



## Legislation Text

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**File #:** 16-1059, **Version:** 1

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Adopt resolution directing the Director of Development Services to submit a request to the California Coastal Commission to certify an amendment to the Certified Local Coastal Program; and

Adopt Negative Declaration ND-03-16. (District 3)

On October 20, 2016, the Planning Commission held a public hearing on this project and unanimously recommended that the City Council approve the requested actions including a Zone Change and Local Coastal Development Permit, a Resolution requesting the California Coastal Commission to certify an amendment to the Certified Local Coastal Program, and a Negative Declaration (ND-03-16).

The proposed project is located at 2 61<sup>st</sup> Place in The Peninsula neighborhood of Long Beach, south of Ocean Boulevard. The site is a 3,184-square-foot residential lot improved with a two-story single-family home and a garage. The site abuts Seaside Walk and the adjacent beach and the Pacific Ocean to the south. It abuts 61<sup>st</sup> Place on the west, a neighboring residential property in the CNR zoning district on the east, and a residential property in the R-2-I zoning district to the north (Exhibit A - Vicinity and Zoning Map). The applicant requests approval of a Zone Change from CNR to R-2-I (Exhibit B - Rezoning Map 1603-22), along with a Local Coastal Development Permit (LCDP) and a Local Coastal Program (LCP) Amendment triggered by this Zone Change, as well as adoption of a Negative Declaration.

The Zone Change would apply to the subject site only, for the purposes of demolishing the existing single-family dwelling and garage, and constructing a new three-story single-family dwelling and garage conforming to the R-2-I development standards (Exhibit C - Plans). The applicant requests a Zone Change from CNR to R-2-I so that the subject residential property would be consistent with the zoning of the majority of residential properties on The Peninsula, and be able to enjoy the same residential development rights as the other R-2-I-zoned properties.

The subject site is located in the CNR zoning district, a mixed-use commercial zone that allows for residential development. CNR allows neighborhood-compatible commercial uses in a manner similar to the commercial-only CNP (Neighborhood Pedestrian District) zone, while also allowing residential development at the density allowed by the R-3-T zoning district. This works on a sliding scale of units per lot area that changes with lot size, having no upper limit (per Table 31-2B of the Zoning Regulations). However, due to this lot's small size, only one dwelling unit is allowed per the R-3-T standards.

In The Peninsula neighborhood, the vast majority of private land is zoned R-2-I, with the exception of a strip of CNR zoning for all of the parcels with frontage on 62<sup>nd</sup> Place, and extensions at either end of the strip to include additional parcels with frontage on Seaside Walk (to the south) or Bay Shore Walk (to the north) between 61<sup>st</sup> Place and 63<sup>rd</sup> Place. The subject site is part of this CNR strip, and is the last parcel on the western edge of the southern extension of the CNR district, having frontage on Seaside Walk and abutting 61<sup>st</sup> Place. Parcels immediately abutting the subject site to the north, and across 61<sup>st</sup> Place to the west, are zoned R-2-I (this situation is illustrated in Exhibit A - Vicinity and Zoning Map).

The Zoning Regulations (Title 21, LBMC) describes the R-2-I zoning district as a two-family residential district with small lots, which recognizes existing subdivision and use patterns in distinct portions of the City, and allows an intensity of development appropriate only in areas within immediate proximity to public open space. The description notes that the R-2-I zone implements Land Use District (LUD) No. 2 of the General Plan. In the case of The Peninsula, which is the only neighborhood in the City where R-2-I zoning is used, the public open space referenced in the zoning district description is the public beach found on both sides of The Peninsula.

A majority of buildings in The Peninsula neighborhood are two and three stories tall. Most are a mixture of low- and medium-low density housing types between one and four units on a lot. A number of four-story, medium-high-density multifamily buildings are located between 61<sup>st</sup> and 63<sup>rd</sup> Places, in the immediate vicinity of the proposed project. Out of 37 buildings (having 49 separate addresses) located in the strip of the CNR district, a total of three commercial uses are present, all located on 62<sup>nd</sup> Place north of Ocean Boulevard. The subject site is south of Ocean Boulevard in an area of exclusively residential development, an area that has never shown a market-driven propensity to shift to the mixed-use commercial/residential form of development currently allowed by the CNR zoning district.

Although the subject site currently has a zoning designation of CNR, it is located in the same General Plan Land Use District as the R-2-I-zoned areas of The Peninsula, which is LUD No. 2-Mixed Style Homes. LUD No. 2 recognizes the existing conditions in large areas of the City, including The Peninsula neighborhood, where a mixture of low-density housing types, consisting of single-family homes, duplexes, triplexes, etc., are present on the same block faces and in the same neighborhood. These situations exist, according to the Land Use Element, as a result of these areas having been zoned for higher density housing in the past, the buildout of which was only partially accomplished. The purpose of LUD No. 2 is stated to be preservation of the existing mixture of housing types and density situation, without requiring a density reduction to single-family density levels, nor allowing an advance in density to that of the densest housing prevalent in districts of LUD No. 2 (this typically would be 4+ units on a lot of comparable size to the subject site).

The strip of CNR zoning district that covers the lots fronting on 62<sup>nd</sup> Place, along with the northern extension of CNR along the lots fronting on Bay Shore Walk between 61<sup>st</sup> Place and

63<sup>rd</sup> Place, fall under a different LUD, which is LUD No. 7-Mixed Use District. However, for those lots located within the southern extension of the CNR district along Seaside Walk between 61<sup>st</sup> Place and 63 Place, not having frontage on 62<sup>nd</sup> Place, LUD No. 2 remains the General Plan LUD designation. The historical reason for this disparity between the General Plan LUD and the zoning district on these properties is not clear (Exhibit D - Page 6 of the General Plan Land Use District Map).

The project site also is located within the Coastal Zone, and subject to the City’s certified Local Coastal Program (LCP). It is located within the LCP’s Area E-Naples Island and The Peninsula (pages III-E-1 through III-E-22 of the LCP). Area E emphasizes maintaining and improving access to the coast, and preservation of the existing residential character of The Peninsula, with a duplex density to prevail. The Area E implementation plan also acknowledges the trend toward three-story development among the residential buildings located on The Peninsula. The LCP specifically calls for a strip of mixed-use commercial zoning along 62<sup>nd</sup> Place to create a commercial node or axis, but is silent regarding the extension of this zoning along Bay Shore Walk and Seaside Walk between 61<sup>st</sup> and 63<sup>rd</sup> Places.

The LCP additionally aims to protect existing affordable housing within the Coastal Zone, requiring one-for-one replacement of any very low-, low-, and moderate-income housing units removed as the result of a project (described in pages II-6 through II-14 of the LCP). However, the LCP goes on to exempt from this requirement any removals for the purpose of construction of one or two new residential units.

The Zone Change request is based upon the differences in the ways the CNR and R-2-I zoning districts allow residential-only development. Table 1 (see below) compares the differences in development standards for the CNR and R-2-I zoning districts for this specific site. On this site, the R-2-I zone would allow the development of a three-story structure containing up to two dwelling units, while the CNR zone allows the development of a two-story structure containing one dwelling unit, with commercial tenant spaces also allowed. For CNR zoning, the number and size of commercial tenant spaces would be limited only by the site’s ability to provide parking spaces in accordance with Chapter 21.41 (Off-Street Parking and Loading) of the Zoning Regulations.

Since the project consists of removal of one single-family dwelling, followed by construction of a new single-family dwelling, the affordable housing replacement policy specified in the Local Coastal Program is not applicable to the project (per pages II-6 and II-7 of the LCP).

Table 1. Comparison of CNR and R-2-I development standards.

	CNR (Com./Res)*	CNR (Res. only)**	R-2-I
Front yard:	0 ft.	8 ft.	3 ft.
Street side yard (on 61 <sup>st</sup> Place):	0 ft.	5 ft.	3 ft.

Interior side yard:	5 ft.	5 ft.	3 ft.
Rear yard:	10 ft.	10 ft.	8 ft.
Height limit	2 stories	2 stories	3 stories
To top of flat roof or midpoint of sloped roof	28 ft.	28 ft.	32 ft.
To top of ridge of sloped roof	N/A	N/A	35 ft.
Lot coverage	N/A	N/A	N/A
Required usable open space	250 sq. ft. per unit	250 sq. ft. per unit	2% of lot area per unit (64 sq. ft. for this lot)
Floor area ratio limit	N/A	N/A	N/A
Allowable density (for this site)	1 dwelling unit	1 dwelling unit	2 dwelling units
Amount of commercial space allowed	Limited only by parking	N/A	None

Notes:

- \* Ground floor commercial, and residential over ground floor commercial development.
- \*\* Ground floor residential, and residential over ground floor residential development.
- N/A: Not Applicable.

The requested Zone Change would result in removal of the option for commercial uses on the site. One additional dwelling unit would potentially be allowed (for a total of two), and the effective building height allowed would be four feet higher (see Table 1) than currently allowed by the CNR zoning district. However, the applicant intends to build only one dwelling unit for this project, and construction will be carried out in a way that precludes development of a second dwelling unit at a later date (a second unit would require an additional two-car garage, which would not be possible to fit into the proposed site plan). The land use on the site—a single-family dwelling—will not change as a result of the project.

Staff has found that the proposed rezoning is consistent with the existing General Plan designation, to a greater extent than the current CNR zoning. The Zone Change will bring the zoning into greater conformance with the General Plan, and will allow residential development on the subject site consistent with that allowed over nearly all of The Peninsula. Due to the existing development pattern on The Peninsula, as well as the proposed single-family home’s conformance with the development standards of the R-2-I zoning district, the project will not adversely affect the character, livability, or appropriate development of the area. Staff therefore recommends that the City Council approve and adopt an Ordinance making the proposed Zone Change, approve the Local Coastal Development Permit, (Exhibit E - Findings and Conditions of Approval), adopt a Resolution directing the Director of Development Services to submit a request to the California Coastal Commission to certify an amendment to the Certified Local Coastal Program; and adopt Negative Declaration ND-03-16.

Public hearing notices were distributed on November 21, 2016. Any responses and comments received will be conveyed to the City Council prior to the public hearing.

In accordance with the Guidelines for Implementation of the California Environmental Quality Act (CEQA), a Negative Declaration (ND-03-16) was prepared for the proposed project. The Notice of Completion (NOC) was filed with the State Clearinghouse (SCH #2016091056) on September 21, 2016, and the 30-day review period concluded on October 21, 2016. One comment was received from the California Department of Transportation (Caltrans) indicating no concerns with the project. A Notice of Intent to Adopt (NOI) was posted with the Los Angeles County Registrar-Recorder/Clerk on October 3, 2016, and the 30-day review period concluded on November 2, 2016. No comments were received (Exhibit F - Negative Declaration ND-03-16).

This matter was reviewed by Assistant City Attorney Michael J. Mais on November 11, 2016 and by Budget Analysis Officer Julissa Jose-Murray on November 14, 2016.

City Council action is requested on December 6, 2016. Section 21.25.103.A.1 of the Zoning Regulations requires presentation of this request to the City Council within 60 days of the Planning Commission hearing, which took place on October 20, 2016.

There is no fiscal or local job impact associated with this recommendation.

Approve recommendation.

[Enter Body Here]

AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

PATRICK H. WEST  
CITY MANAGER