



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

October 1, 2009

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Certify a Recirculated Mitigated Negative Declaration (ND12-09) and approve a Modification to an approved Site Plan Review, and Tentative Tract Map No. 71130 to increase the number of residential units from 18 to 28 at 433 Pine Avenue. (District 1)

APPLICANT: Interstices, Inc.
1322 Coronado Avenue, Suite C
Long Beach, CA
(Application No. 0307-15)

DISCUSSION

The subject site is a 15,000-square-foot lot on the west side of Pine Avenue between 4th and 5th Streets (Exhibit A – Location map). The site is currently developed with a two-story commercial building that was constructed in 1951 that used to house the Newberry department store. The building is currently vacant. The site is located within the Downtown Core subarea of the Downtown Planned Development District (PD-30).

The Planning Commission approved the original proposal on December 15, 2005. It consisted of an adaptive reuse of the Newberry Building to allow 6,500 square feet of retail, 18 residential units that ranged in size from 1,100 square feet to 2,000 square feet, and conversion of the existing basement into 35 parking spaces. Construction on the approved project has begun.

The applicant is requesting a modification to the approved project to increase the number of residential units from 18 to 28. This will be accomplished by modifying the interior of the 3rd and 4th floors that were originally designed to house a total of 10 two-level units and will now house 20 one-level units for a net increase of ten units. The modified units will range in size from 790 square feet to 1,515 square feet (Exhibit B – Plans and photos). The proposed modification does not affect the exterior of the approved project.

The requested modification meets the parking requirement for the conversion of commercial buildings to residential uses. The Downtown Planned Development District (PD-30) requires a minimum of one space per unit to be provided, with one guest parking space for every four units. This results in a requirement of 35 spaces for the proposed

CHAIR AND PLANNING COMMISSIONERS

Application No. 0307-15

10/01/09

Page 2 of 2

adaptive use (28 spaces for the residential units and eight guest spaces) and 35 parking spaces are provided.

Staff prepared findings and conditions of approval (Exhibit C – Findings and Conditions of Approval) that support the proposed project. The adaptive reuse of the Newberry Building will result in the reactivation of a vacant downtown structure with a mixed-use project that will assist in the revitalization of the area. The proposed project meets all of the applicable requirements of PD-30 and does not affect the previously approved design. For these reasons, staff recommends the Planning Commission approve the proposed modification.

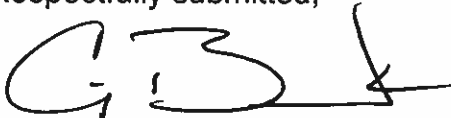
PUBLIC HEARING NOTICE

Public hearing notices were distributed on September 11, 2009, as required by the Long Beach Municipal Code. As of the preparation of this report, no responses have been received.

ENVIRONMENTAL REVIEW

A Recirculated Mitigated Negative Declaration (ND12-09) was prepared in accordance with the Guidelines for Implementation of the California Environmental Quality Act and is attached for your review (Exhibit D – Recirculated Mitigated Negative Declaration).

Respectfully submitted,



CRAIG BECK
DIRECTOR OF DEVELOPMENT SERVICES

CB:DB:JW

Exhibits

- A. Exhibit A – Location map
- B. Exhibit B – Plans and photos
- C. Exhibit C – Findings and Conditions of Approval
- D. Exhibit D – Recirculated Mitigated Negative Declaration

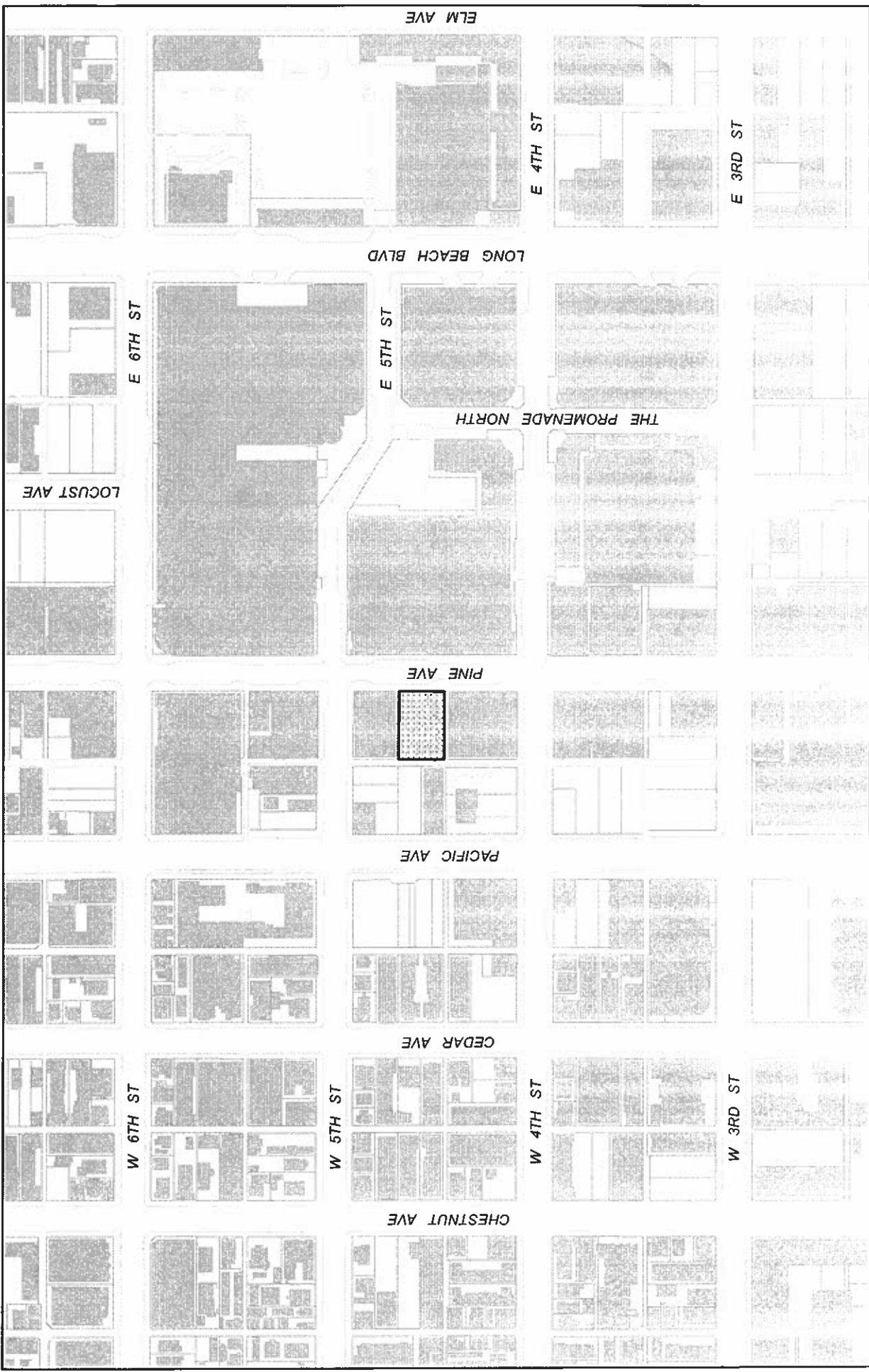
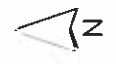
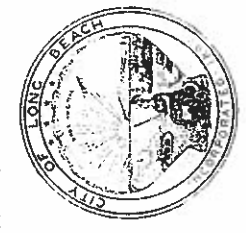


Exhibit A



Subject Property:
 433 Pine Ave
 Application No. 0307-15
 Council District 1
 Zoning Code : PD-30



TENTATIVE TRACT MAP FINDINGS

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

The subdivision map will allow the units to be sold as condominiums. The density and design of the project complies with the standards of PD-30 and the General Plan. PD-30 would allow a maximum of 36 units on the site, while 28 units are proposed.

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

The proposed subdivision is consistent with Land Use District No. 7 (Mixed Uses) as well as the City's subdivision ordinance. The conditions imposed on the subdivision will allow for the adaptive reuse of the existing building and the construction of the 28 units are consistent with PD-30 (Downtown Planned Development District). Therefore, the subdivision is consistent with the General Plan and other applicable plans.

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

The site is flat as has no unusual topographic features. Most of the construction will consist of alteration to the existing building, while an additional floor will be added to the top of the existing building. The project is below the allowable height limit of 100 feet.

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

The proposed project is below the allowable density set forth in PD-30. PD-30 would allow a maximum of 36 units on the subject site, while only 28 units are proposed.

5. THAT THE DESIGN OF THE SUBDIVISION OR PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIAL AND AVOIDABLE INJURY TO FISH AND WILDLIFE OR THEIR HABITAT;

The Planning Bureau has prepared Recirculated Negative Declaration ND 12-09. No negative environmental impacts were identified that could not be fully mitigated.

6. **THAT THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH OR SAFETY PROBLEMS; AND**

No detrimental impacts to the general welfare of the public are foreseen as a result of the proposed project. The Planning Bureau has prepared Negative Declaration ND 12-09. No negative environmental impacts were identified that could not be fully mitigated.

7. **THAT 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.**

There are no easements acquired by the public at large for access through or use of the subject property.

SITE PLAN REVIEW FINDINGS

1. **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 design of the building incorporates a consistent design theme that differentiates the building from the neighboring structures, but allows the building to remain compatible in design, character, and scale with the neighboring structures, particularly the two historic buildings located immediately adjacent to the project site. The building is lower in height than the adjacent historic buildings, which allows the historic buildings to remain the prominent structures on the block. The materials used for the new construction, including glass, smooth stucco, and exposed steel are complementary to the materials used on the adjacent buildings.

2. **THE DESIGN CONFORMS TO THE "DESIGN GUIDELINES FOR R-3 AND R-4 MULTI-FAMILY DEVELOPMENT", THE "DOWNTOWN DESIGN GUIDELINES", THE GENERAL PLAN, AND ANY OTHER DESIGN GUIDELINES OR SPECIFIC PLANS WHICH MAY BE APPLICABLE TO THE PROJECT.**

The project is located in the Downtown Core subarea of PD-30 (Downtown Long Beach Planned Development District). The project complies with the approved design parameters and building height limitations contained in PD-30.

Findings

Application No. 0307-15

Date: 10/01/09

Page 3

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

No mature trees or street trees will be removed as a result of the project. The site is developed with an existing building. All construction will occur within the existing building footprint.

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

No public right-of-way improvements are required as a result of the proposed project.

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

Not applicable.

**CONDITIONS OF APPROVAL
SITE PLAN REVIEW/
TENTATIVE TRACT MAP**

**Application No. 0307-15
Date: October 1, 2009**

1. The final map shall be prepared in accordance with the approved Vesting Tentative Tract Map and shall be recorded with the L.A. County Recorder's Office within thirty-six (36) months from the date of the Notice of Final Action (or, if in the appealable area of the Coastal Zone, 21 day after the local final action date) of the tentative map. If the Final Map cannot be recorded within the thirty-six (36) month period, the subdivider can request a time extension. The time extension request shall be submitted to the Zoning Administrator for review and approval as per Section 21.21.406 of the Zoning Regulations.
2. This permit 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). 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.
3. 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.
4. 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.
5. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Development Services Department. These conditions must be printed on all plans submitted for plan review.

6. The developer must comply with all mitigation measures of the applicable Environmental Review (ND 12-09) prior to the issuance of a Certificate of Occupancy. These mitigation measures, if applicable, must be printed on all plans submitted for plan review.
7. Site development, including landscaping, shall conform to plans approved on file in the Department of 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.
8. The Director of Development Services is authorized to make minor modifications to the approved concept design plans or any of the conditions if such modifications shall achieve substantially the same results as would strict compliance with said plans and conditions.
9. Prior to the issuance of a building permit, the applicant must depict all utility apparatus, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and landscape plan. These devices shall not be located in any front, side or rear yard area that is adjacent to a public street. Furthermore, this equipment shall be properly screened by landscaping or any other screening method approved by the Director of Development Services.
10. 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 Development Services. The landscape plan shall include drought tolerant street trees to be installed consistent with the specifications of the Street Tree Division of the Department of Public Works. Approved root guards shall be provided for all street trees.
11. Where feasible, 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.
12. 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. At the discretion of City officials, a yearly inspection shall be conducted to verify that all irrigation systems are working properly and that the landscaping is in healthy condition. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by the City Council.

13. 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 the exterior facades of the buildings and all landscaping surrounding the building including all public parkways.
14. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
15. Any graffiti found on site must be removed within 24 hours of its appearance.
16. All parking areas serving the site shall provide adequate security lighting with light and glare shields so as 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.
17. All parking areas serving the use must be brought into conformance relative to current screening, landscaping, paving, striping and lighting.
18. Energy conserving equipment, lighting and construction features shall be utilized on the building.
19. Unless specifically waived by the Planning Commission, as per Section 21.42.080 of the Long Beach Municipal Code, the Final Map shall be prepared to conform to all conditions, exceptions and requirements of Title 20 (Subdivision Ordinance) of the City of Long Beach.
20. The content and form of the Final Map shall be based upon criteria established by the Director of Public Works. Such plot plan shall be submitted to the satisfaction of the Director of Public Works prior to the issuance of the final map.
21. Prior to approval of the Final Map, the subdivider shall deposit sufficient funds with the City to cover the cost of processing the Final Map through the Department of Public Works. Furthermore, the subdivider shall pay the associated Planning processing fees of the Final Map.
22. All required utility easements shall be provided to the satisfaction of the concerned department or agency and shown on the map, if applicable.
23. All County property taxes and all outstanding special assessments shall be paid in full prior to approval of the Final Map.
24. All required off-site improvements shall be financially provided for to the satisfaction

of the Director of Public Works prior to approval of the Final Map or issuance of a building permit, whichever occurs first.

25. Any off-site improvements found damaged as a result of construction by the subdivider shall be repaired to the satisfaction of the Director of Public Works prior to approval of the Final Map.
26. All rooftop mechanical equipment shall be fully screened from public view. Said screening shall be architecturally compatible with the building in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment plan must be submitted showing screening and must be approved by the Director of Development Services prior to the issuance of a building permit.
27. Adequately sized trash enclosure(s) shall be designed and provided for this project as per Section 21.46.080 of the Long Beach Municipal Code. The designated trash area shall not abut a street or public walkway and shall be placed at an inconspicuous location on the lot.
28. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for their review and approval prior to the issuance of a building permit.
29. A grading plan with hydrology and hydraulic calculations showing building elevations and drainage patterns and slopes shall be submitted for the review and approval to the Director of Development Services and the Director of Public Works prior to the issuance of a building permit.
30. Grading and construction activities shall conform to Rule 403 of the South Coast Air Quality Management District and shall include the following:
 - a. Use water trucks and hoses to wet exposed and graded areas at least twice daily with complete coverage on all active areas and periodic wash-downs of public streets in the vicinity of all entrances and exits to the project site. Increase frequency of watering to three or more times per day whenever winds exceed 15 miles per hour, and cease grading activities during period of winds greater than 30 miles per hour.
 - b. Water material being excavated and stock-piled.
 - c. Water grading and cover materials being transported.
 - d. Maintain grading and construction equipment in proper tune.
 - e. Schedule truck trips to avoid peak hours (7-9 a.m. and 4-6 p.m., weekdays)
 - f. Discontinue construction during stage II smog alerts (ozone more than or equal to 0.35 ppm.)

31. 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.

32. 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.
33. The plans submitted for plan review must explicitly call out and describe all materials, textures, accents, colors, window, door, planter and paving details that were approved by the Site Plan Review Committee and/or Planning Commission. No substantial changes shall be made without prior written approval of the Site Plan Review Committee and/or Planning Commission.
34. All commercial and mixed-use projects must submit a sign program for the review and approval of the Site Plan Review Committee prior to the issuance of a building permit. Any conditions of approval relating to the design, style, size, color or type of sign to be used must be fully incorporated into any future lease agreements between the project and any subsequent lessees. A copy of the lease agreement shall be submitted to the Development Services Department prior to the release of the building permit. This document shall be placed in the project file for future reference.
35. The subdivider and successors shall be responsible for the maintenance of the site drainage system, sidewalk, parkways, street trees and other landscaping, including irrigation, within and along the adjacent public right-of-way. Such responsibilities shall be enumerated and specified in the project "Conditions, Covenants and Restrictions (CC&R's)", and a recorded copy of said document shall be provided to the Director of Public Works.
36. The subdivider shall cause to be prepared CC&R's for this project. A copy of the CC&R's are to be provided to the Director of Development Services for approval prior to being sent to the Department of Real Estate and recorded with the County Recorder. The C,C&R's shall be executed and recorded against the title of the parcel and shall contain the following provisions (provisions shall also be noted on the final map):
- a. The subject project consists of 28 residential condominium units; and

- b. A minimum of 35 parking spaces shall be permanently maintained as parking facilities for the project (condominiums and motel). The spaces shall be permanently assigned to a specific unit and labeled thusly or assigned as guest parking and labeled thusly. Parking spaces must be used solely for the parking of personal vehicles. Parking spaces may not be leased, subleased, sold or given to others not a resident(s) of the condominium unit within the development. These statements shall also be noted on the final map; and
 - c. The common areas and facilities for the condominium shall be clearly described including a parking assignment plan; and
 - d. The Homeowner's Association shall be responsible for the operation and maintenance of the private sewer connection to the public sewer in the public right-of-way, the site drainage system, the maintenance of the common areas and facilities, the exterior of the building, the abutting street trees, parkways and any costs or corrections due to building or property maintenance code enforcement actions. Such responsibilities shall be provided for in the C, C & R's; and
 - e. Graffiti removal shall be the responsibility of the Homeowners Association and shall be removed within 24 hours; and
 - f. A clear, detailed and concise written description of the common areas and facilities of the condominium shall be provided. This information shall be included on the final map.
37. The applicant shall provide language in the CC&R's stating that the individual homeowners shall be jointly liable and responsible for any costs of corrections due to building or property maintenance code enforcement actions.
38. Approval of this development 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 levels standards, including, but not limited to, sewer capacity charges, Park Fees, and Transportation Impact Fees.
39. Prior to the issuance of any building 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.
40. Prior to the issuance of any 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 the 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.”

41. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.