



Legislation Details (With Text)

<b>File #:</b>	08-1142	<b>Version:</b>	1	<b>Name:</b>	DS - RESO 3635 Elm Avenue
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Status:</b>	Adopted
<b>File created:</b>	11/3/2008	<b>In control:</b>		<b>In control:</b>	City Council
<b>On agenda:</b>	11/11/2008	<b>Final action:</b>		<b>Final action:</b>	11/11/2008

**Title:** Recommendation to receive supporting documentation into the record, conclude the hearing, deny the appeal of Dean Toji, Scott Fitzgerald, Donald Smith, Odette Perreault, Robert Williams, Long Beach Neighborhoods First, James F. Hannigan, Residents of Chateau Thierry, and Jerry Greenly, 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;

Adopt resolution certifying/approving Mitigated Negative Declaration No. 11-08, together with findings;

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 111108-CH-1sr&att.pdf, 2. 111108-CH-1sr&Revised att.pdf, 3. 111108-CH-1Handout-Scott Fitzgerald.pdf, 4. 111108-CH-1-Handout-J and R Greenly.pdf, 5. 111108-CH-1Handout-James F Hannigan.pdf, 6. 111108-CH-1Handout-Steve Smith AQMD.pdf, 7. 111108-CH-1-Handout-15 questions Legal Aid.pdf, 8. 111108-CH-1Architecture Maps.pdf, 9. 111108-CH-1Handout-Dean Isaacson.pdf, 10. 111108-CH-1Handout1-Dean Isaacson.pdf, 11. 111108-CH-1Handout-Jerry Kauffman.pdf, 12. 111108-CH-1Handout-Harvey Cochran.pdf, 13. 111108-CH-1Handout-Bill Piazza.pdf, 14. 111108-CH-1Handout1-James F Hannigan.pdf, 15. 111108-CH-1Handout-Don Smith.pdf, 16. 111108-CH-1Handout-Odette Perrault.pdf, 17. 111108-CH-1Handout-Mike Kowal.pdf, 18. RES-08-0140

Date	Ver.	Action By	Action	Result
11/11/2008	1	City Council	approve recommendation	Pass
11/11/2008	1	City Council	approve recommendation and adopt	Pass

Recommendation to receive supporting documentation into the record, conclude the hearing, deny the appeal of Dean Toji, Scott Fitzgerald, Donald Smith, Odette Perreault, Robert Williams, Long Beach Neighborhoods First, James F. Hannigan, Residents of Chateau Thierry, and Jerry Greenly, 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;

Adopt resolution certifying/approving Mitigated Negative Declaration No. 11-08, together with findings;

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 studio, 20 onebedroom 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 (Exhibit B - Planning Commission Report, Findings and Conditions of Approval) 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 certified the Negative Declaration, 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 C - Appeals). The appellants listed 23 reasons the application should be denied.

Along with entitlements requested above, a Mitigated Negative Declaration was required to determine if there would be any significant effects to the environment. The Mitigated Negative Declaration was circulated for review from July 31, 2008 to August 19, 2008 (21 Days). Nine comments were received during the review period, including the South Coast Air Quality Management District (AQMD). Staff prepared responses to each comment and re-circulated the Mitigated Negative Declaration from October 22, 2008 to November 10, 2008 with an amended Air Quality section. AQMD has reviewed the updated analysis and supports the conditions. The updated document includes additional mitigation measures recommended by the South Coast Air Quality Management District (Exhibit D - Mitigated Negative Declaration).

This letter was reviewed by Assistant City Attorney Michael Mais on October 23, 2008 and by Budget Management Officer Victoria Bell on September 24, 2008.

The Long Beach Municipal Code requires a hearing within 60 days or by October 21, 2008 following positive Planning Commission action. This project was removed by staff from the council agenda on October 7, 2008 and rescheduled to November 11, 2008.

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH ADOPTING MITIGATED NEGATIVE DECLARATION ND-11-08 FOR THE SENIOR COMMUNITY HOUSING PROJECT AT 3635 ELM AVENUE, LONG BEACH**

CRAIG BECK

DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

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PATRICK H. WEST  
CITY MANAGER