

FINDINGS
VESTING TENTATIVE TRACT MAP No. 74414
434 E. 4TH Street
Application No. 1708-46, TTM17-003
March 15, 2018

Pursuant to Section 20.12.100 of the Long Beach Municipal Code, the Planning Commission shall approve a tentative map if it complies with State and Local regulations. The tentative map can be granted only when positive findings are made consistent with the following criteria set forth in the Subdivision regulations.

1. THAT THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS;

The Land Use Element of the Long Beach General Plan includes various Land Use Districts (LUDs) that provide general guidance as to the types of land uses considered appropriate to the City of Long Beach. The LUD for the subject site is LUD No.7 – Mixed Uses. LUD No.7 is intended for large activity centers allowing employment centers, retail, offices, high density residential, visitor serving facilities and professional services. It is therefore a suitable district for the site's downtown location, and a suitable district for the site's approved mixed-use development, as per positive findings made by the Site Plan Review Committee on September 28, 2016. Approval of Vesting Tentative Tract Map No. 74414 to allow for operation of the approved mixed-use 49-unit residential and two retail units into condominiums would involve no physical construction in and of itself and will thus not conflict with the stated goals of site's LUD, the Land Use Element, or other element of the General Plan.

The plan governing the subject site which is located at the southwest corner of E. 4th Street and Linden Avenue is the Downtown Plan (PD-30). Though the Downtown Plan does not contain policy or objective statements specifically targeting condominium projects, the proposed map is for an approved development that is consistent with all applicable Downtown Plan land use and development standards.

2. THAT THE DESIGN OR IMPROVEMENT OF THE PROPOSED SUBDIVISION IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS;

There will be no design improvements proposed with this subdivision that will change the previously approved development. As described in the previous finding, Vesting Tentative Tract Map No. 74414 and the previously approved development will be consistent with the general and specific plans in effect for the site.

3. THAT THE SITE IS PHYSICALLY SUITABLE FOR THE TYPE OF DEVELOPMENT;

The proposed Vesting Tentative Tract Map is for purposes of creating air space parcels for ownership only. No physical changes to the approved development would occur as a result of the map approval. As such, the requested map would not physically alter an approved development that is suitable for its site.

4. THAT THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT;

The proposed Vesting Tentative Tract Map is for purposes of creating air space parcels only; no physical changes to the project, or changes to project density, would occur as a result of map approval. The density of project development, therefore, remains suitable for the project site.

5. THAT THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS WILL NOT CAUSE SERIOUS PUBLIC HEALTH OR SAFETY PROBLEMS; AND

The design and configuration of the proposed Vesting Tentative Tract Map does not impact the physical nature of the approved mixed-use development or the land upon which the development stands. Prior to approval by the Planning Commission, the development was reviewed by Building & Safety, Police Department, Fire Department, and Department of Public Works staff for consistency with all applicable codes and regulations. The proposed map, and the development that it will be tied to, will not cause serious public health or safety problems.

6. THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

The Department of Public Works has conducted a review of the proposed Vesting Tentative Tract Map and determined that subdivision of the site's approved mixed-use development into ownership units (condominium) will not conflict with any existing or required public access easements that operate on the site.

CONDITIONS OF APPROVAL
VESTING TENTATIVE TRACT MAP No. 74414
434 E. 4TH Street
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March 15, 2018

1. Approved under this permit is Vesting Tentative Tract Map No. 74414 for the subdivision of the approved 4th + Linden mixed-use retail and multi-family residential development into ownership (condominium) units.
2. This approval shall be invalid if the owner(s) and/or 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 from 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).
3. The applicant shall comply with all applicable project conditions of approval as approved under Application No. 1604-12, which shall remain in full force and effect for the site.
4. The applicant shall execute and record Covenants, Conditions, and Restrictions (CC&R's) against the title of the property. A copy of the CC&R's shall be submitted for the review and approval of the Director of Development Services prior to approval of the Final Map by the City of Long Beach. A recorded copy of said document shall be provided to the Director of Public Works. The CC&R's shall include the following provisions:
 - The multi-family residential building consisting of 49 residential units, 2 retail units, and 82 parking spaces for residents and their guests.
 - The Homeowner's Association shall be responsible for the maintenance of the common areas and facilities and any abutting public right-of-way landscaping.
 - The Subdivider and successors shall be responsible for the maintenance of the site drainage system and for the operation and maintenance of the private sewer connection to the public sewer in the abutting public right-of-way, and for the maintenance of the sidewalk, parkway, street trees and other landscaping, including irrigation, within and along the adjacent public right-of-way.
5. The Department of Public Works submits the following requirements for this proposed subdivision project:
 - a. The final map shall be based upon criteria established by the California Subdivision Map Act and/or Title 20 of the Long Beach Municipal Code.
 - b. Prior to final map approval, the Subdivider shall obtain utility clearance letters for any public entity or public utility holding any interest in the subdivision as required by the Subdivision Map Act.

CHAIR AND PLANNING COMMISSIONERS

March 15, 2018

Page 2 of 2

- c. All required facilities required by the Department of Public Works not in place and accepted prior to final map approval must be guaranteed by instrument of credit or bond to the satisfaction of the Director of Public Works.
- d. The subdivider 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 City Engineer. If a dedication of additional right-of-way is necessary to satisfy ADA requirements during the plan checking process, the right-of-way dedication shall be provided.
- e. The subdivider shall provide for the quitclaim of utility easements within the development site to the satisfaction of the Director of Public Works.
- f. The conditions stated herein relate to the requirements for the proposed subdivision map. All off-site improvement conditions on this development from Application No. 1604-12 shall remain valid and in full effect.
- g. A permit from the Department of Public Works shall be required for any work to be performed in or over the public right-of-way

Standard Conditions:

- 6. The Director of Development Services is authorized to approve minor modifications to the map or to any of the conditions of approval if such modifications shall not significantly change or alter the approved project. Any major modifications shall be reviewed by the Zoning Administrator, Site Plan Review Committee, or Planning Commission, respectively.
- 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 that are a part thereof.
- 8. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
- 9. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless City and its agents, officers, and employees from any claim, action, or proceeding against City or its agents, officers, and employees to attack, set aside, void, or annul the approval of City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation costs.