



CITY OF LONG BEACH

H-3

DEPARTMENT OF DEVELOPMENT SERVICES

333 W. Ocean Boulevard Long Beach, California 90802 562-570-6194 FAX 562-570-6068

October 7, 2008

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

1. Receive supporting documentation into the record, conclude the hearing, deny the Appeal, and uphold the Planning Commission decision to: (1) certify Mitigated Negative Declaration (No. 11-08); (2) approve Site Plan Review; (3) approve Vesting Tentative Map; (4) approve Conditional Use Permit, and likewise uphold the Planning Commission recommendation to approve an amendment to the General Plan and a re-zoning of the property located at 3635 Elm Avenue for the purpose of allowing the development of a 5-story, 65-unit senior assisted living facility.
2. Declare Ordinance amending the Use District Map of the City of Long Beach from R-3-S (Three Family Residential) to R-4-U (High Density, Multi-Family Residential) read the first time and laid over to the next regular meeting of the City Council for final reading.
3. Adopt Resolution amending the Land Use Element of the General Plan from LUD No.3B to LUD No.5. (District 8)

DISCUSSION

The applicant, Temple Beth Shalom, is proposing to construct a 65-unit, 5-story senior assisted living facility at 3635 Elm Avenue. The facility will consist of 35 studios, 20 one-bedroom and 10 two-bedroom units. Amenities include separate men's and women's gyms, three communal leisure rooms, a library, a barber/stylist area, and dining accommodations. In addition, 7,604 square feet of landscaped outdoor open space is part of the project (Exhibit A – Plans and Photographs).

In order to construct the project, an amendment to the General Plan from Land Use District 3B to 5 and change in zone from R-3-S to R-4-U are necessary. The amendments to the General Plan and Zone will allow an increase in height and density at the project site. The applicant is also seeking a density bonus by allocating 6 units for very low-income tenants. When very low-income units are provided, the Municipal Code allows a 35 percent density bonus above the base density. With a base density of 48 units, an additional 17 units would be allowed, for a total of 65 units (59 market rate, 6 very low income). When a density bonus is utilized, the municipal code allows the applicant to obtain two regulatory incentives or waivers in order to achieve the bonus density. The waivers requested by the applicant are for reductions in the side and rear setback.

On August 21, 2008, the Planning Commission approved the project, including Site Plan Review, Conditional Use Permit and Vesting Tentative Map and recommended that the City Council approve the amendments to the General Plan and zone change. Subsequent to Planning Commission action, three appeals were filed (Exhibit B – Appeals). The appellants listed 23 reasons the application should be denied.

This letter was reviewed by Assistant City Attorney Michael Mais on September 19, 2008 and by Budget Management Officer Victoria Bell on September 24, 2008.

TIMING CONSIDERATIONS

The Long Beach Municipal Code requires a hearing within 60 days or by October 21, 2008 following positive Planning Commission action.

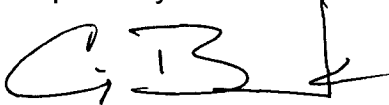
FISCAL IMPACT

The project is privately financed. There is no impact to the General Fund.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



CRAIG BECK
DIRECTOR OF DEVELOPMENT SERVICES

CB:GC:DB:sv
P:\Planning\CDD (Zoning)\City Council reports\Council letter\Elm Assisted Living.doc

Attachments: Exhibit A - Plans and Photographs
Exhibit B - Appeals
City Council Zoning Ordinance Amendment
City Council Resolution

APPROVED:



PATRICK H. WEST
CITY MANAGER



CITY OF LONG BEACH

LONG BEACH DEVELOPMENT SERVICES

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

PLANNING BUREAU/COMMUNITY DESIGN & DEVELOPMENT DIVISION

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

<input type="checkbox"/> Zoning Administrator	on the <u>21st</u> day of <u>AUGUST</u> , 20 <u>08</u>
<input checked="" type="checkbox"/> Planning Commission	
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Appellant(s): ODETTE PERREAULT, ROBERT WILLIAMS, LB NEIGHBORHOODS FIRST

Project Address: 3635 ELM AVE, LONG BEACH CA 90807

Project Description: APPLICATION 0803-05 SENIOR COMMUNITY HOUSING

Reasons for Appeal: SEE ATTACHED

Your appellant herein respectfully requests that Your Honorable Body reject the decision and Approve Deny this application.

Appellant(s) Contact Information

	Appellant 1	Appellant 2	Appellant 3
Name:	<u>Odette Perreault</u>	<u>Robert Williams</u>	<u>LB Neighborhoods First</u>
Address:	<u>3495 Linden #60</u>	<u>3839 Linden Ave</u>	<u>3156 Pine</u>
City/ZIP:	<u>Long Beach 90807</u>	<u>Long Beach 90807</u>	<u>Long Beach 90807</u>
Phone:	<u>(562) 997-1035</u>	<u>310 813-1766</u>	<u>(562) 891-4377</u>
Signature:	<u>[Signature]</u>	<u>R Williams</u>	<u>[Signature]</u>

(Staff Use Only Below This Line)

Received by: SV Case No.: 0803-05 Date of Appeal: 8/29/08

Materials Required: Plans Photographs Special Materials

Fee: 50 Fee Paid Date of Appeal Hearing: OCTOBER 14, 2008

APPLICATION FOR APPEAL
Application No 0803-05

Reasons for Appeal

- 1) A formal Environmental Impact Report is necessary
- 2) The Mitigated Negative Declaration (11-08) is inadequate and unacceptable
- 3) The change in zoning is Spot Zoning
- 4) Adverse local and citywide precedent(s)
- 5) General Plan Amendment –Land Use District #3B to #5 is not appropriate
- 6) Re-zoning is not appropriate
- 7) Objections to granting Conditional Use Permit
- 8) Objections to Site Plan Review
- 9) Objections to Vesting Tentative Parcel Map
- 10) Objections to Conditions of Approval to Application No 0803-05 dated 8/21/08
- 11) Objections to Findings to Application No 0803-05 dated 8/21/08
- 12) Objections to Statements of building quality
- 13) Objections to Validity of Financial Assertions
- 14) Proximal voice has been minimized
- 15) Inadequacy, inaccuracy of Traffic Study
- 16) Inadequate Parking
- 17) Excessive Density
- 18) Local infrastructure inadequate
- 19) Objections to Attractive use arguments
- 20) Objections to Self-imposed conditions as justifying variance(s) entitlement(s)
- 21) Inadequate consideration of public comment
- 22) Lack of access to records of relevant public proceeding (Study Session)
- 23) Objections to assertions of experience and qualification



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<input type="checkbox"/> Site Plan Review Committee	

Appellant(s): DEAN TOJI, SCOTT FITZGERALD, DONALD SMITH

Project Address: 3635 Elm Ave

Project Description: Case No. 0803-05 SENIOR COMMUNITY HOUSING

Reasons for Appeal: see Attached

Your appellant herein respectfully requests that Your Honorable Body reject the decision and

Approve this application.

Deny this application.

Appellant(s) Contact Information

	Appellant 1	Appellant 2	Appellant 3
Name:	<u>Dean Toji</u>	<u>SCOTT FITZGERALD</u>	<u>Donald Smith</u>
Address:	<u>3737 Elm Ave</u>	<u>3716 ELM AVE</u>	<u>3742 Elm</u>
City/ZIP:	<u>Long Beach 90807</u>	<u>LONG BEACH 90807</u>	<u>Long Beach 90807</u>
Phone:	<u>562/427-3773</u>	<u>562/427-5780</u>	<u>562-297-0226</u>
Signature:	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>

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Appellant(s): JAMES F HANNIGAN, RESIDENTS OF CHATEAU THIERRY,
JERRY GREENLY
 Project Address: 3635 ELM AVE. LONG BEACH CA 90807

Project Description: APPLICATION 0803-05 SENIOR COMMUNITY HOUSING

Reasons for Appeal: SEE ATTACHED

Your appellant herein respectfully requests that Your Honorable Body reject the decision and Approve this application. Deny

Appellant(s) Contact Information

	Appellant 1	Res. Appellant 2	Appellant 3
Name:	James Hannigan	Chateau Thierry	JERRY GREENLY
Address:	3732 Elm Ave	3675 Linden #60	3740 ELM AVE
City/ZIP:	Long Beach CA 90807	Long Beach 90807	LONG BEACH 90807
Phone:	562 305 0816	(562) 997-1035	562-424-1718
Signature:	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE USE DISTRICT MAP OF THE CITY OF LONG BEACH AS SAID MAP HAS BEEN ESTABLISHED AND AMENDED BY AMENDING PORTIONS OF PART 5 OF SAID MAP FROM R-3-S (THREE FAMILY RESIDENTIAL) TO R-4-U (HIGH DENSITY, MULTI-FAMILY RESIDENTIAL) (RZ-0803-05)

The City Council of the City of Long Beach ordains as follows:

Section 1. Environmental documentation having been prepared, certified, received and considered as required by law, and the City Council hereby finding that the proposed change will not adversely affect the character, livability or appropriate development of the surrounding area and that the proposed change is consistent with the goals, objectives and provisions of the General Plan, the official Use District Map of the City of Long Beach, as established and amended, is further amended by amending portions of Part 5 of said Map to rezone the subject property from R-3-S (Three Family Residential) to R-4-U (High Density, Multi-Family Residential). Those portions of Part 5 of said map that are amended by this ordinance are depicted on Exhibit "A" which is attached hereto and by this reference made a part of this ordinance and the official Use District Map.

Section 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2008, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

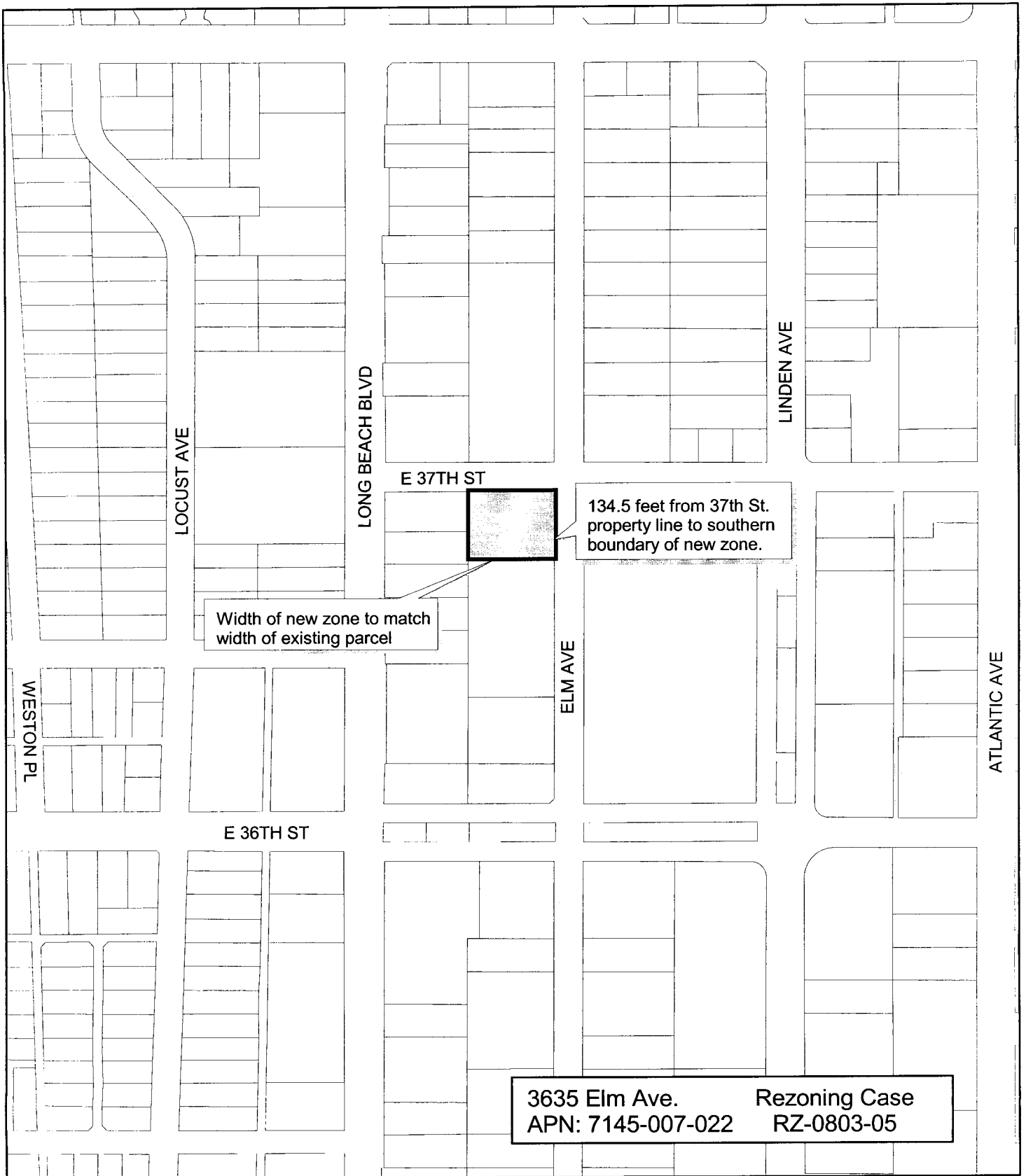
Absent: Councilmembers: _____

City Clerk

Approved: _____

Mayor

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664



Proposed amendment to a portion of Part 5 of the Use District Map and General Plan Land Use Map.


 Zoning Change: from R-3-S to R-4-U

Exhibit A