



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

February 2, 2012

CHAIR AND PLANNING COMMISSIONERSCity of Long Beach
California**RECOMMENDATION:**

Deny the appeal by James Hannigan and uphold the Zoning Administrator's decision to approve a one-year (12/29/11 to 12/29/12) time extension request to extend the expiration of an approved Site Plan Review and Conditional Use Permit for a proposed 65-unit senior assisted living facility located at 3655 Elm Avenue in the R-4-U zone. (District 8)

APPLICANT: Dean Issacson
Senior Community Housing L.B LLC.
P.O. Box 9148
Calabasas, CA 91372
(Application No. 1111-10A)

DISCUSSION

The proposed time extension is an extension of the expiration date of an approved Site Plan Review and Conditional Use Permit for a proposed 5-story, 65-unit senior assisted living facility at 3655 Elm Avenue (Exhibit A- Location Map). The proposed Site Plan Review, Conditional Use Permit and Vested Tentative Map were approved, the Mitigated Negative Declaration was certified, and approval was recommended to the City Council for amendments to the General Plan and Zoning District on August 21, 2008 by the Planning Commission (Exhibit B- Project Plans). Three appeals of the Planning Commission decision were filed within the 10-day appeal period. On November 11, 2008, the City Council voted to uphold the Planning Commission's decision to approve a Site Plan Review and Conditional Use Permit, certify a Mitigated Negative Declaration, and approve changes to the Zoning District and amendments to the General Plan.

The approval of the City Council was held due to a lawsuit filed on July 29, 2009 by James Hannigan (*James F. Hannigan vs. City of Long Beach*). The suit challenged the approval of the project. The court denied the petition for Writ of Mandate on August 3, 2009. Upon denial of the petition, the 36-month expiration time frame began for the approved Vested Tentative Parcel Map, Site Plan Review and Conditional Use Permit. To prepare for construction of the project, the assembly of the new lot was required before construction could begin. The new lot was recorded by the applicant on December 29, 2010 (Exhibit C- Assessors Map), according to the Los Angeles County Assessor's Map. Therefore, the remaining entitlement requests are valid for one year following recordation of the map.

To prevent the expiration of the project and extend the expiration, the applicants requested a two-year time extension. According to the Municipal Code, the Zoning Administrator's may only grant a one-year extension upon finding that no substantial change of circumstances has occurred and that the extension would not be detrimental to the purpose of the Zoning Regulations. In recommending approval of a one-year time extension, the Zoning Administrator found that there was no change in circumstance and no detrimental affect to the Zoning Regulations, given that the Applicant demonstrated intent to continue the project and may ultimately construct a senior assisted living facility.

James Hannigan appealed the decision of the Zoning Administrator on January 3, 2012 (Exhibit D - Appeal). The appellant contends that the project would be detrimental to the purpose of the Zoning Regulations, is considered spot zoning, and is too dense compared to surrounded properties. The appellant also feels that the applicant has had more than sufficient time to move forward and that notices to aggrieved parties were not provided per requirements of the Long Beach Municipal Code Section 21.24.406.

Staff is recommending that the Planning Commission deny the appeal and uphold the Zoning Administrators decision to grant a one year time extension given that the applicant has finalized a parcel map and demonstrated intent to continue the project.

PUBLIC HEARING NOTICE

Public Hearing Notices were distributed on January 17, 2012. Staff has received no responses at this time, but anticipates receiving public comment by the time of the hearing.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Negative Declaration (11-08) was certified on November 11, 2008 by the City Council for the project.

Respectfully submitted,


DEREK BURNHAM
PLANNING ADMINISTRATOR


AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:DB:sv

Attachments: Exhibit A – Location Map
 Exhibit B – Project Plans
 Exhibit C – Assessors Map
 Exhibit D – Appeal

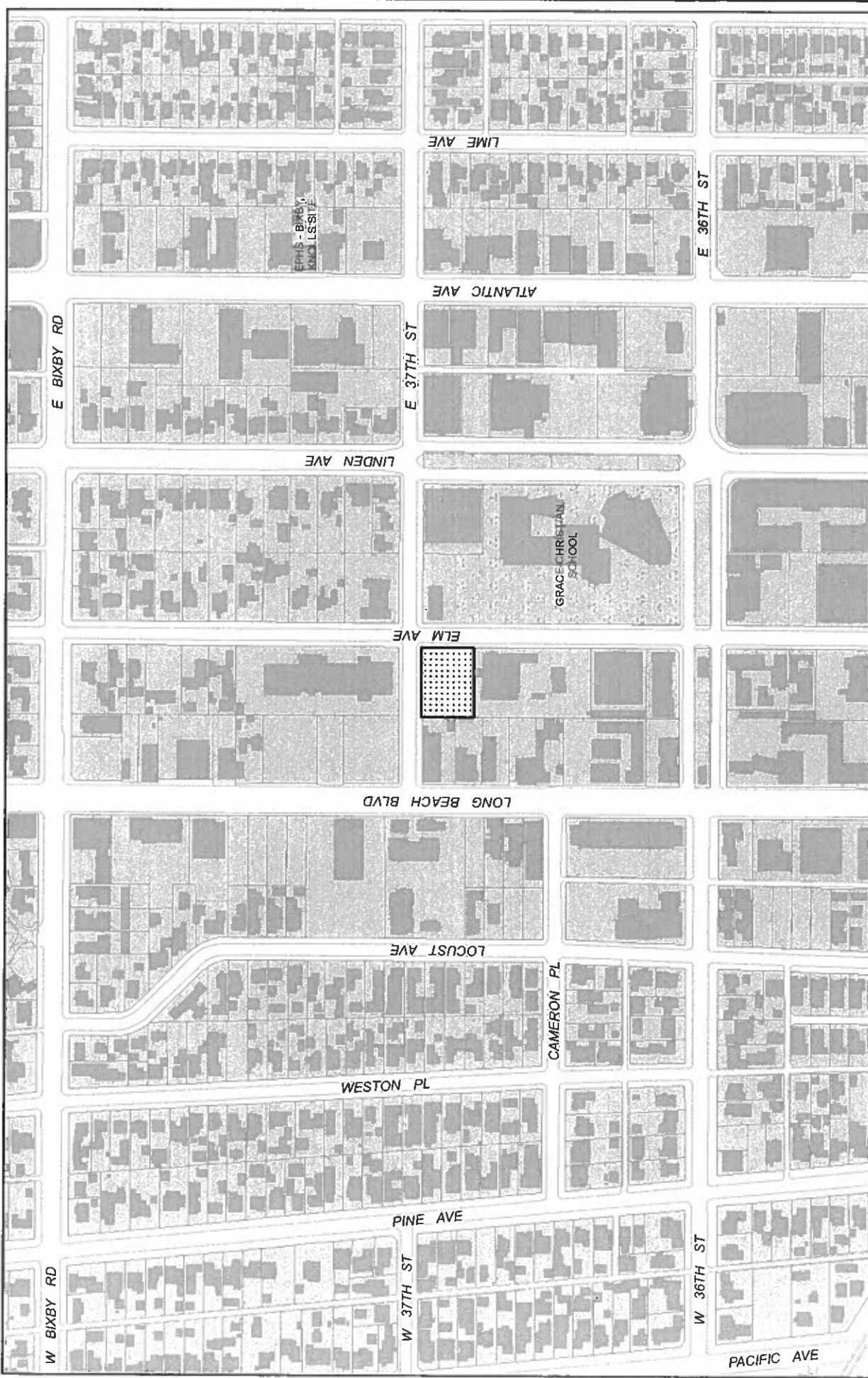
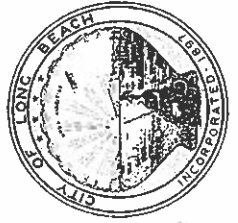


Exhibit A



Subject Property:

3655 Elm Ave
 Application No. 1111-10A
 Council District 7
 Zoning Code : R-4-U





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PLANNING BUREAU

APPLICATION FOR APPEAL

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

<input checked="" type="checkbox"/> Zoning Administrator	on the <u>23rd</u> day of <u>DECEMBER</u> , 20 <u>11</u>
<input type="checkbox"/> Planning Commission	
<input type="checkbox"/> Cultural Heritage Commission	
<input type="checkbox"/> Site Plan Review Committee	

Project Address: 3635 ELM AVENUE, LONG BEACH CA 90807

Reasons for Appeal: ① PROJECT IS DETRIMENTAL TO THE PURPOSE OF ZONING REGULATIONS. THIS IS A TEXTBOOK EXAMPLE OF SPOT ZONING: THE PROJECT PARCEL IS UPZONED, SOLELY TO ALLOW THIS USE AND BENEFIT THE APPLICANT TO R4U, THOUGH IT IS SURROUNDED BY FAR LOWER DENSITY ZONING. THE PROJECT PARCEL IS SMALLER THAN THE MINIMUM LOT WIDTH ALLOWED IN THE R4U ZONE.

② APPLICANT HAS HAD MORE THAN ADEQUATE TIME TO MOVE FORWARD.

③ NOTICE TO AGGRIEVED PARTIES WAS NOT PROVIDED PER REQUIREMENTS OF LBMC 21.21.406, OF THE REQUESTED EXTENSION.

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

	Appellant 1	Appellant 2
Name:	<u>JAMES F HANNIGAN</u>	
Organization:		
Address:	<u>3732 ELM AVE</u>	
City/ZIP:	<u>LONG BEACH CA 90807</u>	
Phone:	<u>562 989 9974</u>	
Signature:	<u>[Signature]</u>	
Date:	<u>JAN 3 2012</u>	

- A separate appeal form is required for each appellant party, except for appellants from the same address, or those representing an organization.
- Appeals must be filed within 10 days after the decision is made (LBMC 21.21.502).
- You must have established *aggrieved* status by presenting oral or written testimony at the hearing where the decision was rendered; otherwise, you may not appeal the decision.
- See reverse of this form for the statutory provisions on the appeal process.

(Below This Line for Staff Use Only)

Appeal by Applicant, or Appeal by Third Party

Received by: SV App. No.: 111-15 Filing Date: 1/3/12

Fee: 5 Fee Paid Project (receipt) No.: _____

21.21.406 - Expiration.

- A. Except as otherwise provided in the conditions of approval, every right or privilege authorized under this title shall terminate one year after the granting of the request if the right or privilege has not been exercised in good faith within that year. The termination will take effect without further City action if a timely request for extension of time has not been made or is denied. Any interruption or cessation necessitated by fire, flood, earthquake or act of war or vandalism or cessation shall not result in the termination of the right or privilege.

- B. Upon written request received prior to the expiration of the permit, a one-year extension of the right or privilege may be granted by the Zoning Administrator. The request may be granted upon a finding that no substantial change of circumstances has occurred and that the extension would not be detrimental to the purpose of the Zoning Regulations. Notice of the requested extension shall be given to any person determined by the Zoning Administrator to have been aggrieved at the original hearing. Any person aggrieved by the Zoning Administrator's decision on an extension request may appeal that decision to the Planning Commission.

(Ord. C-6533 § 1 (part), 1988)