submitted prior to the expiration of the

considered primarily using glass, steel cable, wrought iron, or similar materials, such that the top 18" is visually transparent. The purpose of this condition is to avoid increasing the apparent massing and volume of the structure above the height that is already constructed.

**Standard Conditions:**

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. All conditions of approval must be printed verbatim on all plans submitted for plan review to Long Beach Development Services. These conditions must be printed on the site plan or a subsequent reference page.
8. The Director of Long Beach Development Services is authorized to approve minor modifications to the approved plans or to any of the conditions of approval if such modifications shall not significantly change or alter the approved project. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.
9. 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.
10. All landscaped areas must be maintained in a neat and healthy condition. Any dying or dead plants materials must be replaced with the minimum size and height plant(s) required by Chapter 21.42 (Landscaping) of the Zoning Regulations. At the discretion of City officials, a yearly inspection shall be conducted to verify that all irrigation systems are working properly and that the landscaping is in good healthy condition. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by the City Council.
11. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).
12. Any graffiti found on site must be removed within 24 hours of its appearance.

13. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
14. Separate building permits shall be required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
15. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.
16. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for their review and approval prior to the issuance of a building permit.
17. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
  - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
  - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
  - c. Sundays: not allowed
18. Any off-site improvements found to be damaged shall be replaced to the satisfaction of the Director of Public Works.
19. All unused curb cuts shall be replaced with full height curb, gutter and sidewalk and shall be reviewed, approved and constructed to the specifications of the Director of Public Works.
20. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless City and its agents, officers, and employees from any claim, action, or proceeding against City or its agents, officers, and employees to attack, set aside, void, or annul the approval of City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation costs.



NOTICE of EXEMPTION from CEQA

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

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

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

L.A. County Clerk  
Environmental Fillings  
12400 E. Imperial Hwy. 2<sup>nd</sup> Floor, Room 2001  
Norwalk, CA 90650

Categorical Exemption CE- 13-082

Project Location/Address: 734 Claremont  
Project/Activity Description: Residence remodel requiring standard variance for over height on deck railing.

Public Agency Approving Project: City of Long Beach, Los Angeles County, California  
Applicant Name: The Louie Group - Louie Hernandez  
Mailing Address: 19092 Callaway Cr., Huntington Beach, CA 92648  
Phone Number: 714-374-7034 Applicant Signature: [Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1308-14 Planner's Initials: SK  
Required Permits: STANDARDS VARIANCE

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15301 Existing Facilities

Statement of support for this finding: Project consists of minor alterations to an existing single-family residence and grant of standards variance for height limits.

Contact Person: Scott Kinsey Contact Phone: (562) 570-6194  
Signature: [Signature] Date: 12/5/13