



Legislation Text

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Recommendation to review and consider information related to the recommendations by the Housing and Neighborhoods Committee in relation to Neighborhood Character Stabilization and mansionization recommendations; and

Adopt a minute order requesting City Attorney, in cooperation with the Department of Planning and Building, to prepare an interim zoning ordinance pursuant to Chapter 21.50 of the Long Beach Municipal Code, for notice and placement on the City Council agenda for hearing at its third meeting following the adoption of the minute order; further request the Department of Planning and Building and the Planning Commission to undertake a formal study of the existing zoning regulations, zoning uses, or developmental standards as are more fully described in the text of this Council letter; and request that during the period between the adoption of the subject minute order, and the adoption or rejection of an ordinance prepared pursuant to the terms of this Council letter and action, that no permit or other entitlement for use of any kind be issued for any project or proposed use, inconsistent or in conflict with the initiated action. (Citywide)

This item is in response to the action taken by the Housing and Neighborhoods Committee related to Neighborhood Character Stabilization and the demolition of structures greater than 45 years or older.

A Neighborhood Character Stabilization Plan is a strategy to respond to the issue known as "Mansionization". This term is used to characterize new homes or additions that are larger in size and out of character with the existing houses in a neighborhood.

On July 17, 2007 (Attachment A), the Housing and Neighborhoods Committee reviewed options presented by staff and received testimony by a number of residents. After considering this information, the Housing and Neighborhoods Committee recommended that the City Council enact interim regulations on the size and character of homes and demolitions in specific neighborhoods. If the City Council approves the Committee's recommendation for interim restrictions, the City Attorney will draft an interim ordinance that would temporarily alter development standards to limit the size and configuration of new homes or additions, as well as prohibit demolitions in selected neighborhoods. The intent of the interim ordinance would be to prevent development that could affect the character of the neighborhood until a full study and a permanent ordinance can be developed.

Interim Ordinances

A number of recommendations listed in the following sections of the report deal with interim ordinances. The Municipal Code (21.50.040) allows for interim ordinances to be enacted for up to one year to avoid development that would negate the impact of planning or zoning studies, or rezoning or regulation amendments relating to such studies, being considered or undertaken at the time of initiation of the interim ordinance. The Code allows for an interim ordinance for the purpose of prohibiting or restricting certain land uses or the application of certain developmental standards and entitlements pending the completion of planning or zoning studies, rezonings or amendments to the zoning regulations. The specifics of an interim ordinance can include a limited number of regulatory mechanisms.

The City Council must make findings (Long Beach Municipal Code 21.50.020) in order for an interim ordinance to be

enacted. Staff feels that the necessary findings can be made, as the interim ordinances that are proposed would allow time for the completion of planning and zoning studies that could affect changes to the zoning regulations. The interim ordinance regulations are intended to prevent further development that may be inconsistent with the results of the proposed planning studies.

Section 21.50.020 states that the interim ordinance will take effect on the date that the minute order is adopted by the City Council, and that no application shall be accepted and no permits issued pursuant to the interim regulations. However, staff recommends that any plan check application submitted to the City prior to the City Council action on any of the recommended interim ordinances should be exempt from the interim regulations.

IMPACTED NEIGHBORHOODS

The Housing and Neighborhoods Committee specifically identified Belmont Heights as an area where the interim zoning measures should apply. However, the Committee requested additional outreach to the Belmont Shore, Ranchos Estates, and Los Cerritos areas. The 3rd Council District also requested outreach to the Peninsula neighborhood. Since July 17, 2007, staff has met with the leadership of the Belmont Heights Neighborhood Association and hosted publicly noticed community meetings with the Rancho Estates, Los Cerritos, Belmont Shore and Peninsula neighborhoods. A total of 5,265 public notices have been mailed to all property owners within these areas. At each of the meetings comment cards were distributed and the address for an on-line survey was provided. In addition a power-point presentation tailored to each neighborhood was presented.

Due to recent and conflicting input from the Belmont Heights, Belmont Shore and Peninsula neighborhoods, this matter will be discussed regarding those neighborhoods at the City Council meeting of October 9, 2007. The following sections outline the major issues raised at the Rancho Estates and Los Cerritos meetings, as well as possible solutions.

RANCHO ESTATES COMMUNITY MEETING (See Attachment B)

The community meeting was held on August 6, 2007, at El Dorado Park, with approximately 155 people from the Ranchos neighborhood in attendance. In this area, the majority of homes were designed by noted architect Cliff May. These homes have a distinctive light and open modernist style with low-pitched roofs and wood siding.

Many people thought that the "character" of their homes and neighborhood was being altered by major remodels, particularly the addition of second stories. Put to a show of hands, the majority supported not allowing second stories because of privacy issues and design incompatibility. In order to address this concern, the majority wanted to prevent second stories through an interim ordinance. In addition, attendees did not feel that demolition of the existing "Rancho" homes should be allowed.

Also discussed were the character-changing practices, such as changing the original wood cladding of the homes to stucco siding and changing out original windows to vinyl windows. In order to address this practice, attendees discussed the idea of having a discretionary design review board. After further discussion, most were uncomfortable with the idea of "neighbors" or non-City staff controlling what could and could not be done to their homes. The creation of design guidelines was raised and discussed. The majority of the people thought this was a good idea, but wanted City staff to prepare and administer the guidelines, provided the community is fully engaged and informed in the creation of the guidelines. Creating these guidelines could be accomplished through an extensive community process which would take one to two years to complete.

Another point of discussion was the tall fences in the front yard, near the property line. Some thought this was detrimental to the character of the neighborhood, as homes are walled off from the street, while others thought tall fences are necessary to secure private open space in the front yard as the homes do not have much area in the backyard. It was agreed that this issue could be studied and then addressed as part of developing permanent standards.

Since this meeting took place, 84 comment cards and on-line surveys have been received. Overall, the results indicate that a majority of people (87%) feel that new construction is impacting the character of the neighborhood. Most of the respondents felt that second stories should not be allowed and that design guidelines should be developed. Some respondents also mentioned a desire for the creation of a historic district for this neighborhood.

Based upon discussion at the community meeting and the surveys received, staff recommends taking a two-step approach, enacting an interim ordinance while staff undertakes a process to develop permanent standards. The purpose of the interim ordinance would be to allow time to study the appropriateness of second story additions, and the allowance of demolitions. The study will analyze pros and cons related to the issues, and the ultimate recommendation for permanent zoning standards would be considered by the City Council.

Interim Ordinance

- There are several options that can be employed to address this issue in the short term through an interim ordinance.
 - The first option would be to prohibit the construction of second stories.
 - The second option would be to require that all second story additions be stepped back substantially from the existing ground floor footprint.
- Demolitions should not be allowed, and the current definition of "demolition" should be changed to ensure that more of the home will remain in place during a remodel. This will help to preserve the character of the home and neighborhood.

Long-Term Actions

While the interim standards are in place, the City would undertake a process to revise the existing development standards consisting of comprehensive neighborhood outreach.

In regards to creating design guidelines to maintain the character of homes in Rancho Estates, attendees felt that the City should draft design guidelines, with community involvement, thus addressing this issue in the long-term. The design guidelines could focus on materials used on the exterior of the home and also offer suggestions on the shape and location of additions. In addition, the guidelines could also look at fence placement and type.

LOS CERRITOS COMMUNITY MEETING (See Attachment C)

Approximately 83 people attended an August 9, 2007, community meeting at the Petroleum Club. Following considerable discussion, the consensus was that the present zoning standards are adequate, however, the granting of standards variances is problematic.

Another issue that was identified was side-yard fences on corner lots. Residents are concerned about corner lot fences, which they believe tend to wall off the home and the street on which they are located.

There was also discussion regarding "design character". Some people were concerned that the elements they like the most about this neighborhood, including its eclectic architectural and a sense of openness, are being influenced by some of the larger new construction. The idea of developing design guidelines to protect the neighborhood character was suggested. However, there was no consensus reached about developing design guidelines, hence development of design guidelines is not suggested at this time.

Since this meeting took place, 40 comment cards on-line surveys have been received.

Overall, the results indicate that a majority of people (74%) feel that new construction is impacting the character of the neighborhood. Eight of the 35 respondents indicated that the granting of variances was an issue. Of the 27 responses that dealt with the issue of mansions, 15 thought that it was an issue in the neighborhood. These results are different than the discussion at the community meeting where the issue was not the size of homes, but mainly homes that were granted standards variances. At this time, based on the residents' opinions provided at the community meeting, staff recommends that Los Cerritos remain a neighborhood of interest that staff will monitor through neighborhood association meetings and building and demolition permit data. Regarding the corner lot fence issue, staff recommends an interim ordinance as described below.

Interim Ordinance - Corner Lot Side-Yard Fences

- To address this issue, staff surveyed 13 other cities in the area and found that eight of the cities have the same or similar standards as Long Beach. Five of the other cities surveyed require lower fences on corner lots if the fence

is on the side property line. Based on comments heard at the community meeting, staff recommends an interim ordinance as follows:

- If the fence is on the property line or within the side-yard setback, the maximum fence height allowed is 3 feet.
- If the fence is setback 6 feet from the side property line (the side-yard setback standard for R-1-L zone) the maximum fence height allowed is 6 foot 6 inches (except in the front setback). The area between the property line and the fence should be landscaped. This would minimize the "walled" effect from the street, and allow the affected property to maintain privacy.
- The recommended interim ordinance would require existing non-conforming fences to comply with the standards in the interim ordinance if they were to be rebuilt.

Long- Term Actions

Staff will proceed with amending the Zoning Ordinance to make the interim standards on fences permanent.

ADDITIONAL HOUSING AND NEIGHBORHOODS COMMITTEE RECOMMENDATIONS

In addition to neighborhood-specific recommendations, the Housing and Neighborhoods Committee discussed the following requirements.

Story Poles

The Committee recommended that the City Council consider directing the Planning Commission to review requirements for use of story poles. Story poles are temporary frame structures used to visualize the outline of a proposed permanent structure. Story poles are often used in communities with view protection standards so that neighboring residents can approximate the effect of the new structure on the view from their residence.

Staff has reviewed this recommendation and found that several area cities require the use of story poles. Beverly Hills requires story poles when a hearing is required, such as a variance request. Rancho Palos Verdes and La Canada Flintridge require story poles for second story review or large additions, which is a discretionary review designed to administer protected view corridors. Laguna Beach and Malibu also require story poles as part of the discretionary review process for all single-family residential remodels. The cost of story poles is paid by the applicant and is estimated to range up to several thousand dollars. Typically, cities require applicants to sign a waiver of liability and have the accuracy of the height and placement of the story poles certified by a design professional such as an architect, engineer or surveyor.

Because story poles involve an additional cost to the homeowner, staff does not recommend that they be required in all instances. Instead, staff recommends that the interim ordinance should require the use of story poles, in all residential zoning districts, when a building height variance is requested.

Noticing Requirements

The Committee recommended that the City Council consider directing the Planning Commission to review the current standards for public noticing for hearings. Noticing requirements are found in the Long Beach Municipal Code (21.21.302). Requests for discretionary permits such as a Standard Variance, Administrative Use Permit or Conditional Use Permit require mailed notification of property owners within a radius of the property. For most projects, a 300' radius is required. In addition to mailed notices, agendas for public hearings before the Zoning Administrator, Cultural Heritage Commission and Planning Commission are available online and notification of the availability of the agendas is distributed to email addresses via the City's E-notify system.

Research of several local jurisdictions found that the mailing radius for discretionary planning permits ranged from 300' to 1000'. A map with examples of a 300', 500', 750', and 1000' mailing radius in Long Beach can be found in Attachment D.

Based on the information found in Attachment D, staff recommends that a 500' radius be required, and that property owners and tenants be sent notices. This distance would typically notify the entire block adjacent to the location and include approximately two full blocks around the location. The increased notification requirement will increase the City's cost of providing noticing by increasing the amount of staff time for preparing the hearing notices, increasing postage

costs incurred by the Planning & Building Department. To recover these costs, the fees for planning applications must be increased.

In addition to mailed notices, the Long Beach Municipal Code (21.21.302) requires posting of notices on the development site and the submittal of an affidavit for verification. In exploring surrounding cities, most also require posting of notices, however, the information and size of notice postings vary. The most common practice is to post an 8.5" x 11" notice with information about the request, hearing information, and applicant information. This practice is required in cities such as Laguna Beach, Solana Beach, and San Clemente. Some cities, such as San Jose, Lakewood, Pasadena, and Burbank, require larger and/or colored notices posted on boards.

Because of concerns of visibility of onsite hearing notices, staff recommends adding a requirement for the applicant of a discretionary permit to post a 30" x 36" sign with the hearing notice, site plan, and applicable building elevations in a location visible from the street, and submit a photo of the posting for verification.

Design Review

There was also considerable discussion from members of the public and Committee members about requiring discretionary review of single-family additions and new construction as part of an interim ordinance. The implementation options consist of establishing an appointed design review commission, neighborhood volunteers reviewing design or staff review in conjunction with adopted guidelines. A design review process would require additional staff, delays in processing plan checks and additional cost to the homeowner. Based on anticipated workload, up to four full-time planning positions would need to be added depending on the approach to design review, in order to accommodate timely discretionary review of single-family residential remodels.

Due to additional processing time and cost to homeowners, staff does not recommend that discretionary design review and discretionary demolition review be included in the interim ordinances. Design review may be a viable long-term option, however, short-term implementation is problematic because of the lack of adequate staff and lack of neighborhood design guidelines, which would be needed for use in design review.

Review of Demolition Permits

Another issue considered by the Committee was discretionary review by the Department of Planning and Building of demolition permits for structures over 45 years of age. Currently, demolition permits are issued administratively, except in those cases where the demolition is associated with a larger project or in an historic district. Discretionary review of demolition permits would likely require preparation and review of an historic assessment survey and trigger environmental review. An historic assessment survey is a document prepared by a qualified historic preservation consultant that evaluates the historic significance of the affected property. Historic Preservation staff would administer the process and review assessments. Depending on the findings of the historic assessment survey, an appropriate environmental review document, a Categorical Exemption, Negative Declaration, or Environmental Impact Report would be prepared. Environmental review fees and review time vary depending on the type of document. This process will also result in additional staff time for review and administration of the historic assessment survey.

At this time, staff does not support discretionary review of demolitions citywide, due to the staffing and workload impacts. In the long-term, the Historic Preservation Element of the General Plan that is currently being processed will develop strategies for addressing this issue.

Historic Districts

The possibility of designating impacted neighborhoods as historic districts was also discussed. At the current time there are 17 historic districts in the City. For additional neighborhoods to be designated, staff must do a complete historic survey of all homes in the neighborhood, a lengthy and costly process. The survey would determine whether or not the neighborhood rises to the level of historic significance and what properties are significant. The staffing and funding needs of such an effort would degrade service in existing historic neighborhoods. There are currently two historic preservation staff members handling approximately 500 Certificates of Appropriateness annually, and over 5,500 properties located in historic districts. Based on the volume of activity and limited staffing, the Planning and Building Department is currently challenged to provide timely review and quality service. For these reasons, staff does not recommend the addition of new historic districts at this time.

This report was reviewed by Assistant City Attorney Michael J. Mais on August 8, 2007, and by Budget and Performance Management Bureau Manager David Wodynski on August 13, 2007.

CITY COUNCIL HEARING NOTICES

A total of 8,717 public notices have been mailed to each property owner within the affected areas noticing the September 18, 2007, City Council meeting, providing a map of affected properties within the specific neighborhood, and describing options that the City Council will consider regarding the neighborhood.

None.

Costs of Recommended Actions

The preparation of interim ordinances and long-term ordinance changes can be met with existing staff, however, response times for other current activities may experience diminishment. The use of story poles for height variances in selected neighborhoods would add cost for construction and certification of story poles to the homeowners requesting variances in those areas. The recommended increased notification requirement of 500' would increase the cost of providing mailing labels to an applicant, increase the amount of staff time for preparing the hearing notices and increase the cost of postage incurred by the Planning and Building Department. To recover costs, applicants will be charged additional fees for noticing. Any land surveys required by a new administrative policy are to be paid for by the applicants.

STAFF RECOMMENDATIONS

Staff is recommending interim ordinances be enacted with the following standards. These new standards would apply to any project that has filed for a plan check after September 18, 2007.

RANCHO ESTATES

Request that the City Attorney prepare an interim ordinance as follows:

- Prohibit the construction of second stories, or
- Require that all second story additions be stepped back from the ground floor.
- Prohibit demolitions and the current definition of "demolition" should be changed to limit the amount of existing exterior walls that can be removed.

Direct the Planning Commission to study and make recommendations to the City Council on the following:

- The development standards for new construction and remodels in the Rancho Estates area.
- The creation of design guidelines, with community involvement.

LOS CERRITOS

Request that the City Attorney prepare an interim ordinance as follows:

- Alter fence height requirements for corner lots. If the fence is on the property line or within the side-yard setback, the maximum fence height allowed is 3 feet. If the fence is setback 6 feet from the side property line (the side-yard setback standard for R-1-L zone) the maximum fence height allowed is 6 foot 6 inches (except in the front setback). The area between the property line and the fence should be landscaped. The recommended interim ordinance would require existing nonconforming fences to comply with the standards in the interim ordinance if they were to be rebuilt.

Direct the Planning Commission to modify the Zoning Ordinance to make the interim standards permanent.

CITYWIDE

Request that the City Attorney prepare an interim ordinance as follows:

- Require the use of story poles, in all residential districts, when a building height variance is requested.
- Alter public noticing standards to:
 - Require all property owners and tenants be noticed.
 - Require a minimum 500' notification radius be required.

Require posting of a 3D" x 36" sign containing project and hearing information.

Approve recommendation.

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CITY MANAGER