

### **CITY OF LONG BEACH**



DEPARTMENT OF DEVELOPMENT SERVICES

333 W. Ocean Boulevard

Long Beach, California 90802

562-570-6194 FAX 562-570-6068

December 9, 2008

HONORABLE MAYOR AND CITY COUNCIL City of Long Beach California

#### RECOMMENDATION:

Conduct a public hearing on the proposed amendment to the General Plan and rezoning of two (2) parcels located at 2125 Santa Fe Avenue for the purpose of allowing the expansion of a public park; and

- Receive the supporting documentation into the record, conclude the public hearing and adopt the Resolution amending the General Plan from Land Use District #3A (Townhome) to Land Use District #11 (Open Space/ Parks); and
- 2. Declare the Ordinance changing the Zones from CCA (Automobile-Oriented Commercial) to P (Park), read the first time and laid over to the next regular meeting of the City Council for final reading. (District 7)

### **DISCUSSION**

The Department of Parks, Recreation and Marine is requesting a General Plan Amendment and Zone Change to allow the expansion of Admirał Kidd Park onto a vacant commercially zoned property. The property is approximately 3 acres in size and located between Willard and 21<sup>st</sup> on Santa Fe Avenue (Exhibit A – Site Plan). The proposed project includes the consolidation of two (2) parcels, the vacation of 21<sup>st</sup> Street, and the construction of a new parking lot with 19 parking stalls. Park amenities will include a new soccer field on the existing portion of the park, a large open turf area, three (3) plaza areas, new walking paths throughout the park, and three (3) exercise areas.

With an additional 19 parking spaces proposed for the site, a total of 87 off-street parking spaces would be available to visitors. Staff believes that the park will be a benefit to nearby residents by providing additional open space to an area currently underserved.

On December 4, 2008, the Planning Commission recommended approval of a General Plan Amendment and rezoning, and approved requests for Site Plan Review, General Plan Conformity Finding, Lot Merger and certified Negative Declaration 13-08 (Exhibit B – Conditions of Approval and Findings). Following Council action on the item, the tentative schedule includes construction bidding in March 2009, construction starting in May 2009, with an anticipated completion date of May 2010. Project funding is Redevelopment and Open Space Bonds.

HONORABLE MAYOR AND CITY COUNCIL December 9, 2008 Page 2

This letter was reviewed by Assistant City Attorney Michael Mais on November 17, 2008 and by Budget Management Bureau Manager David Wodynski on November 20, 2008.

### **TIMING CONSIDERATIONS**

City Council action is requested on December 9, 2008 so construction of the project can commence.

### **FISCAL IMPACT**

There is no fiscal impact associated with the recommended action.

### SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

**CRAIG BECK** 

DIRECTOR OF DEVELOPMENT SERVICES

CB:DB:sv

P:\Planning\City Council reports (Pending)\Council letter\12.9.08 Admiral Kiddv3.doc

Attachments:

Exhibit A - Site Plan

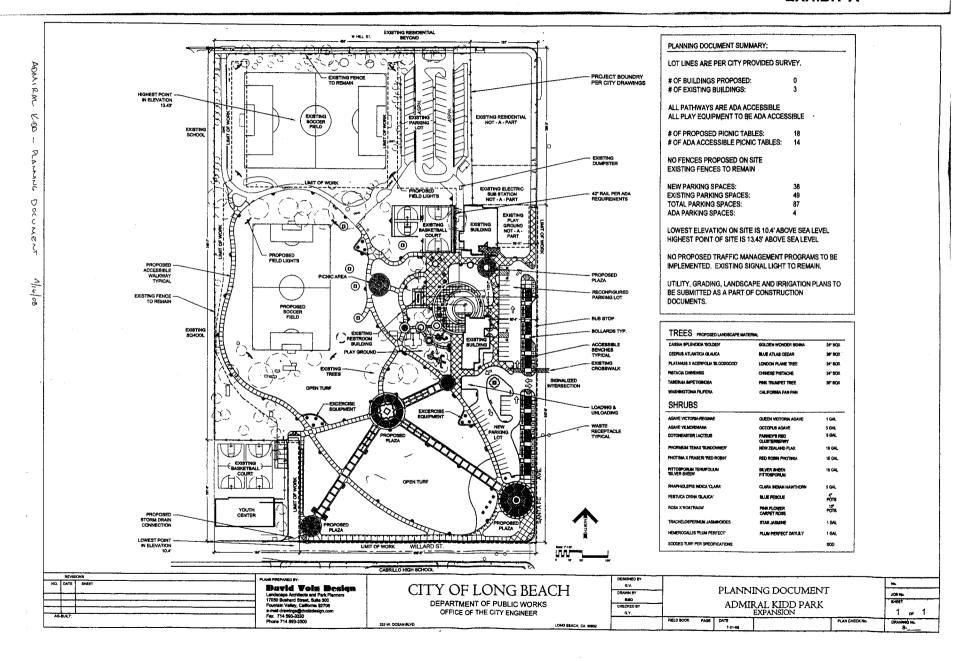
Exhibit B - Conditions of Approval and Findings

City Council General Plan Resolution City Council Rezoning Ordinance

APPROVED:

TATRICK H. WES

### **EXHIBIT A**



### **CONDITIONS OF APPROVAL**

Application No. 0809-10 Date: December 4, 2008

- 1. The proposal approved is a General Plan Amendment from LUD #3A (Townhome) to LUD #11 (Open Space/Park), a rezoning from CCA to P, a Site Plan Review, a Finding of General Plan Conformity, and a Lot Merger to allow the 3-acre expansion of Admiral Kidd Park
- 2. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, at the discretion of city officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).
- 3. All operational conditions of approval of this permit must be posted in a location visible to the public, in such a manner as to be readable when the use is open for business.
- 4. This permit and all development rights hereunder shall terminate two years from the effective date (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date) of this permit unless construction is commenced, a business license establishing the use is obtained or a time extension is granted, based on a written and approved request submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
- 5. This permit shall be invalid if the owner(s) and applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the Conditions of Approval Acknowledgment Form supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days form the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date). Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval to the satisfaction of the Zoning Administrator.
- 6. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
- 7. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions, which are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
- 8. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Planning and Building Department. These conditions must be printed on the site plan or a subsequent reference page.

- 9. The Director of Long Beach Development Services is authorized to make minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project and if no detrimental effects to neighboring properties are caused by said modifications. The Zoning Administrator or Planning Commission shall review any major modifications, respectively.
- 10. Site development, including landscaping, shall conform to the approved plans on file in the Department of Long Beach Development Services. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
- 11. Prior to the issuance of a building permit, the applicant must submit complete landscape and irrigation plans for the discretionary approval of the Director of Long Beach Development Services. The landscaping plan shall include drought tolerant street trees to be installed consistent with the specifications of the Street Tree Division of the Department of Pubic Works. Approved root guards shall be provided for all street trees.
- 12. All landscaped areas shall be planted with drought tolerant plant materials. All landscaped areas shall be provided with water conserving automatic irrigation systems designed to provide complete and adequate coverage to sustain and promote healthy plant life. The irrigation system shall not cause water to spray or flow across a public sidewalk.
- 13. All landscaped areas must be maintained in a neat and healthy condition, including public parkways and street trees. Any dying or dead plant materials must be replaced with the minimum size and height plant(s) required by Chapter 21.42 (Landscaping) of the Zoning Regulations.
- 14. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).
- 15. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
- 16. Separate building permits are required for signs, fences, retaining walls, trash enclosures, flagpoles, pole-mounted yard lighting foundations and planters.
- 17. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the

applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.

- 18. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
  - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
  - b. Saturday: 9:00 a.m. 6:00 p.m.; and
  - c. Sundays: not allowed
- 19. All unused curb-cuts must be replaced with full height curb, gutter, and sidewalk, and any proposed curb-cuts shall be reviewed, approved and constructed to the specifications of the Director of Public Works.
- 20. The following conditions shall be met to the satisfaction of the Director of Public Works:
  - a. Prior to the start of any on-site/off-site construction, the Developer shall submit a construction plan for pedestrian protection, street lane closures, construction staging, shoring excavations and the routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.).
  - b. It is recommended that any portion of 22-foot wide Twenty-First Street that will no long serve for vehicular use be officially closed to vehicular use through City Council action.
  - c. The Developer shall construct all off-site improvements needed to provide full ADA accessibility compliance within the adjacent public right-of-way to the satisfaction of the Director of Public Works. If a dedication of additional right-of-way is necessary to satisfy ADA requirements, the rightof-way dedication way shall be provided.
  - d. The Developer shall be responsible for the maintenance of the off-site improvements during construction of the on-site improvements. All off-site improvements found damaged as a result of construction activities shall be reconstructed or replaced by the Developer to the satisfaction of the Director of Public Works.
  - e. The Developer shall remove unused driveways and replace with full-height curb, curb gutter and sidewalk to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete. The size and configuration of all proposed driveways serving the project site shall be subject to review and approval of the City Traffic Engineer. Contact the Traffic and Transportation Bureau at (562) 570-6331 to request additional information regarding driveway construction requirements.
  - f. The Developer shall repair damaged, deteriorated, uplifted, or depressed sections of sidewalk along the perimeter of the project site to the satisfaction of the Director of Public Works.
  - g. The Developer shall provide for the resetting to grade of existing manholes, pullboxes, and meters in conjunction with the required off-site improvements to the satisfaction of the Director of Public Works.
  - h. The Developer shall provide for tree wells, new street trees with root barriers and irrigation adjacent to the project site along Santa Fe Avenue south of 21<sup>st</sup> Street and adjacent to the project site along Willard Street. The Developer and/or successors shall privately maintain all street trees, landscaping and sprinkler systems required in connection with this project.

- The Developer shall contact the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to beginning the tree planting, landscaping, and irrigation system work. The Street Tree Division will assist with the size, type and manner in which the street trees are to be installed.
- j. The Developer shall submit grading plan with hydrology and hydraulic calculations showing drainage pattern and slopes for review and approval by the Director of Public Works prior to approval of the map and/or release of any building permit.
- k. Prior to approving an engineering plan, all projects greater than 1 acre in size must demonstrate coverage under the State Construction General NPDES Permit. To meet this requirement, the applicant must submit a copy of the letter from the State Water Resource Control Board acknowledging receipt of the Notice of Intent (NOI) and a certification from the developer or engineer that a Storm Water Pollution Prevention Plan (SWPPP) has been prepared. Should you have any questions regarding the State Construction General NPDES Permit or wish to obtain an application, please call the State Regional Board Office at (213) 266-7500 or visit their website for complete instructions at <a href="www.waterboards.ca.gov/stormwtr/construction.html">www.waterboards.ca.gov/stormwtr/construction.html</a> Left-click on the Construction General Permit 99-08-DWQ link.
- The Developer shall submit a drainage plan for approval by Public Works prior to issuance of a building permit.
- m. Public improvements shall be constructed in accordance with approved plans. Detailed off-site improvement plans shall be submitted to the Department of Public Works for review and approval.
- n. The main parking lot shall be reconfigured to provide queuing distance for at least two cars at the principal access to Santa Fe Avenue.
- o. Minor modifications are needed to the three adjacent traffic signals along Santa Fe, at Hill Street, Twenty-first Street, and Willard Street. The design work may be carried out by the City Traffic Engineer. The modifications shall be done as a part of the project.
- p. Adequate sidewalk space for bus stop furniture shall be provided at the stop on Santa Fe Avenue. The project designers shall contact Long Beach Transit to discuss the practically and/or necessity of a bus pull-out bay and custom shelter and seating for bus riders. Contact Shirley Hsiao, Manager of Service Development Planning, at (562) 591-8753
- q. The Developer shall salvage and reinstall all traffic signs that require temporary removal to accommodate new construction within the public right-of-way. All traffic signs shall be reinstalled to the satisfaction of the City Traffic Engineer.
- r. The Developer shall replace all traffic signs and mounting poles damaged or misplaced as result of construction activities to the satisfaction of the City Traffic Engineer.
- s. The Developer shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
- t. All traffic control device installations, including pavement markings within the private parking lot, shall be installed in accordance with the provisions of the Manual On Uniform Traffic Control Devices (MUTCD), 2003 edition (i.e., white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).
- u. The Developer shall contact the Traffic & Transportation Bureau, at (562) 570-6331, to modify the existing curb marking zones, adjacent to the site.
- 21. The developer shall submit grading plans with hydrology and hydraulic calculations showing building elevations and drainage pattern and slopes for review and approval

by the Director of Long Beach Development Services and the Director of Public Works, prior to the issuance of a building permit.

### **Special Conditions**

- 22. The park shall be closed at dusk.
- 23. The applicant shall obtain approval for lighting and security requirements to the satisfaction of the Long Beach Chief of Police.
- 24. No payphones shall be installed on site.
- 25. Post "park hours" sign on site, with Long Beach Municipal Code Section.
- 26. Landscaping shall not exceed 2 feet from the ground and 6 feet overhang from any tree.
- 27. All parking areas serving the site shall provide appropriate security lighting with light and glare shields to avoid any light intrusion onto adjacent or abutting residential buildings or neighborhoods pursuant to Section 21.41.259. Other security measures may be required to be provided to the satisfaction of the Chief of Police.
- 28. Any graffiti found on site must be removed within 24 hours of its appearance.

### **MITIGATION MEASURES**

- 29. Prior to the issuance of any building permits, the applicant shall demonstrate on the final project plans that all exterior lighting fixtures and light standards shall be shielded and shall be located and installed to prevent spillover of light onto the surrounding properties and roadways.
- 30. Prior to the release of the grading permit, the applicant shall prepare and submit a Storm Drain Master Plan to identify all storm run-off and methods of proposed discharge. The Plan shall be approved by all impacted agencies.
- 31. Prior to the release of any grading or building permit, the project plans shall include a narrative discussion of the rationale used for selecting or rejecting BMPs. The project architect or engineer of record, or authorized qualified designee, shall sign a statement on the plans to the effect: "As the architect/engineer of record, I have selected appropriate BMPs to effectively minimize the negative impacts of this project's construction activities on storm water quality. The project owner and contractor are aware that the selected BMPs must be installed, monitored and maintained to ensure their effectiveness. The BMPs not selected for implementation are redundant or deemed not applicable to the proposed construction activities." (Source: Section 18.95.050 of the Long Beach Municipal Code).

32. Any person(s) associated with the proposed project shall only operate or permit the operation of any tools or equipment used for site preparation, construction or any other related building activity that produces loud or unusual noise which annoys or disturbs a reasonable person of normal sensitivity between the following hours:

Weekdays 7:00am to 7:00pm Sundays No work permitted Saturdays 9:00am to 6:00pm Holidays No work permitted.

The only exception shall be if the Building Official gives authorization for emergency work at the project site.

### **Findings**

Application No. 0809-10 Date: December 4, 2008

### **ZONE CHANGE FINDINGS**

A. The proposed change will not adversely affect the character, livability or appropriate development of the surrounding area; and

The proposed rezoning of the property from automobile oriented commercial (CCA) to Park (P) to allow the expansion and reconfiguration of Admiral Kidd Park will help to contribute additional open recreation, soccer fields and parking to an under utilized park. The proposed changes will have a positive influence on the community since a vacant lot will be reconfigured and will provide additional open space to a neighborhood that lacks open space.

Mitigated Negative Declaration No. 13-08 was prepared to identify the impacts of the project and is forwarded to the Planning Commission for concurrent consideration. The analysis concluded that with mitigation no adverse environmental effects are anticipated to occur as a result of the project.

B. The proposed change is consistent with the goals, objectives and provisions of the General Plan.

The current land use designation of the site in the Land Use Element of the General Plan is LUD #3B (Townhome). The rezoning of the site to (P) Park and change in General Plan Designation to LUD #11 (Open Space/Park) is consistent with the General Plan as an expansion of an existing open space facility.

C. If the proposed change is a rezoning of an existing mobile home park, that the requirements of Section 21.25.109 have been or will be fully met.

The proposed change is not the rezoning of an existing mobile home park.

#### SITE PLAN REVIEW FINDINGS

A. THE DESIGN IS HARMONIOUS, CONSISTENT AND COMPLETE WITHIN ITSELF AND IS COMPATIBLE IN DESIGN, CHARACTER AND SCALE, WITH NEIGHBORING STRUCTURES AND THE COMMUNITY IN WHICH IT IS LOCATED; AND

The proposed expansion of the park will allow for the placement of a new soccer field, additional landscaping, new accessible walkways and plaza areas, as well as 19 new parking spaces. The reconfiguration of the park and parking areas will allow for a more conforming and harmonious Public Park. The design is also consistent with the scale and character of the neighborhood and will provide additional recreational opportunities in an area of the city that is currently underserved.

B. THE DESIGN CONFORMS TO ANY APPLICABLE SPECIAL DESIGN GUIDELINES OR SPECIFIC PLAN REQUIREMENTS, PD GUIDELINES OR THE GENERAL PLAN; AND

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The proposed park complies with Policy No. 4.1 of the Open Space and Recreation Element of the General Plan (October 2002) by providing much additional recreational opportunities in an underserved area. The provision of utilizing parking along the perimeter of the park complies with Policy No. 4.3, which directs that parkland be kept open, and green by limiting the amount of parking lot and building coverage within parks.

C. THE DESIGN WILL NOT REMOVE SIGNIFICANT MATURE TREES OR STREET TREES, UNLESS NO ALTERNATIVE DESIGN IS POSSIBLE; AND

No mature trees or street trees will be removed as a result of the project.

D. THERE IS AN ESSENTIAL NEXUS BETWEEN THE PUBLIC IMPROVEMENT REQUIREMENTS ESTABLISHED BY THE ORDINANCE AND THE LIKELY IMPACTS OF THE PROPOSED DEVELOPMENT; AND

The existing street at the north property line will be vacated as part of this proposal. Therefore, no nexus finding is necessary.

E. THE PROJECT CONFORMS TO ALL REQUIREMENTS SET FORTH IN CHAPTER 21.64 (TRANSPORTATION DEMAND MANAGEMENT).

Not applicable.

### **GENERAL PLAN CONFORMITY FINDINGS**

A finding of conformity shall be made when the proposed re-use of the property conforms to the maps and policies of the General Plan. The General Plan consists of eleven elements: Land Use, Open Space, Transportation, Noise, Scenic Routes, Conservation, Local Coastal Program, Housing, Air Quality, Public Safety, and Seismic Safety. Each element of the General Plan carries the same authority concerning land use issues. All elements of the General Plan were considered and staff finds this vacation in conformance with all the elements of the General Plan.

#### **Land Use Element**

The subject site is located within Land Use District No. 3B and will be changed to Land Use District No. 11 with the proposal to construct a park. LUD No. 11 encourages the distributions of park open spaces so all citizens, no matter race, age, handicapped condition, gender, or socio economic status have access to the benefits they offer.

Existing imbalances in park open space locations should be corrected over time. The proposed development and related vacation and dedications are consistent with this land use designation.

The proposed project will add quality park open space and correct the current imbalance of park open space in the area.

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### **Transportation Element**

A key goal of the Transportation Element is to establish a transportation system, which can provide sufficient mobility for people and goods throughout the city while accommodating reasonable, balanced growth. The proposed vacation will not degrade circulation in the area. Moreover, the subject public right-of-way is not referenced in the Transportation Element and the proposed vacation does not contradict any policies or objectives in the Transportation Element.

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

### **RESOLUTION NO.**

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH ADOPTING, AFTER PUBLIC
HEARING, AMENDMENTS TO THE LAND USE ELEMENT
OF THE GENERAL PLAN OF THE CITY OF LONG BEACH

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

Section 1. The City Council does hereby find, determine and declare:

- A. The City Council of the City of Long Beach has adopted, pursuant to Section 65302 of the California Government Code, a Land Use Element as part of the City's General Plan.
- B. The City Council desires to amend the Land Use Element of the General Plan of the City of Long Beach as set forth in this resolution.
- C. The Planning Commission held a public hearing on December 4, 2008, on an amendment to the Land Use Element of the General Plan of the City of Long Beach.
- D. At that hearing, the Planning Commission gave full consideration to all pertinent facts, information, proposals, environmental documentation and recommendations respecting all parts of the amendments to the General Plan of the City of Long Beach as to the amendments to the map of the Land Use Element and to the views expressed at the public hearing, and afforded full opportunity for public input and participation.
- E. A Negative Declaration No. 13-08 was prepared in accordance with the Guidelines for Implementation of the California

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Environmental Quality Act (CEQA) and said Negative Declaration concluded that there is no substantial evidence that the project will have a significant effect on the environment.

- Following receipt of all appropriate environmental documentation, full hearings and deliberation, the City Planning Commission recommended approval of the amendments to the Land Use Element of the City of Long Beach General Plan and further directed that said recommendation be forwarded to the City Council for consideration.
- That on , 2008, the City Council G. conducted a duly noticed public hearing at which time it gave full consideration to all pertinent facts, information, proposals, environmental documentation and recommendations respecting all parts of the amendments to the Land Use Element of the General Plan and the views expressed at the public hearing and afforded full opportunity for public input and participation.
- H. Following receipt of all appropriate environmental documentation, full hearings and deliberation, the City Council did concur with the recommendations of the Planning Commission and did approve and adopt the environmental documentation and the amendment to the Land Use Element of the General Plan from LUD 3B (High Density Residential) to LUD #11 (Open Space/Parks) uses for those certain properties as indicated on Exhibit "A", which is attached hereto and incorporated herein by this reference as though set forth herein in full.
- Section 2. The City Council of the City of Long Beach hereby formally approves and adopts the amendment to the map of the Land Use Element of the General Plan of the City of Long Beach relating to those certain properties located in the City of Long Beach, as certified and recommended by the Planning Commission of the City of Long Beach as depicted in Exhibit "A".

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

	Section :	3. This resolution shall	take effect immediately	upon i	ts adoption
by the City Council, and the City Clerk shall certify the vote adopting this resolution.					
I hereby certify that the foregoing resolution was adopted by the City					
Council of the City of Long Beach at its meeting of				_, 20	_ by the
following vote:					
Aye	es:	Councilmembers:			
Noe	es:	Councilmembers:			
Abs	ent:	Councilmembers:			
			City Cle	rk	



## **PROPOSED**

AMENDMENTS TO A PORTION OF PART 8 OF THE USE DISTRICT MAP AND GENERAL PLAN LAND USE MAP.

GPA CASE GP: 0809-10