



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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March 15, 2018

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Recommend that the City Council adopt an ordinance to amend the Development Agreement (dated December 17, 2015) for the Riverwalk Development, to change certain terms of the agreement relating to timing of completion of C. Molina Park; and to halt building permit issuance for any homes after the 117th home until C. Molina Park is accepted by the City. The amendment also requests removal of the requirement for land owned by the Los Angeles County Flood Control District to be improved and incorporated into the park. (District 8)

APPLICANT: Riverwalk 131 Group, LLC
c/o Brian Geis for Brandywine Homes
16580 Aston
Irvine, CA 92606
(Application No. 1712-06, DAR17-002)

DISCUSSION

On November 17, 2015, the City Council approved a new 131-home private residential community of detached single-family homes with a recreation center and pocket park (together known as Riverwalk, now changed to Riverdale) located at 4747 Daisy Avenue at the site of the former Will J. Reid Boy Scout Camp (Exhibit A – Location Map). The City Council's approval included an ordinance authorizing the City Manager to execute a Development Agreement (DA) with the developer. On December 17, 2015, the City of Long Beach and the Long Beach Project Owner, LLC and DEM Investment Company, LLC, entered into this Development Agreement (Exhibit B – Development Agreement dated December 17, 2015). In a subsequent transfer of rights, the responsibility of the project was given to the Riverwalk 131 Group, LLC per an Assignment and Assumption Agreement dated February 9, 2017. The DA includes provisions to:

- Provide various off-site and traffic improvements, including timing and performance standards;
- Provide payment of impact fees upon development at certain thresholds;
- Improve general infrastructure;
- Submit performance bonds tied to specific phases of development;
- Provide traffic mitigation funds; and
- Conduct annual reports to determine compliance with the DA.

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The foremost of the required off-site improvements is the construction of C. Molina Park, which will be a new dedicated City park, located at 4951 Oregon Avenue (approximately 900 feet north of the Riverdale development project, at the corner of Oregon Avenue and Del Amo Boulevard). The current DA requires completion of C. Molina Park by the developer prior to issuance by the City of the 33rd certificate of occupancy for homes in the Riverdale project. The DA also requires that the park be accepted for maintenance by the City prior to the issuance of the 67th certificate of occupancy for the Riverdale project.

The Riverdale project currently is under construction, progressing in phases of ten to twenty homes per phase. At the time of writing of this report, permits issued for the first forty-eight (48) homes (phases 1–4), with an additional nineteen (19) pending imminent issuance (phase 5), and a further seventeen (17) submitted for plan check (phase 6), for a total of eighty-four (84) out of the 131 homes currently in process. Due to construction timing factors and constraints, the home construction has outpaced construction progress on C. Molina Park. In order not to risk being either in noncompliance with the terms of the DA, or having completed homes that cannot receive certificates of occupancy and be occupied by their buyers, the developer requests an amendment to the timing provisions of the DA. The requested amendment will change the park completion timing requirement from prior to the 33rd certificate of occupancy to prior to the 49th certificate of occupancy, allowing completion, sale, and occupancy of the first four phases of homebuilding (48 homes) prior to park completion. The amendment also will halt City building inspections at rough framing after the 48th home until the park is completed, meaning that, while building permits for additional homes may continue to be issued, construction will not be allowed to progress past the point of rough framing (no wall or roof covering allowed). At the time of writing of this report, building permits have been issued for the first 48 homes, and the first 10 homes have received their final building inspections, with issuance of certificates of occupancy imminent. It is estimated that all of the first 48 homes will be ready for certificates of occupancy in the next two months, possibly prior to completion of the park.

The requested amendment also will change the park acceptance timing requirement in the DA (“park acceptance” is when the City accepts the park for maintenance and operation, after all post-construction adjustments, corrections, and fixes have been implemented, and the park officially becomes a City park). Currently set at prior to issuance of the 67th certificate of occupancy, the DA amendment will change this requirement to halt building permit issuance after the 117th home until the park is accepted by the City for maintenance. This will allow building permit issuance and certificate of occupancy issuance to continue after the park is completed but not accepted, up to the 117th home, which encompasses the first eight phases of construction. The final ninth phase, which includes 14 homes making the total of 131, will not be issued any building permits until the park is accepted by the City.

The DA also currently requires the improvement and incorporation into C. Molina Park of a park-adjacent strip of land owned by the County of Los Angeles, abutting the Dominguez Gap Wetlands. This strip of land is improved and maintained by the County, and the City’s Department of Parks, Recreation, and Marine, together with the Department of Public Works, no longer wish for it to be incorporated into C. Molina Park due to maintenance requirements that would be imposed by the County. The proposed

amendment will remove this requirement to include this County-owned strip of land into C. Molina Park.

Staff has reviewed the proposed amendments with the City Attorney's Office to ensure that they are in conformance with the DA as a whole, are legally sound, and protect the best interests of the City (Exhibit C – First Amendment to Development Agreement). Staff recommends that the Planning Commission recommend the City Council adopt an ordinance directing the City Manager to execute the proposed amendments to the DA.

PUBLIC HEARING NOTICE

In accordance with the requirements of Chapter 21.29 (Development Agreements) of the Zoning Regulations, which requires noticing pursuant to Section 65867 of the California Government Code for development agreements, a total of 987 notices of public hearing were distributed on March 1, 2018, and a newspaper notice was published on February 28, 2018, in the local newspaper of record. As of the preparation of this report, no comments or written testimony has been received.

ENVIRONMENTAL REVIEW

This amendment to the Development Agreement will not materially change the approved project, or its effects upon the environment, which were analyzed as part of the previously-certified Riverwalk Residential Development Project EIR (SCH #2014091011). The proposed amendment to the Development Agreement will not result in any new significant impacts. Pursuant to Section 15162 of the CEQA Guidelines, no further preparation of environmental analysis is required for this project (the DA amendment).

Respectfully submitted,



LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER



TOM MODICA
INTERIM DIRECTOR OF DEVELOPMENT SERVICES

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Attachments: Exhibit A – Location Map
Exhibit B – Development Agreement Dated December 17, 2015
Exhibit C – First Amendment to Development Agreement