

**REASONABLE ACCOMMODATION FINDINGS****Application No. 2011-23 (RAC20-005)****147 Park Ave.****April 1, 2021**

Pursuant to Chapter 21.25, Division XIII of the Long Beach Municipal Code, the Reasonable Accommodation procedure is established to provide people with disabilities reasonable accommodation in rules, policies, practices and procedures that may be necessary to ensure equal access to housing. The purpose of this Division is to provide a process for individuals with disabilities to make request for reasonable accommodation in, Long Beach, CA 90802 regard to relief from the various land use, zoning, or building laws, rules, policies, practices and/or procedures of the City. Per Section 21.25.1311, the following findings must be analyzed, made and adopted before any action is taken to approve or deny a request for reasonable accommodation and must be incorporated into the record of the proceeding relating to such approval or denial. Based on the following findings, the Planning Commission determined that the Reasonable Accommodation request is denied.

**A. THE HOUSING, WHICH IS THE SUBJECT OF THE REQUEST FOR REASONABLE ACCOMODATION, WILL BE USED BY AN INDIVIDUAL PROTECTED UNDER THE ACT.**

Positive Finding: The applicant, an individual protected under the Act, will reside at the dwelling at 147 Park Ave. in the R-2-S zoning district. A supporting statement by the applicant's physician, dated August 20, 2020, was provided with the application materials (see physician's letter in case file no. 2011-23).

**B. THE REQUEST FOR REASONABLE ACCOMODATION IS NECESSARY TO MAKE SPECIFIC HOUSING AVAILABLE TO AN INDIVIDUAL PROTECTED UNDER THE ACT.**

Negative Finding: The reasonable accommodation request is for a new elevator hall on the roof deck of a proposed two-story single-family dwelling located in the flood hazard zone. The proposed elevator hall exceeds the dual height limits of the R-2-S zoning district as follows: 1) the height limit of twenty-four feet (24'-0") to the mid-slope of the highest sloped roof segment will be exceeded by four feet eleven inches (4'-11"), and 2) the height limit of twenty-eight feet (28'-0") to the roof ridge will be exceeded by two feet and one-half inch (2'-0½") (refer to plans in case file no. 2011-23). Per departmental policy, height is measured from +1'-0" above the flood plain, as Building Code requires the finished floor of the new building to be located at this elevation (refer to current version of Building Code in effect for the City of Long Beach). The elevator hall itself is between 20 and 25 square feet in area.

The purpose of the elevator hall is to provide elevator access to the first and second floors and the roof deck (above the second floor) of the proposed single-

family dwelling for the individual protected under the Act. The proposed single-family dwelling complies with all other development standards of the Zoning Code for the zoning district in which it is located, including the mid-slope of the highest sloped roof without the elevator hall, the height to roof ridge without the elevator hall, and the height of the proposed roof deck parapet/railing.

However, the inclusion of the proposed roof deck is a design choice and is not necessary to meet the relevant open space development standard, which is met even without the roof deck included in the project's open space. Without the roof deck, the elevator would only serve the first and second floors, and the elevator hall would be able to comply with the building height limits. As such, the specific housing would still be available to the individual protected by the Act without inclusion of the roof deck and therefore without inclusion of the elevator hall that exceeds the building height limits.

Furthermore, as the project consists of all-new construction of the proposed single-family dwelling, and is not a retrofit or remodel, the non-approval of this Reasonable Accommodation request will not deny, to the individual protected under the act, access to all or a portion of the housing that is the subject of this request, as would potentially be the case if the request involved the retrofit or remodel of an existing building. Given that it is new construction, the project could be redesigned to lower the height of the roof top deck. Elimination of the roof deck, adjusting the ceiling height, lowering of building height, use of an alternative elevator lift, and incorporation of a mezzanine level deck, are some of the many design changes that could allow the elevator hall to be lowered to provide full access, and comply with the building height limit.

**C. THE REQUESTED REASONABLE ACCOMMODATION WILL NOT IMPOSE AN UNDUE FINANCIAL OR ADMINISTRATIVE BURDEN ON THE CITY.**

Positive Finding: The request to increase the permitted building height for the requested elevator hall, an increase of 4'-11" above the height limit of 24'-0" to the mid-slope of the highest sloped roof segment, and 2'-0½" above the height limit of 28'-0" to the roof ridge, would not impose an undue financial or administrative burden on the City, as all improvements would take place on private property, would not be funded by the City of Long Beach, and would not require ongoing monitoring or other special administrative enforcement measures. Normal building inspection and code enforcement methods with punitive and/or cost-recovery fees would remain available to the City if needed for any violations related or unrelated to this project.

**D. THE REQUESTED ACCOMMODATION WILL NOT REQUIRE A FUNDAMENTAL ALTERATION OF THE ZONING OR BUILDING LAWS, POLICIES AND/OR PROCEDURES OF THE CITY.**

Positive Finding: The request will not require or imply the need for a fundamental alteration of the zoning or building laws, policies, or procedures of the City. Such a fundamental alteration could be, for example, an exception to density limits, allowing additional building stories not otherwise permitted, or allowing otherwise unpermitted land uses, none of which would occur in the subject request.

**E. FOR HOUSING LOCATED IN THE COASTAL ZONE, A REQUEST FOR REASONABLE ACCOMMODATION UNDER THIS SECTION SHALL BE APPROVED BY THE CITY IF IT IS CONSISTENT WITH SUBSECTIONS 21.25.1311A THROUGH 21.25.1311D ABOVE AND THE CERTIFIED LOCAL COASTAL PROGRAM. WHERE A REQUEST FOR REASONABLE ACCOMMODATION IS NOT CONSISTENT WITH THE CERTIFIED LOCAL COASTAL PROGRAM, THE CITY MAY WAIVE COMPLIANCE WITH AN OTHERWISE APPLICABLE PROVISION OF THE LOCAL COASTAL PROGRAM AND APPROVE THE REQUEST FOR REASONABLE ACCOMMODATION IF THE CITY FINDS:**

**1. THE REQUESTED REASONABLE ACCOMMODATION IS CONSISTENT, TO THE MAXIMUM EXTENT FEASIBLE, WITH THE CERTIFIED LOCAL COASTAL PROGRAM; AND**

Negative Finding: The City is not proposing to waive consistency with the Local Coastal Program as Finding 21.25.1311.B above has been made in the negative, and the subject request will not be approved. The proposed Reasonable Accommodation is compliant with the Local Coastal Program except for building height limits, as described above in Finding B, and could feasibly be made more compliant while still making the specific proposed housing available to the individual protected under the Act.

**2. THERE ARE NO FEASIBLE ALTERNATIVE MEANS FOR PROVIDING AN ACCOMMODATION AT THE PROPERTY THAT WILL PROVIDE GREATER CONSISTENCY WITH THE CERTIFIED LOCAL COASTAL PROGRAM.**

Negative Finding: As discussed in the finding for 21.25.1311.B and E.1 above, the proposed specific housing could feasibly be made available to the individual protected under the Act in a manner that complies with the building height limits and is therefore more consistent with the Local Coastal Program.