

June 2, 2022

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record, conclude the public hearing, and consider an appeal filed by Rob Bellevue (APL22-004);

Accept Categorical Exemption CE-22-005; and,

Uphold the Zoning Administrator's decision to approve a Local Coastal Development Permit to demolish and replace an existing residential duplex with a new duplex and attached four-car garage and Standards Variances for: 1) a four-foot garage setback in lieu of the required 20-foot setback; and 2) two tandem parking spaces on a property located at 5925 E Seaside Walk in the R-2-I (Two-Family Residential District with Intensified Development on the Lots) Zoning District. (District 3)

APPLICANT: Edward Gulian
5855 E. Naples Plaza, #212
Long Beach, CA 90803
(Application No. 2108-31)

APPELLANT: Rob Bellevue
6516 E. Bay Shore Walk
Long Beach, CA 90803
(Application No. 2204-11)

DISCUSSION

On February 28, 2022, the Zoning Administrator (ZA) held a public hearing to consider a proposal to demolish an existing residential duplex and construct a new duplex with an attached four-car garage in the Two-Family Residential District with Intensified Development on the Lots (R-2-I) Zoning District. The project includes two standards variances: 1) allow a four-foot garage setback, where 20-feet is required; and 2) allow two tandem parking spaces for a total of four parking spaces (Attachment A – Zoning Administrator Minutes [2/28/22, 3/14/22, and 3/28/22]). Public comments were provided at the hearing (Attachment B – Zoning Administrator Public Correspondence [2/28/22 Meeting]). The ZA continued the project to March 14, 2022, to allow the applicant the opportunity to



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provide alternative parking configurations. Due to technical difficulties at the March 14, 2022 ZA hearing, all scheduled agenda items were continued to the March 28, 2022 ZA hearing. The project was presented at the March 28, 2022, ZA hearing along with the requested alternative parking configurations. The ZA conditionally approved the project with conditions of approval including a requirement to provide direct access from the garage into each unit and a requirement that the lease of each unit include access to two tandem parking spaces. Within the 10-day appeal period, a third-party individual appealed the ZA decision. As required by Long Beach Municipal Code (LBMC) Section 21.21.501, the Planning Commission is the body that reviews appeals on decisions in which the ZA served as the initial decision-maker. The Planning Commission's decision on the appeal will be final for the local approvals. This project location is in the appealable area of the Coastal Zone and can be appealed to the Coastal Commission.

Project Site

The site is located along Seaside Walk northwest of the terminus of 60th Place within the R-2-I Zoning District (Attachment C - Vicinity Map). The site has a 1989 General Plan Land Use designation of Land Use District (LUD) No. 2 (Mixed Style Homes District).¹ The site is surrounded by residential uses to the north and west. The parcel frontage is along Seaside Walk to the south, a public walkway, and 60th Place abuts the side property line. The site is 3,830-square-feet in size, which is a substandard lot size for the R-2-I zone (minimum lot size is 4,800-square-feet); however, it is larger than the average lot size (2,740-square-feet) and the median lot size (2,407-square-feet) found in the Peninsula. The site is currently developed with a duplex (1,546-square-feet and 546-square-feet) and two-car garage (Attachment D - Site Photos). Under existing conditions, the site is developed with a conforming duplex use with nonconforming parking. The code requires four enclosed parking spaces. The four parking spaces are required because the configuration of each unit requires two parking spaces per code (one single-family dwelling with more than two bedrooms and one studio larger than 451 square feet). The existing residential building also has nonconforming side yard setbacks and corner cutoff areas for the R-2-I Zoning District.

The applicant is seeking approval of a Local Coastal Development Permit (LCDP) and two standards variances associated with the construction of a replacement duplex on the project site. This project involves the demolition of an existing duplex with nonconforming parking and the construction of a duplex with a four-car garage. The proposed project would meet the development standards for the R-2-I Zoning District related to the proposed density, residential setbacks (with the exception of the garage setback from a public street), height, and open space (Attachment E – Plans).

On January 1, 2020, new housing laws went into effect at the state level that seek to address the statewide housing crisis by encouraging the maintenance of existing residential density. The City of Long Beach (City) adopted an ordinance to establish Chapter 21.11, No Net Loss, of the LBMC to implement California Senate Bill 330 (SB 330), the "Housing Crisis Act of 2019," as codified in

¹ The General Plan Land Use Element was updated in 2019 and has not yet been certified as part of the City's Local Coastal Program. Therefore, the 1989 General Plan Land Use Element (1989) designation of Land Use District (LUD) No. 2 remains applicable to the project site.

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Government Code Section 66300. This code section includes requirements to ensure that the City does not approve a housing development project that would have the effect of reducing the zoned capacity for housing of the City as it existed on January 1, 2018; or which would result in the demolition of existing housing units unless those units are replaced on at least a one to one ratio. Furthermore, the Local Coastal Program (LCP) calls for retaining the duplex character of homes in the peninsula area. The project would maintain the existing two units onsite, consistent with Chapter 21.11, No Net Loss, of the LBMC and the LCP.

The requested standards variances relate to the provision of four enclosed parking spaces per code requirements, which include 1) a request to allow a four-foot garage setback (where 20-feet is required) and 2) a request to allow two tandem parking spaces for a total of four parking spaces within an enclosed garage (instead of four [4] independently accessible parking spaces).

The site frontage is along Seaside Walk, a public walkway, and 60th Place. The site has no alley access; therefore, creating garage access from 60th Place requires a 20-foot setback per LBMC requirements. Furthermore, in a residential zone, the maximum size of a curb cut is 20 feet (Table 41-5 of the LBMC). The proposed project would result in the loss of the nonconforming parking and would require the construction of a four-car garage to support the replacement duplex.

The first variance request is to construct the new garage with a four-foot garage setback from the side property line on 60th Place (instead a minimum 20-feet). Maintaining existing access at 60th Place limits garage placement due to the 40-foot lot width, which limits the ability of the applicant to create a garage that is compliant with the 20-foot setback and resize said garage to accommodate four parking spaces and personal space needs allowed in garages.

The second variance request is to provide the code-required parking in a tandem configuration instead of a side by side configuration. Based on the site configuration with all vehicle access from 60th Place, if the standard side-by-side parking were provided for four (4) vehicles, a minimum 30-foot-wide driveway would be required, which exceeds the residential zone maximum of 20-foot driveway width (Table 41-5 of the LBMC) and would therefore would also require a standards variance for exceedance of this code requirement. Furthermore, the alternative variance pathway would lead to the expansion of the existing site driveway to allow the provision of a 30-foot-wide driveway that would remove publicly available street parking for vehicles on 60th Place. Therefore, with the choice between a conforming garage setback with a driveway width variance and the loss of public street parking, or a reduced garage setback with a tandem configuration and no loss in public street parking, the variance for a tandem configuration was selected in order to maintain public street parking.

The applicant provided a number of alternate parking configurations that illustrate side-by-side parking configurations would require a minimum of at least one standards variance in order to accommodate four parking spaces in an enclosed garage in accordance with LBMC requirements (Attachment F – Alternative Parking Configurations).

The applicant is proposing a reduced garage setback from the property line along 60th Place, which is a standards variance that has been previously granted in the Peninsula area due to the intensified

development of this site and properties throughout the neighborhood. Provision of the full garage setback would likely be infeasible as it would either reduce parking triggering an alternative variance or would reduce living area to such a degree as to physically render the project infeasible. The second variance is requested to avoid the loss of public parking spaces along 60th Place that would be associated with a standards variance for an oversized driveway to support side-by-side parking.

The proposed conditions of approval include a number of conditions intended to ensure the protection of coastal resources, removal of unpermitted encroachments, and maintenance of garage areas for parking (Attachment G – Conditions of Approval). The ZA added conditions of approval to ensure direct access for both residential units to the proposed 4-car garage and conditions to ensure the granting of parking spaces in written lease agreements. Therefore, the requested parking configuration (tandem) would meet code required onsite parking and would not detract from the coastal environment, psychological access to the coast or negatively affect neighboring properties. The required findings for the standards variances and consistency with the LCP can be made in the affirmative (Attachment H – Findings).

An LCDP is required for development on the first lot from the beach, bay, or ocean as well as discretionary actions, including a standards variance, of the Coastal Zone. The project site is in the Peninsula portion of Area E (Naples Island and the Peninsula) of the City's certified LCP. The LCP identifies the Peninsula as residential in nature, comprised primarily as single-family, duplex, and apartment development. The policy plan for Area E includes provisions for permanent structures, capital improvements, lighting, and private motor vehicle access. The LCP also identifies existing public access issues in Area E to recreation areas and water resources due to existing development patterns. In addition, the LCP notes the parking conditions on the Peninsula, including parking in the vicinity of 72nd and 54th Places. The proposed project would not change the existing use or density onsite. The proposed replacement duplex would remain consistent with the use permitted by the R-2-I Zoning District and the complies with applicable development standards, with the exception of garage setbacks and tandem parking. The existing site has nonconforming parking, which would be increased to four garage parking spaces in conformance with the overall number of parking spaces required for two dwelling units. Therefore, the LCDP and Standards Variances would be consistent with the policies outlined in the LCP.

Appeal

A third-party appeal was filed, by Rob Bellevue (APL22-004) on April 6, 2022 (Attachment I - Application for Appeal). The appeal seeks denial for the request for tandem parking and that the project should be required to park four cars side by side.

The conditions of approval included in the ZA decision require operating conditions that ensure the tandem garage remains for the parking of vehicles and are leased and accessible to residents of both units in order to meet onsite parking needs. Failure to adhere to the conditions of approval can result in enforcement action. The applicant is not requesting a reduction in the number of code-required parking stalls, but rather the manner in which the parking stalls are configured to meet the onsite conditions. Since vehicular parking is being provided off-street within a code-required garage, this alternative is designed to avoid exacerbating the already existing parking impacts on

the community. The inclusion of adequate conditions of approval would ensure that the project would be consistent with all required findings for the LCDP and Standards Variances.

PUBLIC HEARING NOTICE

A total of 161 notices of public hearing were distributed within a 300-foot radius from the project site and to the appellant on May 18, 2022 in accordance with the requirements of Chapter 21.21 of the Zoning Regulations. All interested parties that commented on the project were also noticed. As of the preparation of this report, no public comments have been received.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA) this project is eligible for a categorical exemption per Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines (CE-22-005). There would be no net loss in density as part of the project proposal.

Respectfully submitted,



MARYANNE CRONIN
PROJECT PLANNER



ALEXIS OROPEZ
CURRENT PLANNING
OFFICER



ALISON SPINDLER-RUIZ, AICP
ACTING PLANNING BUREAU MANAGER



CHRISTOPHER KOONTZ, AICP
DEPUTY DIRECTOR OF DEVELOPMENT
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OSCAR W. ORCA
DIRECTOR OF DEVELOPMENT SERVICES

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Attachments:

- Attachment A – Zoning Administrator Minutes (2/28/22, 3/14/22, and 3/28/22)
- Attachment B – Zoning Administrator Public Correspondence (2/28/22 Meeting)
- Attachment C - Vicinity Map
- Attachment D – Site Photos
- Attachment E – Plans
- Attachment F – Alternative Parking Configurations
- Attachment G – Conditions of Approval
- Attachment H – Findings
- Attachment I – Application for Appeal