



**Nancy Muth/CH/CLB**  
City Clerk Analyst  
City Clerk Department  
(562) 570-6438

11/10/2008 08:47 AM

To Ray R Pok/CH/CLB@CLB, Jonathan Kraus/CH/CLB@CLB,  
Reginald Harrison/CH/CLB@CLB, Robert  
Shannon/CH/CLB@CLB, Larry Herrera/CH/CLB@CLB, Irma  
cc

bcc

Subject Fw: 09 NOV 08 (Mitigated Negative Declaration)

I am forwarding this correspondence regarding the Council agenda item for 11/11/08 - Senior Assisted living H-1. I will have hard copies made available, but am unable to reproduce the pictures in color. Therefore I am sending these to you prior to the meeting.

Nancy Muth  
333 West Ocean Boulevard  
Long Beach, CA 90802  
Fax - (562) 570-6789  
Nancy\_Muth@longbeach.gov

----- Forwarded by Heidi Eidson/CH/CLB on 11/10/2008 08:37 AM -----



**Steven Valdez/CH/CLB**

11/10/2008 07:49 AM

To Heidi Eidson/CH/CLB@CLB

cc Jill Griffiths/CH/CLB@CLB, Jacque Gilmore/CH/CLB@CLB

Subject Fw: 09 NOV 08 (Mitigated iNegative Declaration)

Good Morning Heidi,

Please forward the attached email to the appropriate department.

Thanks,

**Steven A. Valdez**

*Planner*



Building A Better Long Beach  
LONG BEACH DEVELOPMENT SERVICES

333 West Ocean Blvd.  
Long Beach, CA 90802  
T: 562.570.6571  
F: 562.570.6068  
<http://lbds.longbeach.gov/>

----- Forwarded by Steven Valdez/CH/CLB on 11/10/2008 07:48 AM -----



**"SCOTT FITZGERALD"**  
<fitzco3@verizon.net>

11/09/2008 03:20 PM

To "Steven Valdez" <Steven\_Valdez@longbeach.gov>

cc

Subject 09 NOV 08 (Mitigated iNegative Declaration)

Dear Mr. Valdez,

Attached is another copy of my response to the City 's Mitigated Negative Declaration in hopes that this resubmittal will be read and responded to responsibly . The last response to my submittal was met with notes on all my comments , that stated "comments noted" and "no significant impact" with one exception and that was the response to one of the photographs I included . The photograph (see this resubmittal) was taken from my dining room window toward the site with a yellow lined photo -overlay depicting the proposed building. The comment was "views from windows is not a consideration ". Are the photos taken from outside the window more worthy of consideration ? They weren't even mentioned in your report.

Please have one of your staff read my Neg Dec response with a complete understanding of this Senior Housing project and sensitized to its obvious code violations , above-allowable incentives being waived and the environmental impact that it would have on our neighborhood . I am hopeful that the City's report will be more responsible than simply stating : "comments noted" in hopes that a new review will at least warrant an EIR.

Thank you in advance for your attention to this matter that is of critical importance to the very lives of we home owners, residents of Long Beach . We deserve as much.

Sincerely,

Scott Fitzgerald  
3716 Elm Ave.  
Long Beach, CA 90807  
562 427 5780



ASSISTED\_LIV\_05.jpg



ASSISTED\_LIV\_06.jpg



ASSISTED\_LIV\_08.jpg



IMG\_9164a.jpg



IMG\_9163a.jpg

**RESPONSE TO THE  
MITIGATED NEGATIVE DECLARATION ND 11-08  
FOR SENIOR COMMUNITY HOUSING  
3635 ELM AVENUE  
LONG BEACH, CA 90807**

**PREPARED BY  
SCOTT FITZGERALD  
3716 ELM AVENUE  
LONG BEACH, CA 90807**

I PREFACE THIS NEG. DEC. RESPONSE BY SAYING  
THAT THE FOLLOWING COMMENTS ARE MINE ALONE  
BUT GENERALLY REFLECT THE VIEWS OF MOST OF  
THE RESIDENTS IN THE GENERAL VICINITY OF THIS  
PROPOSED PROJECT. I WOULD ALSO LIKE TO MAKE  
IT VERY CLEAR THAT NONE OF THE PEOPLE MENTIONED  
ABOVE ARE AGAINST THE PROJECT EXCEPT FOR THE  
MASSIVE SIZE AND THE SPOT ZONING CHANGE FROM R3S  
TO R4U (WHICH IS URBAN OR "CITY" IN SCALE. IT IS NOT  
COMPATIBLE WITH THE R1 SINGLE FAMILY RESIDENCE  
SCALE THAT THE CITY IMPOSED ON WE FORMER R2  
HOME OWNERS ON ELM AVENUE & LINDEN AVENUE  
IN THE 1990's.. THE FOLLOWING ARE RESPONSES  
TO SOME OF THE CITY- PLANNING-APPROVED  
NEG. DEC SUBJECTS.

PAGE 4: "ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED"  
ITEMS CHECKED: 1. AESTHETICS 2. AIR QUALITY 3. WATER QUALITY 4. NOISE  
ITEMS NOT CHECKED: LAND USE/PLANNING 2. POPULATION/HOUSING  
3. PUBLIC SERVICES 4. TRANSPORTATION 5. UTILITIES.  
**COMMENT: THESE "NOT CHECKED" ITEMS ARE ITEMS THAT THIS PROPOSED  
PROJECT (PP) HAS A POTENTIAL IMPACT ON & WILL BE DISCUSSED LATER  
IN THIS REVIEW/REPORT.**



PAGE 4: "DETERMINATION"

THE MITIGATED NEG. DEC. (MND) WAS PREPARED BECAUSE "REVISIONS IN THE PROJECT WERE AGREED UPON BY THE PROJECT PROPONENT" TO LEAD TO THE CONCLUSION THAT "IMPACT LESS THAN SIGNIFICANT".

QUESTION: WHAT CORRECTIONS OR MITIGATIONS WERE MADE TO MOVE FROM AN EIR TO AN MND:

PAGE 7(c): "AESTHETICS"

"WOULD THE PROJECT SUBSTANTIALLY DEGRADE THE VISUAL CHARACTER OR QUALITY OF THE SITE AND ITS SURROUNDINGS"?

COMMENT: DEGRADATION APPLIES TO THE AFFECT THE PROJECT HAS ON SURROUNDING AREA (ie) THE BUILDING IS TOO TALL AND TOO MASSIVE (ALMOST COMPLETE LOT COVERAGE) FOR A RESIDENTIAL NEIGHBORHOOD. A BUILDING OF THIS SCALE BELONGS ON THE L.B. BLVD. OR ATLANTIC BLVD. BUSINESS/URBAN SCALE CORRIDOR.

PAGE 7(d): "AESTHETICS"

"CREATE A NEW SOURCE OF LIGHT OR GLARE WHICH WOULD ADVERSLY AFFECT DAY OR NIGHTTIME VIEWS IN THE AREA".

COMMENT: THIS SHOULD ADDRESS A NEW SOURCE OF NORTH SHADOWS WHICH WOULD ADVERSLY AFFECT DAY VIEWS AND POSSIBLY ADVERSLY AFFECT LANDSCAPING IN THE PATH OF THE LARGE WINTER SHADOWS.

PAGE 13(e): VIII. "HYDROLOGY & WATER QUALITY"

"CREATE OR CONTRIBUTE RUNOFF WATER WHICH WOULD EXCEED THE CAPACITY OF EXISTING OR PLANNED STORM WATER DRAINAGE SYSTEMS OR PROVIDE SUBSTANTIAL ADDITIONAL SOURCES OF POLLUTED RUNOFF".

COMMENT: AT THE INTERSECTION OF ELM AVENUE AND 37TH STREET, DURING THE RAINY SEASON, FLOODING OCCURS THAT OFTEN SPILLS OVER TO THE SURROUNDING PUBLIC SIDEWALKS. THE REASON: THE INTERSECTION IS A LOW SPOT OR WATER RECEPTOR FOR DRAINAGE FROM THE NORTH & SOUTH ENDS OF ELM AVE. AND DRAINAGE FROM THE WEST FROM LONG BEACH BLVD., CONVERGING AT THIS INTERSECTION. THE NEAREST STORM DRAIN THAT EXISTS NOW IS TWO BLOCKS AWAY AT 37TH & ATLANTIC. THIS NEEDS TO BE RECTIFIED IF THE PROJECT IS TO PROCEED AT SOME MITIGATED SCALE. I EXPLAINED THIS PROBLEM TO THE ARCHITECT. HE TOLD ME THAT THE PROBLEM WAS NOT HIS RESPONSIBILITY. IF HE IS ALERTED TO THIS PROBLEM IT SHOULD BE HIS RESPONSIBILITY TO AT LEAST CALL THIS TO THE ATTENTION OF THE CITY OR PUBLIC WORKS. ,



PAGE 14(a): XI "LAND USE & PLANNING"

"WOULD THE PROJECT PHYSICALLY DIVIDE N ESTABLISHED COMMUNITY"?

COMMENT: THE PROJECT ZONING OF R4U ESTABLISHES A DEFINITE DIVIDING LINE BETWEEN OUR RESIDENTIAL, 1-STORY HOUSES NORTH OF 37TH ST. AND THE CONDOMINIUM BUILDINGS, CHURCHES AND CHURCH SCHOOL IMMEDIATELY SOUTH OF 37TH STREET.

PAGE 14(b) XI:

"WOULD THE PROJECT CONFLICT WITH ANY APPLICABLE LAND USE PLAN, POLICY OR REGULATION OR AN AGENCY WITH JURISDICTION OVER THE PROJECT (BUT NOT LIMITED TO THE GENERAL PLAN, SPECIFIC PLAN OR ZONING ORDINANCE) ADOPTED FOR THE PURPOSE OF AVOIDING OR MITIGATING AN ENVIRONMENTAL EFFECT"?

COMMENT: THERE IS NO OTHER R4U ZONING AREA OR SPOT ZONING FOR OVER A MILE THAT REMOTELY RESEMBLES THE SCALE OR DENSITY OF THIS PROPOSED PROJECT.

PAGE 15 (a): XI "NOISE"

"WOULD THE PROJECT RESULT IN EXPOSURE OF PERSONS TO A GENERATION OF NOISE LEVEL IN EXCESS OF STANDARD ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE OR APPLICABLE STANDARDS OF OTHER AGENCIES".

COMMENT: BECAUSE OF THE DENSITY OF HOUSING UNITS IN THE PROJECT AND 1. BEING THE RESIDENTS ARE OF ADVANCED AGE, SEVERAL POTENTIAL CONTRIBUTORS TO THE EXCESS OF NOISE ARE: POTENTIAL HEALTH PROBLEMS OF RESIDENTS CREATING A NEED FOR FREQUENT AMBULANCE SERVICE, ACCOMPANIED BY PARAMEDICS AND FIRE DEPT. 2. STAFF PERSONNEL SERVICING THIS PROJECT ARE A MAJOR CONTRIBUTOR TO THE NOISE LEVEL. FROM PAST EXPERIENCE, UP UNTIL A YEAR AGO WHEN THERE WAS A TENANT CHANGE, MANAGEMENT WAS ASKED REPEATEDLY TO MONITOR STAFF TRAFFIC & PARKING IN FRONT OF OUR HOUSE (NOT THEIRS) AT ALL HOURS OF THE NIGHT, OFTEN WITH CAR RADIOS (BOOM BOXES) BLARING, EATING AND DISCARDING MEAL-TRASH IN OUR FRONT YARD, CONVERSATIONS OUTSIDE BETWEEN SHIFT CHANGES THAT WERE LOUD ENOUGH TO HEAR FROM INSIDE OUR HOUSE WITH THE WINDOWS CLOSED, TO MENTION A FEW. OCCASIONALLY CORRECTIONS WERE MADE AND THINGS WOULD IMPROVE ONLY TO SEE A MANAGEMENT OR PERSONNEL CHANGE AND THEN THE PROBLEM WOULD START ALL OVER.

(continued next page)





VIEW OF SITE FROM DRIVEWAY



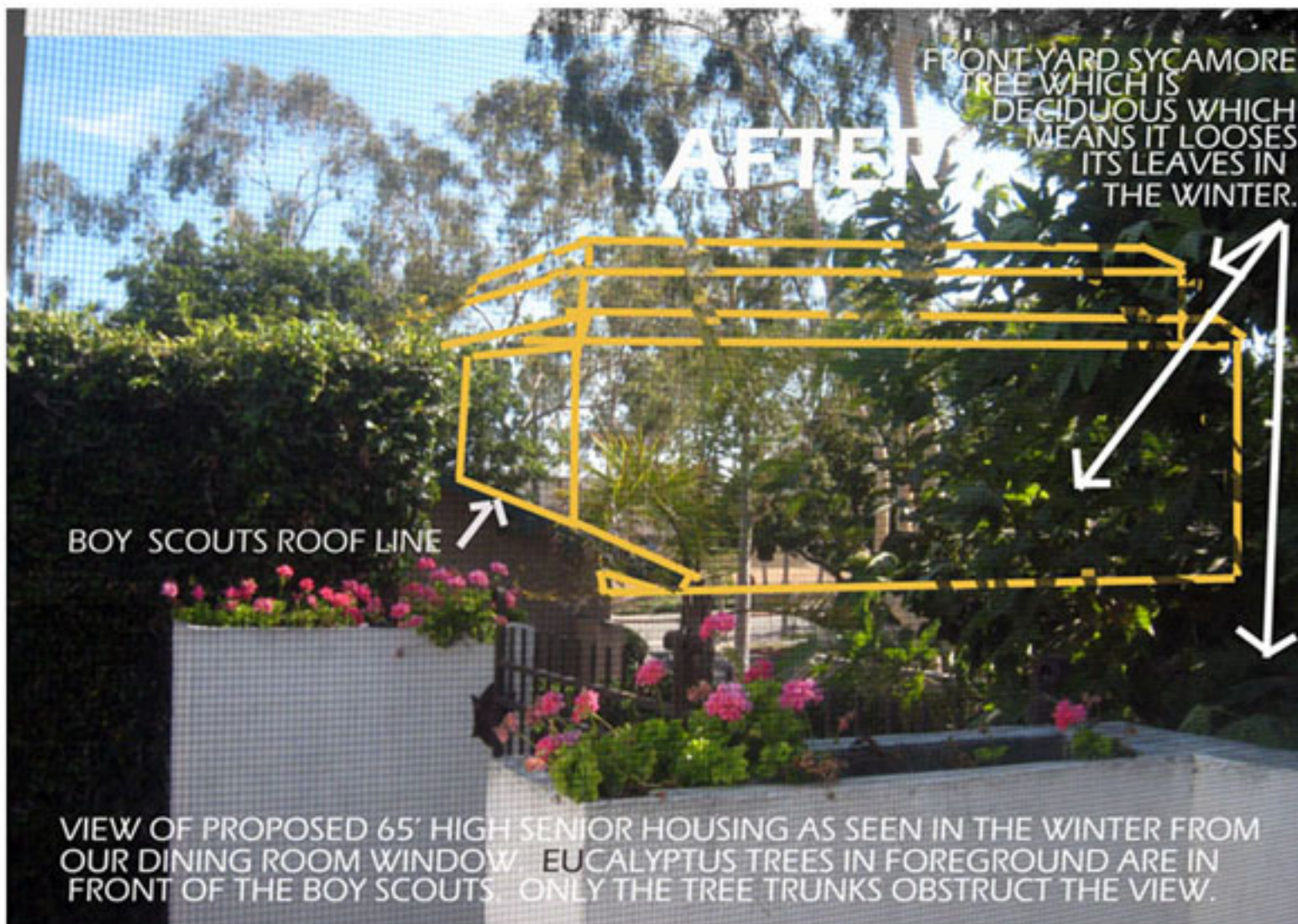
VIEW OF SITE FROM SIDEWALK @ DRIVEWAY  
2 VIEWS SHOWING BLDG VISIBILITY FROM  
DRIVEWAY (top) & DRIVEWAY/SIDEWALK AT  
3716 ELM AVE.

LINEWORK IN PHOTOS APPROXIMATES THE SIZE & EXPOSURE PF TJE  
PROPOSED BUILDING FROM THE DRIVEWAY (top photo) & FROM THE  
DRIVEWAY/SIDEWALK OF THE FITZGERALD HOME @ 3716 ELM AVE.  
NOTE THAT THE GRAYED TREES IN TOP PHOTO WOULD BE REMOVED  
TO MAKE ROOM FOR 65' HIGH PROPOSED BUILDING.





EXISTING VIEW OF PROPOSED SENIOR HOUSING BUILDING SITE  
AS SEEN THROUGH WINDOW FROM DINING ROOM  
AT 3716 ELM AVENUE



VIEW OF PROPOSED 65' HIGH SENIOR HOUSING AS SEEN IN THE WINTER FROM  
OUR DINING ROOM WINDOW. EUCALYPTUS TREES IN FOREGROUND ARE IN  
FRONT OF THE BOY SCOUTS. ONLY THE TREE TRUNKS OBSTRUCT THE VIEW.

APPROXIMATE REPRESENTATION OF PROPOSED BUILDING  
AS SEEN FROM 3716 ELM AVE. DINING RM. WINDOW.

LINework IN LOWER PHOTO APPROXIMATES THE SIZE & EXPOSURE  
OF PROPOSED BUILDING FROM THE DINING ROOM WINDOW OF  
THE HOME OF SCOTT & MARCIA FITZGERALD @ 3716 ELM AVENUE.  
NOTE THAT DECIDUOUS TREES IN WINTER ALLOW MORE OPEN  
VIEW OF PROPOSED BUILDING FROM 3716 ELM AVENUE.

TOP PHOTO TAKEN FROM DINING ROOM WINDOW OF  
SCOTT & MARCIA FITZGERALD'S HOME @ 3716 ELM AVE.  
BOTT. PHOTO LOOKING AT SITE WITH SR. HOUSING  
BLDG SIZE REPRESENTED. (please read photo sub-notes)