

April 25, 2016

The Honorable Ron Antonette, President
Long Beach Parks and Recreation Commission
2800 N. Studebaker Road
Long Beach, CA 90808

Dear Mr. Antonette,

The attached illustrations for Victory Park, at 150 W.Ocean, indicate that the proposed Oceanaire project is not in compliance with the Victory Park Design Guidelines.

I want and expect COMPLETE COMPLIANCE to the Guidelines for Victory and Santa Cruz Parks as adjacent properties are developed or “converted”; including park I.D. signage, lots of real grass, benches, drinking fountains, etc.

As you probably know, the Guidelines support the Local Coastal Program (LCP). Violations can be appealed to the State of California Coastal Commission.

Some history: When the developer of Camden Harbor View at 200-300 W. Ocean, increased the width of the Ocean Blvd. sidewalk from about ten-feet wide to about twenty-feet wide, cutting deep into the already narrow park - a citizen complained! The result: the developer jackhammered hundreds of square feet of new pavement, then reduced the sidewalk back to the proper width. Newly planted palms that were out of alignment with the existing Ocean Blvd. palms were dug up and properly replanted.

THE GUIDELINES WERE ADOPTED ON OCTOBER 26, 1989, BY THE PLANNING COMMISSION. The Guidelines serve to coordinate park development AND to prevent degrading of these parks from over-paving, illegally posted commercial signage, and defacto appropriation for “front yards” by adjacent property owners.

Much of the parkland between Alamitos and Golden Avenues, was established in 1889. The name Victory Park was given to honor WWI vets. The parks are a much needed green counterpoint to Downtown high-rise development and are located where neighborhood park acreage is scarce. Benches are used by the public! Unfortunately the parks have proven to be highly vulnerable to the whims of developers and adjacent property owners!

The fourteen-story Union Bank building, at 400 Oceangate, is partly built in a section of Santa Cruz Park - a park designed in 1923 by the Olmstead Brothers, Landscape Architects, who also designed the White House grounds.

Without park amenities or park I.D. signage, the park spaces in front of Union Bank, in front of the round residential tower near Alamitos Ave. and between Linden and Atlantic Avenues, were turned into defacto front yards!

Over twenty years ago, park benches were removed from in front of The Breakers Hotel at 210 E. Ocean. For decades the benches readily defined the grassy area as a public park. Tiny bronze "Victory Park" plaques, at ground level, are hardly noticeable. The drinking fountain does not work!

As of March 29, 2016, park benches were missing from their pads at 200 Oceangate. Buons', Molina Health Care, Inc. and other businesses have illegally posted their signs in Ocean Blvd. parkland. Other businesses have put their private address numbers on the park property. In what other City parks is this allowed?

Camden Harbor View overpaved the park in front of their buildings and installed two transformers.

Recently, real grass was replaced with artificial turf and decomposed granite, plus new concrete benches that do not comply with the specification of wood seating in the Guidelines. It appears to me that Camden has advertising banners in the Park. Did Camden get Coastal Commission approval for all of this? Was the original development agreement with the City legally amended?

There are three benches on a raised terrace at 200 W. Ocean Blvd, but also a "Private Property, NO TRESPASSING" sign posted next to the public sidewalk. Could this instead be City property and part of historic Victory Park? I'd like an answer.

Since June, 1977, when I voluntarily cleaned up a weedy, trash-strewn section of park at 200-300 Oceangate, I've worked with groups and many individuals to preserve, enlarge and enhance Victory and Santa Cruz Parks. The Design Guidelines were an outgrowth of our efforts and the extensive work of the Local Coastal Program planning committee, a committee that drew from a wide spectrum of community groups; it was agreed strongly that these two parks be protected.

Over the years I've written letters to the editor (Press-Telegram), got press support, testified and took part in events such as picnics to raise City officials awareness of the plight of this precious community resource.

I worked with twelve groups to successfully save three majestic park trees at 200-300 Oceangate. Later I was ejected from that park in front of what was then called ARCO Towers, by a security guard. He said, "This is not a park, and I have orders to run people out." City Councilmember Ray Grabinski countered with a twelve-foot-long "Santa Cruz Park" sign - paid for by ARCO, CHAG, and Parks and Rec.

I was able to get upright, five-foot long park I.D. signage and the proper placement of benches and a drinking fountain in front of the development at 488 E. Ocean. This was after we successfully appealed a Parks and Recreation Commission decision to the City Council. That section of Victory Park follows the Victory Park Design Guidelines almost to the letter. Except for the absence of a drinking fountain at 400 W. Ocean, the park there is also a beautiful example of the Guidelines being followed.

So.....DON'T cave in to pressure from developers and property owners adjacent to these parks. It is the responsibility of the City and State of California staff, the Coastal Commission, the Parks and Recreation Commission, our Planning Commission, and the City Council to BE AWARE of and FOLLOW the Design's guidelines put in place to protect these beleaguered little parks.

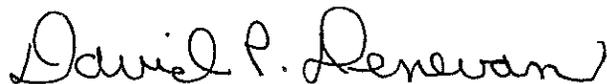
Recently an oversized sculpture was installed in Victory Park at 100 E. Ocean Boulevard. Did the Commission approve that project?

The attached document states that Parks and Rec will maintain a new (proposed) park on Seaside Way. Steven Scott, who was Interim Director of Parks, Recreation and Marine, signed the document; for me, that's proof that Parks and Rec and the Commission has jurisdiction south of Ocean Blvd. in Downtown.

You, along with the public, are the powerful first line of defense for ALL of our City parks.

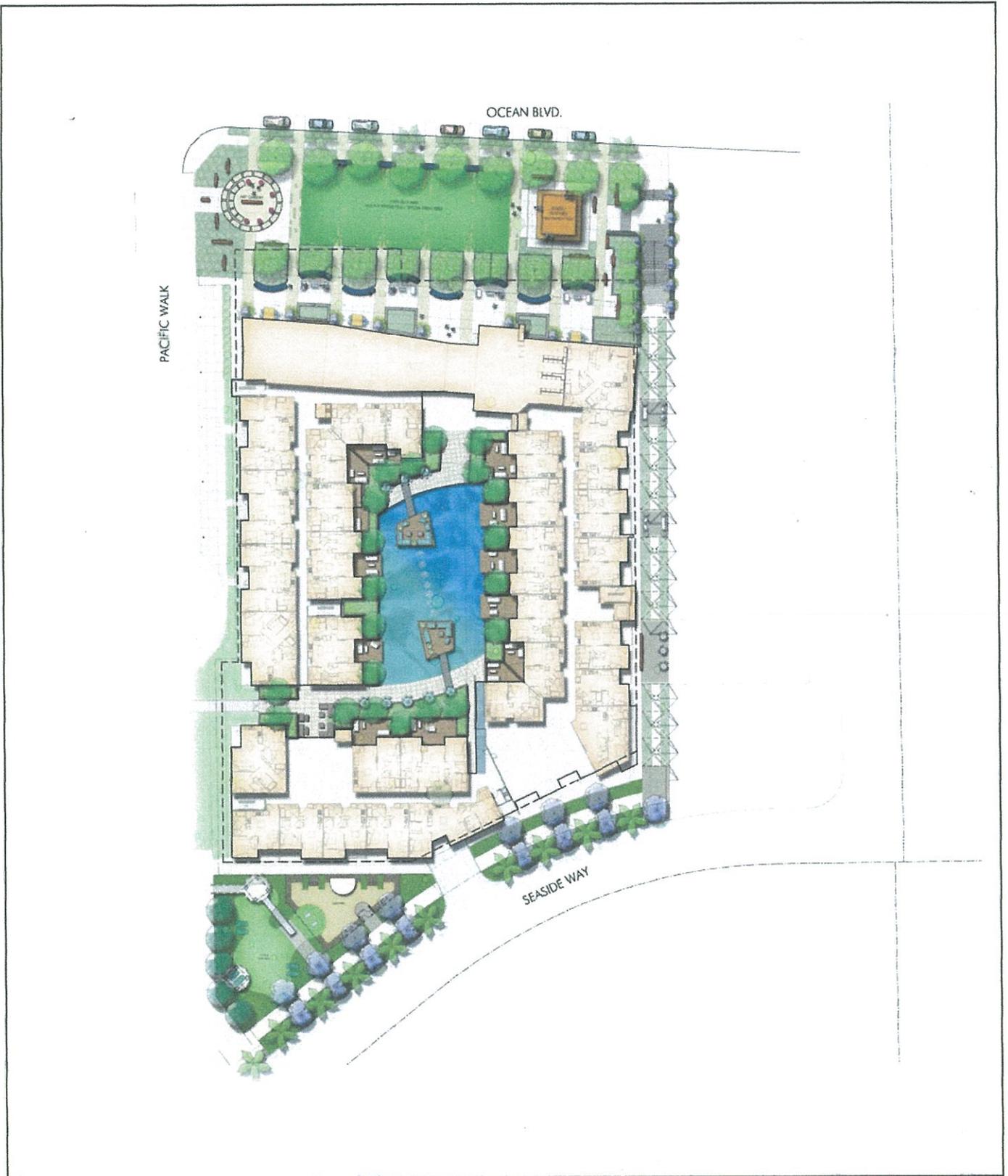
If you have not done so already, please let City Hall know that you expect to study and vote on the landscape plan for Victory Park at 150 W. Ocean Blvd.

Sincerely,

A handwritten signature in cursive script that reads "David P. Denevan".

David P. Denevan
4322 Charlemagne Ave.
Long Beach, CA 90808
(562) 425-9910

Enclosures



Source: Togawa Smith Martin, Inc.; October 31, 2014.

NOT TO SCALE



03/15 • JN 143594

OCEANAIRE PROJECT
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
Landscape Plan

Exhibit 2-6



Source: Togawa Smith Martin, Inc.; October 31, 2014.

NOT TO SCALE



OCEANAIRE PROJECT
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Visual Rendering

03/15 • JN 143594

Exhibit 2-5



 Exhibit A-1 area

 Exhibit B-1 area

 New City Parcel to be developed as a Park

Attachment A

VICTORY PARK DESIGN GUIDELINES

October 26, 1989

Victory Park was dedicated to the City in 1889. Since that time the area has historically served as the front yard to the Long Beach Central Business District. Today, the area functions as the major passive linear park in the Greater Downtown.

PURPOSE

Victory Park was formally declared and dedicated for public park purposes in 1980. The purpose of these guidelines is to insure that the land is available for the enjoyment of the citizens and general public of Long Beach. At the same time, the guidelines serve to coordinate the design and renovation of the park to cause a design that is reminiscent of historic Long Beach and reinforces the character of Ocean Boulevard as a grand boulevard.

APPLICABILITY

These guidelines apply to all portions of Victory Park from Alamitos to Golden Avenue and shall govern for both new construction and renovation.

PRINCIPAL USE

The principal use of the park surface is passive and visual public open space.

The following uses and elements are prohibited:

- All private and commercial uses.
- All new driveways, ramps, parking at or above grade, porte cochere, bicycle paths, retaining and freestanding walls or architectural elements not listed as permitted.
- Directional, private and commercial signs.
- Between Pacific Avenue and Long Beach Boulevard, mobile commercial vendors and public information kiosks may be permitted, as determined appropriate by the City Planning Commission.

DESIGN CHARACTER

The design shall be developed as an informal landscaped public park.

TOPOGRAPHY

Grading and Drainage:

The northern 75% of the park width shall be graded to appear to be level with the top of curb and sidewalk. The maximum grade permitted is 3.0% starting from the top of curb at Ocean Boulevard and extending to the southern 75% of the park. Drainage shall be accomplished by area drains.

Low berms are permitted in the southern 25% of the park, provided the area is planted with groundcover, shrubs and/or seasonal color. Berms shall not be located in or interfere with required view corridors. Berms shall be informally shaped, with a maximum slope of 2:1 and shall not exceed five feet in height above the top of the Ocean Boulevard curb.



ARCHITECTURAL ELEMENTS

Fountains and Sculptures

- Appropriately designed fountains, and sculptures are permitted in the southern 25% of park (only). It is intended that these features accentuate the park and public usage, while at the same time protect the continuity of the lawn. These features shall not be utilized to accent an entrance to the adjacent development.

Walkway

- One pedestrian walkway is permitted to connect the Ocean Boulevard sidewalk to each development south of the park. The intent is that the walkway be unobtrusive and does not "read" as a major entrance to the adjacent development, nor should the walk serve as a major design element in the park. The walk shall be no greater than 8' in width and shall be surfaced with dark brown iron stone pavers, running bond pattern parallel to the walk length. Pavers shall be as specified by the Public Works Department. One half inch mortar joints shall be provided. The walk shall be flush with the lawn.

- Entrances to the promenade and treatment of required view corridors shall be as specified in the Local Coastal Plan and subject to Site Plan Review.

Mowing Strip

- A 6" wide concrete mowing strip shall be installed to separate lawn areas from groundcover and shrub beds. The strip shall be of natural color and shall be flush with lawn grade.

Seating

- One bench shall be installed for each 60' of frontage. Benches shall be informally spaced and placed directly adjacent to the mowing strip. Benches shall be placed on a natural color concrete pad which shall be the scale dimension as the bench. The concrete pad shall be flush with the lawn. Benches shall be as manufactured by Victor Stanley or approved equal as follows:

Model UB 318-4

Specifications—Bench shall have eighteen (18) wood slats in a reverse contour design, six (6) foot in length. Wood shall be "IPE", 2" x 3" slats with leading edges of the top and bottom slat having large radius finish detail. Leg and center-brace contour bars shall be solid 3/4" thick x 3" wide steel bars. Legs shall be in-ground mount—high-tensile strength 2" square tabular steel welded directly to formed contour bar. All steel shall have "Publicote", powder-coated finish. Bench frame shall include "Unislat" bracket design complete with applicable hardware.



- Sculptural benches may be substituted for that specified, providing that the bench is executed or designed by a recognized artist and the bench is found to be appropriate to the parking design.

Trash Receptacles

- One trash receptacle shall be provided for each 150 linear feet of Ocean Boulevard frontage. Receptacles shall be placed adjacent to the Ocean Boulevard sidewalk upon a concrete pad the size of the container. Receptacles shall be as manufactured by Victor Stanley or approved equal as follows:

Model HF-24

Specifications—Waste container to be 24 gallon capacity. There shall be 24" x 3" wood slats attached to "Publicote", powder-coated, treated, welded steel frame. Wood shall be "IPE". Each frame to consist of three (3) steel rings (3/4" x 1" flat steel), welded to eight (8) vertical rods, with eight rods across the base. Lid shall be fiberglass attached by stainless steel aircraft cable. A high density plastic liner shall be provided.

Drinking Fountain

- One drinking fountain shall be provided for each block face. Drinking fountains shall be adjacent to the Ocean Boulevard sidewalk. Drinking fountains shall be as manufactured by Haws, model number B476 concrete aggregate, with number 6610 sand trap or approved equal.

- Sculptural drinking fountains may be substituted for that specified providing that it is executed or designed by a recognized artist and is found to be appropriate to the park design.

Signage

- A sign shall be placed at the intersection of each north/south street and shall contain the following information:

Victory Park
Established in 1889
City of Long Beach

Such signs shall either be in the form of a bronze plaque, flush in the Ocean Boulevard sidewalk or as a monument sign not to exceed two feet in height (from grade) by five feet in length. Such signs shall be in concrete lettering size and styles shall be as specified by the Public Works Department.

PLANTING

- A double row of palm trees (*Washingtonia robusta*) spaced 30' on center shall be planted on either side of the Ocean Boulevard sidewalk. Palms shall be 20' in height when installed.
- The northern 75% of the park depth shall be planted in lawn. Sod is mandatory and shall consist of Hybrid Bermuda Hybrid "Marathon".
- The southern 25% of the park shall be planted and coordinated with groundcover and seasonal color beds, shrubs and trees as follows:

Groundcover perennials and seasonal color beds:

The purpose of these beds is to provide a lush, changing display of seasonal color. Although planting is to be informal, major emphasis shall be placed on coordinated mass.

Shrub Beds:
Shrub beds shall be evergreen and may consist of Star Jasmine (*Fraxelospermum jasminoides*), Lily-of-the-Nile (*Agapanthus africanus*), Bird of Paradise (*Strelitzia*), Saxifraga, (*Saxifraga umbrosa*) as well as seasonal annual color.

The minimum size for groundcover shall be flats planted a maximum of 12" on center. Perennials shall be a minimum of 1 gallon size, planted a maximum of 18" on center. Seasonal color shall be a minimum of "quarts" and planted a maximum of 12" on center.

Shrub Beds:

It is intended that the shrub beds serve as the backdrop for the groundcover and seasonal color.

Low growing shrubs are encouraged, provided there is to be strong coordination with the groundcover and seasonal color. The minimum size for shrubs is 5 gallon, maximum spacing is 3', on center shrubs shall be grouped and planted informally.

The following species are permitted: Azalea sp., Mirror Plant (*Coprosma repens*), Indian Hawthorn (*Raphiolepis indica*), Gardenia (*Gardenia* sp.), Hibiscus (*Hibiscus* sp.)

Trees:

Trees will serve as a backdrop to the park. Primary trees shall be utilized to define the end of the park space. Secondary trees shall be utilized to accentuate and to provide interest. All trees shall be informally spaced. Groupings are preferred over individual plantings.

Primary trees shall consist of Coral trees (*Erythrina caffra*) and Eucalyptus, sideroxyon, minimum size 60" box. A minimum of one tree shall be provided for each 35' linear feet of property line. Trees shall be informally planted in the southern 25% of the park per block.

Secondary trees shall be provided at the rate of one tree per 30' of linear frontage, informally spaced and shall be of 48" box size. Secondary trees shall consist of one or more of the following: Albizia julibrissin, Melaleuca leucadendra or Mclevey nesophila, Meirosideros tomentosa, Ficus Rubiginosa, Pinus halipensis and Prunus sp. (flowering peach is strongly encouraged).

DECORATIVE LIGHTING

Lighting on palm trees: Each of the palms in the double row of trees at the Ocean Boulevard sidewalk shall be uplighted. Single upright floodlights shall be strapped to the trunk 10 feet above grade to the specification of the Director of Public Works.

Lighting of shrubs: Shrubs groundcover, and seasonal color shall be lighted. All light sources shall be concealed.

REQUIRED PLANS

Prior to approval of site plan review, the applicant shall submit three sets of the following working drawings to the Director of Planning and Building:

- grading and drainage plans, which shall include the location of all architectural elements. Plans shall indicate by spot elevation, contours and drainage lines of the topography.
- complete planting plans, specify species, size and location.
- night illumination plans, specify the location and type of fixtures.
- complete irrigation plans.

MAINTENANCE

The landscaping shall be maintained to the standards as established by Public Works Department by the adjacent property owners.

These guidelines have been prepared in cooperation with the following Long Beach Departments:

City Manager's Office
Community Development
Parks and Recreation
Police
Public Works

VICTORY PARK DESIGN GUIDELINES

ADOPTED OCTOBER 26, 1989
LONG BEACH CITY PLANNING COMMISSION
CITY OF LONG BEACH



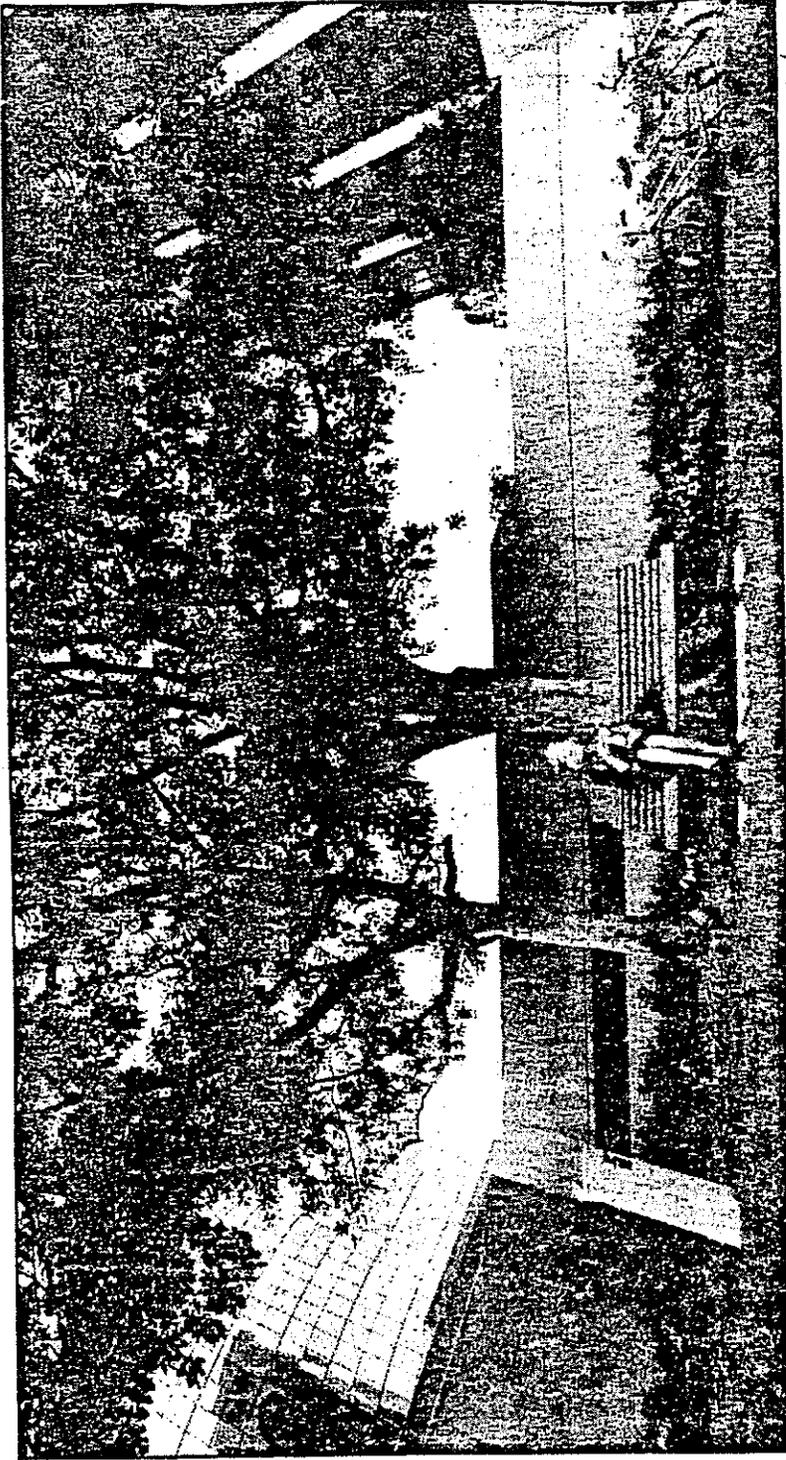
Long Beach

The City Council on Tuesday asked the city manager to investigate a resident's complaint that Atlantic Richfield Co. apparently was violating an agreement to retain public access to the remnants of an abandoned municipal park that forms part of the site of the oil firm's new downtown office building.

Resident David Denevan told the council in a letter that a security guard recently ejected him from the 40-foot-wide landscaped strip in front of the Arco Towers. The guard said the area was private property, Denevan wrote.

He asked the council to order Arco to place a sign identifying the area as public property. The blocklong strip was once a part of Santa Cruz Park, built in 1889 south of West Ocean Boulevard and later abandoned by the city.

The council acted unanimously and without debate.



PRESS-TELEGRAM/ROGER COAR

New look for old L.B. park

Santa Cruz Park, a 94-year-old downtown park that ranks as one of the city's oldest, was reopened Wednesday. And Emmeline Miller, a longtime Long Beach resident, made immediate use of one of its new

benches to pass some time knitting. The small park, noted for its towering old eucalyptus and Moreton Bay fig trees, is located on Ocean Boulevard between the new Arco Towers and the Union Bank building.

SECTION B/PRESS-TELEGRAM/THURSDAY, JUNE 30, 1983

Takeover of Long Beach Park Space Stirs Debate

By DAN WEIKEL
TIMES STAFF WRITER

In 1889, two public parks that formed a mile-long promenade of flower beds, eucalyptus and Moreton Bay fig trees on the coastal bluffs of downtown Long Beach were dedicated in perpetuity for recreation. Today, Santa Cruz and Victory parks along Ocean Boulevard don't seem so public anymore.

Modern office buildings, high-rise condos, walls, steps and driveways encroach on much of the land. Giant slabs of modern sculpture and 18 commercial real estate signs also intrude, most of them without permission.

Passersby who venture onto some of the remaining parcels risk being shooed away by security guards.



KEN LUBAS Los Angeles Times

Traci Wilson-Kleekamp and daughter Erin visit Stearns Champions Park, which she helped save.

Over the decades, downtown development decisions by City Hall have transformed Victory and Santa Cruz into little more than landscaping for private property. Such cannibalizing of parkland for

uses other than public recreation has been a regular occurrence in Long Beach, already affecting or threatening an estimated 20 sites.

Now, a public outcry is growing over those losses and ongoing at-

tempts by local government to take recreational areas for other uses. Consequently, elected officials are beginning to rethink guidelines for the city's 70 parks.

Please see PARKS, B2

PARKS: History of Takeovers Stirs Debate

Continued from B1

Last week, a City Council committee embarked on a plan to inventory recreational land, identify new park sites and give citizens more of a say in how their parks will be used. The panel also held the first in a series of public hearings on the issue.

"A lot of people have been waiting a long time for this," said City Councilman Ray Grabinski, who proposed the park meeting. "We need to make sure that no short-term gain takes away from the long-term gain of saving what we have and acquiring more land for parks and open space."

Long Beach, which is the state's fifth-largest city, has about 2,500 acres of parkland, including beaches, municipal golf courses and public school playgrounds. The parks vary in size from so-called pocket parks of less than half an acre to massive El Dorado Park with 650 acres.

The National Recreation and Parks Assn. recommends that cities have a minimum of 10 acres of parks per 1,000 residents. But Long Beach has about six acres per 1,000, less than many major metropolitan areas, including New York City.

More Space in Affluent Areas

Most of the recreational land is concentrated on the city's affluent east side. The 3rd and 5th council districts, for example, have four acres and 18 acres of parks per 1,000 residents, respectively. The 1st Council District in downtown, among the poorest, has less than half an acre per 1,000 residents.

Preservationists say that demand for parks is growing with the population and that Long Beach should end its long history of trying to put private and non-recreational facilities on public parkland.

Much of Lincoln Park, the city's first and perhaps most famous, was taken in the 1970s for a massive expansion of the main library and construction of a concrete plaza in front of the new City Hall.

A temporary police station sits in Scherer Park. Heartwell Park contains a large day-care center. Fire



Driveways and stairs have replaced grass in some parts of Santa Cruz Park in Long Beach

stations, government buildings, freeways and redevelopment projects now sit on what was once other parkland or public beaches.

Still other recreational lands have been lost due to subsidence from oil drilling, changes in the city master plan, and expansion of the Port of Long Beach, one of the busiest harbors in the nation.

Victory and Santa Cruz parks, which run from Golden Shore to Alamitos Boulevard, have practically been erased by commercial development approved by the city over the last three decades.

"It's been a giveaway and the slow privatization of public land," said Lester Denevan, a former city planner, whose complaints about illegal real estate signs in both parks are being reviewed by Long Beach park officials.

Preservationists and city officials partly blame the situation on a lack of clear guidelines designating what can be built on parkland. Long Beach, they say, has never formally differentiated its parks from other city property.

"We need direction for the future," said city Parks Director Phil Hester. "There needs to be a balance between open space, natural areas, recreational facilities and government uses."

Under current zoning, day-care centers, preschools, communication towers, parking lots, certain private clubs, community service organizations and school play-

grounds, as well as government buildings, can be located in parks.

The ordinance is "too broad," said Pat Garrow, a Long Beach city planner. "There should be open space and recreational uses. As far as other structures [are concerned], I would like to see us draw a line somewhere."

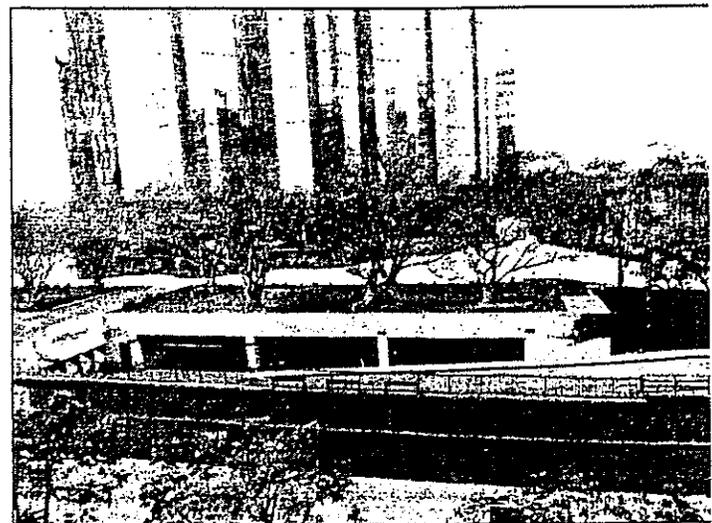
But park advocates and neighborhood leaders contend that vague laws aren't the only culprits. In some cases, they say, city officials have viewed building in parks as a way to hold down the cost of municipal projects and prevent private property from being removed from the tax rolls.

"Parks should not be looked

upon as building pads," said David A. Sundstrom, a member of an environmental task force that helps develop the city's strategic plan. "We can't afford to burn park space whenever someone's project comes up."

Sundstrom and others, including some city officials, say using parkland for other projects is shortsighted, considering the high cost of acquiring urban parkland. The property for 12-acre Cesar Chavez Park, the city's newest, cost about \$1 million an acre.

To open-space advocates and city officials, the park meeting represents an important juncture after seven years of almost uninte-

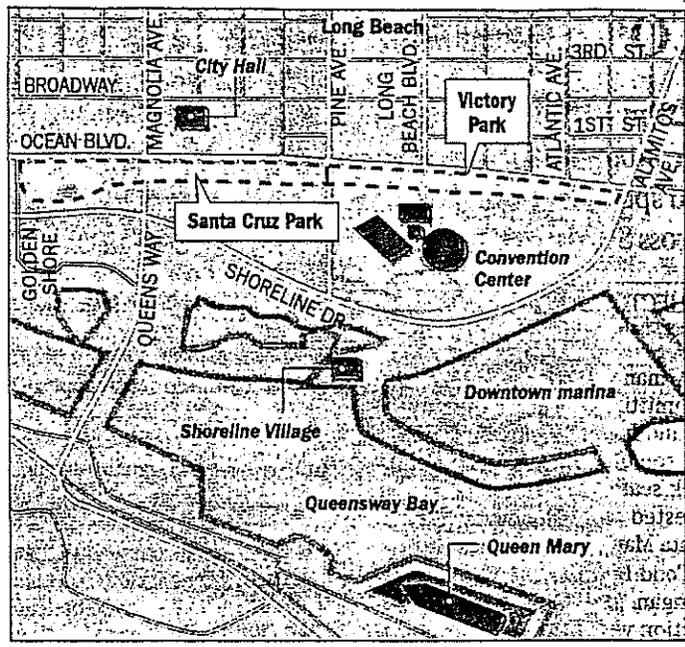


Photos by KEN LUBAS / Los Angeles Times

An underground garage is covered by park along Ocean Gate Avenue

Vanishing Parks

Victory and Santa Cruz parks have existed in Long Beach for more than 100 years. Today, they are hard to find. High-rises, apartments, driveways to garages and real estate signs encroach on much of the land. Over decades, the city has abandoned some of the ground, sold it off for redevelopment, or transferred maintenance to private property owners. Here are the original boundaries of the parks:



Los Angeles Times

rupted controversy.

In 1994, a battle over El Dorado Park in eastern Long Beach erupted when the city advanced a 10-year-old proposal to build a private recreational complex for adults on 41 acres in the northwest corner of the park. An Arizona-based developer would have operated the center and charged admission.

Court Challenge to Environmental Report

Plans called for softball fields, soccer fields, volleyball courts, basketball courts, picnic areas and 650 parking spaces. Beer and wine would have been sold.

Supporters said the center was needed to handle recreational demands by adult groups and free up other fields for youth sports.

Opponents argued that the project would ruin wildlife habitat and the area's tranquillity. They also did not like the project's commercial nature and the adults-only connotation.

Groups such as Save the Park mounted a successful court challenge to the project's environmental impact report. During one meeting a crowd of almost 1,700 jeered city officials and booed Mayor Beverly O'Neill.

City Council members decided in late 1996 to put the sports complex on an old dump site owned by the

city. It has yet to be built.

About a year later, another dispute developed over 25-acre Stearns Champions Park, where plans called for a 911 center.

City officials said there was no alternative and accused the opposition of jeopardizing the safety of the community. Residents fought back, saying they had been denied adequate public notice and that tax dollars were being spent without City Council approval.

"Everything was pretty much done in the dark," said Traci Wilson-Kleekamp, president of the Stearns Park Neighborhood Assn. "The blueprints were done, the consultants were hired, and the work started before any hearings."

In December 1999, city officials abandoned the site.

Today, the battles continue over a proposal to turn a portion of Cesar Chavez Park in downtown into a school playground and whether the city should build a permanent police station for 200 officers on three acres of Scherer Park to the north.

Local environmentalists also say the city is trying to use part of Shoreline Park for a major waterfront development in violation of federal law and state coastal planning requirements. City officials have denied any impropriety.

At last week's hearing at City Hall, citizens called for a moratorium on park use decisions until the new guidelines are adopted.

Press-Telegram

LETTERS

Victory Park

Victory Park, located on the south side of Ocean Boulevard in downtown Long Beach, and stretching for blocks, got its name in 1919 to memorialize those who had perished in World War I, to honor the millions of veterans, and to celebrate the peace.

Today, 82 years later, most of the veterans have passed away, our collective memory of the war has faded, and Victory Park has been turned into a venue for illegal advertising signs and treated as a front yard by adjacent property owners.

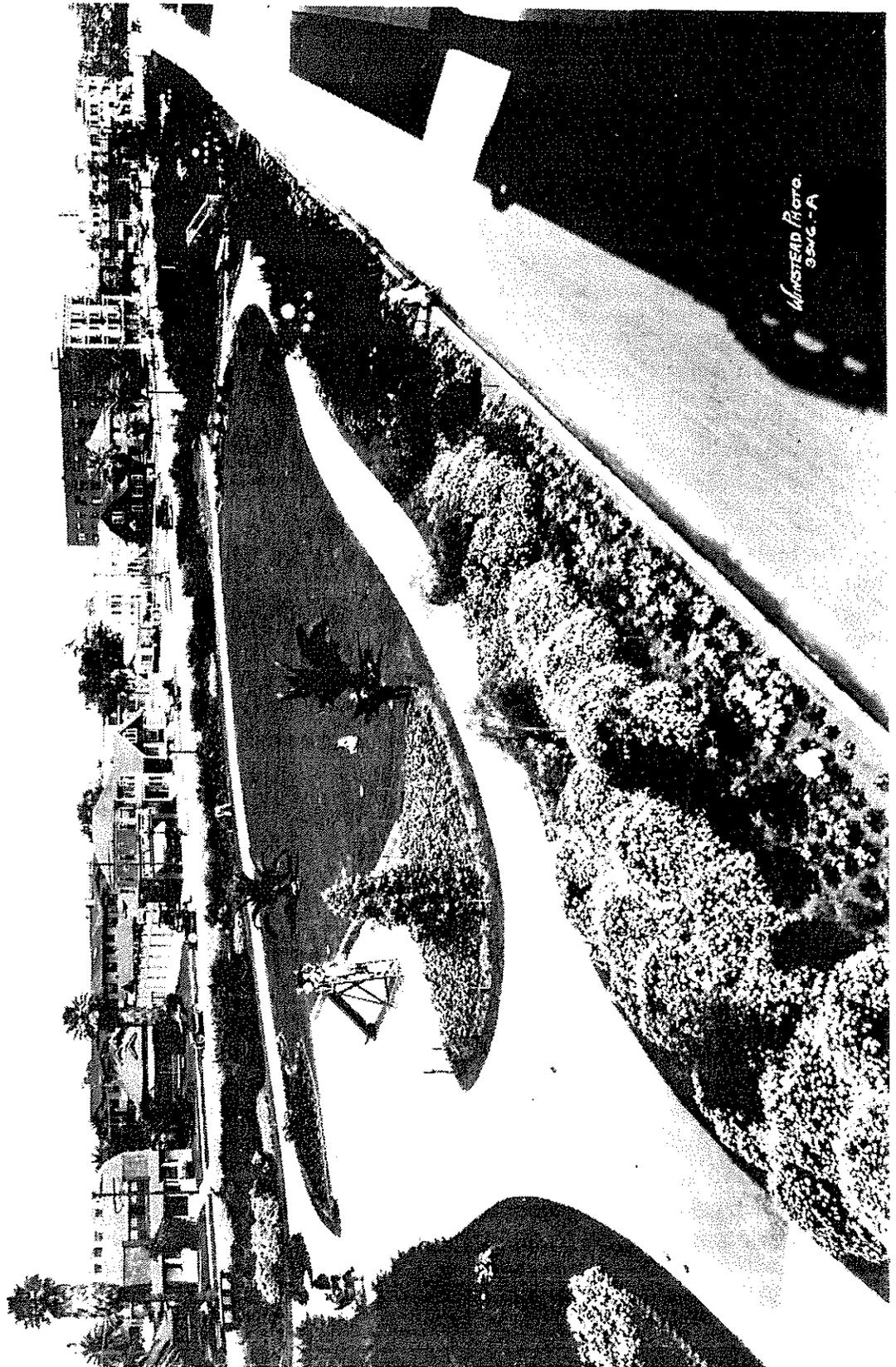
And now a grove of shade trees — a place of beauty, peace and reflection — is threatened by a developer who wants to put a parking structure under the park.

As a veteran of another war, and as a long-time friend of Victory Park, I want to be assured by the Parks and Recreation Commission that the plans for a "redeveloped" Victory Park include 2-foot by 5-foot park identification signs that can be easily read by those passing by on Ocean Boulevard, letting the world know it is a public park, not a front yard for apartments. Similar signs have been approved for another section of the park, so I know my request is reasonable.

Also, I expect the re-landscaping to include benches, drinking fountains, trash receptacles and shade trees (not just palm trees).

Let there be no doubt as to Victory Park's status as a public park, and as a memorial to those Americans who fought in World War I. It honors their valor and sacrifice.

David Denevan
Long Beach



Santa Cruz Park was immaculately landscaped in 1926. Just east of Golden Ave.

Long Beach Historical Society photo



March 29, 2016

Union Bank's "front yard" Santa Cruz Park, near Golden Ave.

No park amenities

No park I.D. signage.



This section of Victory Park has been turned into a "front yard." Near Alamitos Ave.

No park amenities

No park I.D. signage.



Victory Park in front of the Broucker's Hotel.

Park benches were removed.



March 29, 2016
200 - 300 Oceangate

Over paving of park.



Missing park bench.



March 29, 2016

Park in front of Camden Harbor View.

Commercial signage in City parks.

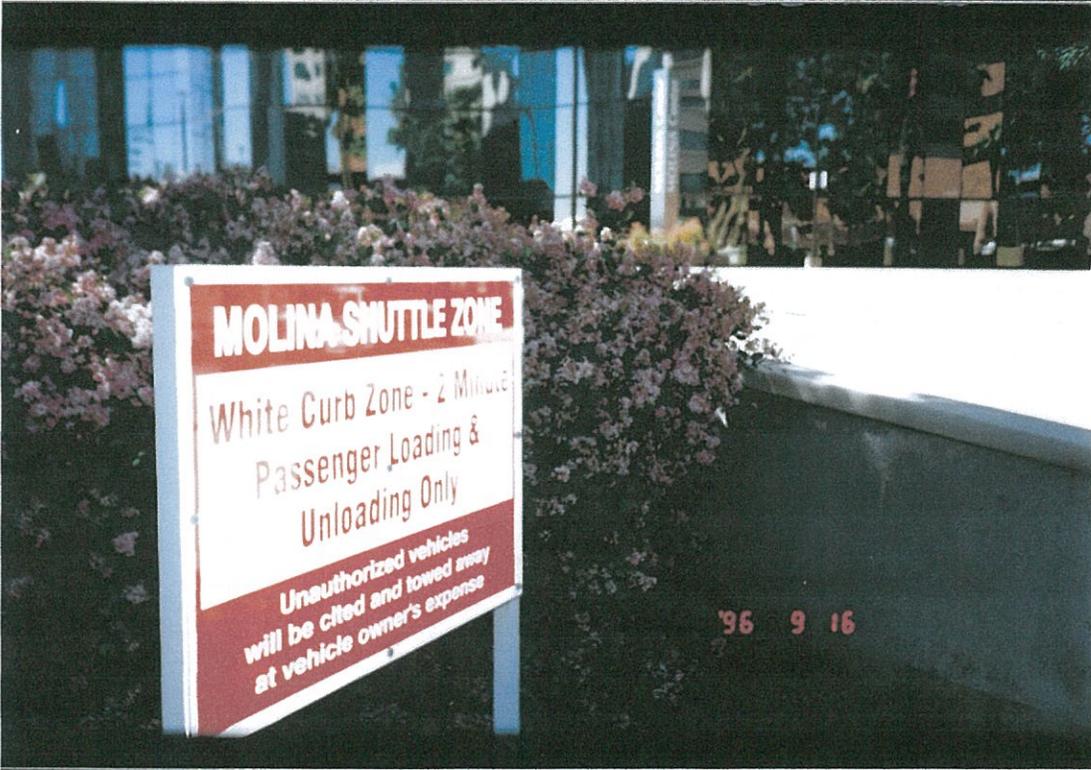


Transformer in park and over paving.



March 29, 2016

Victory Park



Santa Cruz Park



Santa Cruz Park



March 29, 2016

Public park or private property?
Notice benches.

This was built before the Guidelines were created.

200 W. Ocean Blvd.



Private property?

400 W. Ocean Blvd.

While there is no drinking fountain, this otherwise is a good example of the Design Guidelines being followed.



CITY OF LONG BEACH

R-9

DEPARTMENT OF ECONOMIC AND PROPERTY DEVELOPMENT

333 West Ocean Boulevard 13TH Floor • Long Beach, CA 90802 • (562) 570-6099 • Fax (562) 570-6380

November 10, 2015

HONORABLE MAYOR AND CITY COUNCIL

City of Long Beach
California

RECOMMENDATION:

Authorize the City Manager, or designee, to execute any and all documents necessary, including a Real Estate Exchange Agreement (Agreement), with Lennar Intergulf (150 Ocean), LLC, a Delaware limited liability company (Lennar), for the exchange of property located along Seaside Way adjacent to 150 E. Ocean Boulevard; and consider Mitigated Negative Declaration 03-15. (District 2)

DISCUSSION

The City of Long Beach currently owns property located along Seaside Way, west of Pine Avenue, Assessor Parcel Number 7278-005-916 (City Parcel). The City Parcel measures approximately 8,280 square feet and is currently being utilized as a surface parking lot. Lennar currently owns the property adjacent to the City Parcel, also known as 150 East Ocean Boulevard, Assessor Parcel Number 7278-005-150 (Lennar Parcel). Both parcels are illustrated on Attachment A. The City Parcel has always been contemplated for development into a park once Lennar proceeded with the development of the Lennar Parcel. As part of the design process, Lennar and the City have determined that both the park and the project would be better served if the City Parcel and Lennar Parcel could be reconfigured for optimal development. As such, approximately 1,840 square feet of the Lennar Parcel is proposed to be exchanged for 1,839 square feet of the City Parcel. Lennar will be required to complete the park improvements within two (2) years from the Notice of Final Action, dated June 1, 2015, or prior to the issuance of Certificate of Occupancy, whichever first occurs.

The Planning Commission reviewed and approved Site Plan Review and Local Coastal Development Permit requests related to the project on May 21, 2015. Further, in accordance with California Environmental Quality Act guidelines, the Planning Commission also certified Mitigated Negative Declaration 03-15 (Attachment B), which included the proposed land exchange.

This matter was reviewed by Deputy City Attorney Richard F. Anthony on October 13, 2015 and by Budget Management Officer Victoria Bell on October 19, 2015.

TIMING CONSIDERATIONS

City Council action is requested on November 3, 2015 in order to allow timely execution of the Agreement and related documents.

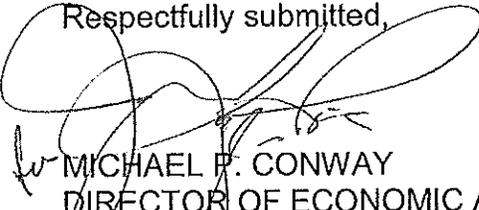
FISCAL IMPACT

✓ All fees associated with the real estate exchange will be paid by Lennar. The Department of Parks, Recreation and Marine will be responsible for ongoing maintenance of the new park, including landscape and hardscape maintenance, as well as maintenance and repair costs for the fitness stations, play surface, fencing, and signage. The annual maintenance cost to the Tidelands Operations Fund (TF 401) is currently estimated at \$30,225. Funding for this ongoing cost has not been confirmed, and will be reviewed as part of a future budget process after the park is completed.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

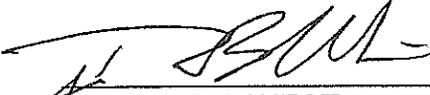
✓

MICHAEL P. CONWAY
DIRECTOR OF ECONOMIC AND
PROPERTY DEVELOPMENT

MPC:MFT:mft
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Attachment A - Map
Attachment B - Mitigated Negative Declaration 03-15

✓

STEPHEN SCOTT
INTERIM DIRECTOR OF PARKS,
RECREATION AND MARINE

APPROVED:


PATRICK H. WEST
CITY MANAGER



PROJECT DESCRIPTION



PROJECT LOCATION AND SETTING

PROJECT LOCATION

The 1.76-acre project site is located within the southwestern portion of the City of Long Beach (City), on the southern side of West Ocean Boulevard, between South Pine Avenue and Pacific Avenue, within Los Angeles County, California; refer to Exhibit 2-1, *Regional Location*. The site is located at 150 West Ocean Boulevard, at the southeast corner of the intersection of West Ocean Boulevard and Pacific Avenue; refer to Exhibit 2-2, *Site Vicinity*.

EXISTING CONDITIONS

The project site has been previously disturbed and is located within an urbanized area. The majority of the site is currently paved and utilized as a surface parking lot. The site has previously been graded and the majority of the topography is flat. Approximately a quarter of the site (the northern portion, adjacent to West Ocean Boulevard) is vacant with an elevation of approximately 20 feet above the surface parking lot to the south. This portion of the project site is part of the existing Victory Park – the grassy area setbacks along the southern side of West Ocean Boulevard, between Alamitos Avenue and Magnolia Avenue. The western half of the Victory Park portion of the project site is covered by low-lying weeds, bushes, and shrubs, and slopes downward to the south towards the surface parking lot; while the eastern half is paved, includes a retaining wall that separates the surface parking lot to the south, and is adjoined to the sidewalk along West Ocean Boulevard to the north. Access to the project site is provided via a 160-foot driveway at the northeast portion of the project site, along West Ocean Boulevard. Existing on-site lighting consists of five pole-mounted security lights dispersed throughout the center portion of the property. The site also includes landscaping and mature trees along the western border of the property and is surrounded on all sides by chain link fencing or railing.

SURROUNDING LAND USES

- *Surrounding Uses to the North.* West Ocean Boulevard is to the immediate north of the project site. Just north of West Ocean Boulevard is a 23-story commercial building. To the immediate east of the 23-story commercial building is the Rock Bottom restaurant.
- *Surrounding Uses to the South.* West Seaside Way is to the immediate south of the project site. Just south of West Seaside Way is a shopping center consisting of retail uses and restaurants.
- *Surrounding Uses to the East.* The 14-story Ocean Center Building is located to the immediate east of the project site, and primarily consists of commercial uses in addition to parking, retail, and restaurant uses.
- *Surrounding Uses to the West.* Pacific Avenue is to the immediate west of the project site. Just west of Pacific Avenue is a 10-story commercial building and a six-story multi-family residential development.



- Examination of whether the project is consistent with existing zoning, plans, and other applicable land use controls; and
- The name(s) of the person(s) who prepared or participated in the preparation of the Initial Study.

3 INCORPORATION BY REFERENCE

The references outlined below were utilized during preparation of this Initial Study. The documents are available for review at the City of Long Beach Development Services Department, located at 333 West Ocean Boulevard, 5th Floor, Long Beach, California 90802.

- City of Long Beach General Plan (Updated October 2013). The purpose of the General Plan is to provide a general, comprehensive, and long-range guide for community decision-making. The City of Long Beach General Plan consists of the following elements, adopted on various dates: Historic Preservation; Open Space; Housing; Air Quality; Mobility Element; Land Use; Seismic Safety; Local Coastal Program; Noise; Public Safety; Conservation; and Scenic Routes. The individual elements identify goals and policies for existing and future conditions within the City of Long Beach.
- City of Long Beach Municipal Code (Codified through Ordinance No. ORD-14-0005, enacted May 20, 2014, Supplement No. 5). The Long Beach Municipal Code (LBMC) consists of regulatory, penal, and administrative ordinances of the City of Long Beach. It is the method the City uses to implement control of land uses, in accordance with General Plan goals and policies. Volume II (Title 20, *Subdivisions*) and Volume III (Title 21, *Zoning*) of the LBMC identifies land uses permitted and prohibited according to the zoning designation of particular parcels.

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



April 4, 2003

Greg Carpenter, Zoning Administrator
City of Long Beach Department of Planning and Building
333 West Ocean Boulevard
Long Beach, CA 90802

Subject: Victory Park Strip, 330 W. Ocean Blvd. (between Pacific Ave. & Chestnut Place).

Dear Mr. Carpenter:

In a letter dated February 5, 2003, we requested a copy of the City's action approving non-park related development within the 80-foot wide Victory Park strip located on the south side of Ocean Boulevard between Pacific Avenue and Chestnut Place. The non-park related development consists of concrete pads, retaining walls, fences and electric transformers housed in green cabinets. You responded to our request in a letter dated February 12, 2003. Thank you for your prompt response.

In your letter dated February 12, 2003, you assert that the City approved the non-park related development within the 80-foot wide Victory Park strip as part of condition compliance procedure that had been delegated to the City Recreation Commission by Special Condition No. 46 of Local Coastal Development Permit No.0002-25. The Planning Commission approved Local Coastal Development Permit No.0002-25 on November 16, 2000 for "The Park at Harbour View" (Camden Development Inc.). We continue to maintain that Local Coastal Development Permit No.0002-25 did not include authorization for any non-park related uses within the 80-foot wide Victory Park strip that fronts the development site.

Special Condition No. 46 of Local Coastal Development Permit No.0002-25 states:

Prior to issuance of a building permit or approval of a final map, the applicant shall obtain approval from the Recreation Commission for the Victory Park improvement plan. Any section of the Victory Park area, if it has not been properly dedicated for park purpose, the applicant shall offer such a dedication with the approval of a final map.

Further, the City's adopted findings for the approval of Local Coastal Development Permit No.0002-25 state:

"The proposed development conforms to the certified Local Coastal Plan...
...Furthermore, the entire strip of land designated as Victory Park located within the proposed subdivision will be properly dedicated for park purpose with the approval of a final map."

The proposed and City-approved plans for the proposed subdivision designated Victory Park as the entire 80-foot wide strip of land located southerly of the Ocean Boulevard curblin, consistent with the requirement of the certified Local Coastal Plan.

The certified City of Long Beach Local Coastal Plan, in regards to Victory Park, states:

All new development between Ocean Boulevard and Seaside Way, above the Ocean Boulevard curb level, shall be set back a minimum of eighty feet from the Ocean Boulevard curblines, as existing on July 1, 1989, or set back the width of the City park strip, whichever is greater." [PD-6 General Development and Use Standards, Section (c)].

The Commission, in good faith, relies on the local government's findings and conditions when it decides whether or not to appeal a local decision on a coastal development permit that affects coastal resources. In this case, the Commission determined that the above-stated special condition and finding of consistency would ensure that the entire Victory Park strip in the project area would be protected for public access and recreation in perpetuity as required by the certified Local Coastal Plan.

Your letter dated February 12, 2003 states that Special Condition No. 46 of Local Coastal Development Permit No.0002-25 enabled the City to permit non-park related uses (transformers) to displace portions of the 80-foot wide Victory Park strip that was previously approved and required as part of the development authorized by the Planning Commission on November 16, 2000. Special Condition No. 46 requires the applicant to, "...obtain approval from the Recreation Commission for the Victory Park improvement plan."

We disagree with your assertion that the Recreation Commission's approval of the Victory Park improvement plan could be used to alter the size or dimensions of the previously approved and required 80-foot wide Victory Park strip or to add non-park related uses.

The certified LCP (Page III-DS-34) states:

"No parkland which has been dedicated or designated within the coastal zone shall be committed to another use unless the City replaces such parkland on an acre-for-acre basis within or adjacent to the coastal zone **with the approval of the California Coastal Commission.**" [Emphasis added.]

The Special Condition No. 46 of Local Coastal Development Permit No.0002-25 authorizes the Recreation Commission to approve a Victory Park improvement plan. We assert that in carrying out Special Condition No. 46, the Recreation Commission's authority to approve the Victory Park improvement plan is limited to approving the design of the improvements for the previously delineated park strip, absent any further review by the Coastal Commission to consider possible revisions. The Recreation Commission's approval of the Victory Park improvement plan pursuant to Special Condition No. 46 can not be used to justify a change in the park boundaries, permitting of non-park uses, or any displacement of parkland, whether consistent with the certified LCP or not. The change to the dimensions of the Victory Park strip is not consistent with the plans approved by the City on November 16, 2000 and reviewed shortly thereafter by Commission staff. As such, the originally approved dimensions of the Victory Park strip remain part of the duly approved coastal development permit. Any change to the dimensions of the park or addition of non-park uses to the park strip can be approved only as part of an amendment to the previously approved local coastal development permit.

Greg Carpenter
April 4, 2003
Page 3

Such an amendment would be appealable to the Coastal Commission. The Coastal Commission would then review the proposed changes to the park, including any parkland replacement plan, for compliance with the policies of the certified LCP and the public access policies of the Coastal Act.

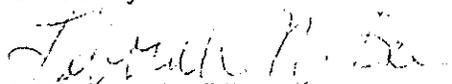
Since the City did not follow this process, we consider the non-park uses (e.g., concrete pads, retaining walls, fences and electric transformers housed in green cabinets) now located within the 80-foot wide Victory Park strip to be unpermitted development in Victory Park.

We are also concerned that the City's proposed design for the Victory Park strip, between Pacific Avenue and Chestnut Place, may not conform to the Victory Park Design Guidelines, adopted by the Planning Commission on October 26, 1989. The Victory Park Design Guidelines include the following design requirements: the park strip shall be developed as an informal landscaped public park, and not be utilized to accent the entrance to the adjacent development; one pedestrian walkway, no wider than eight feet, is permitted to connect each development to the Ocean Boulevard sidewalk; one public bench shall be installed in the park for each sixty feet of frontage; and trash receptacles and drinking fountains shall be provided. Our office would welcome any additional opportunity to comment on the City's proposed park improvement plan.

In order to avoid problems like this in the future, we suggest that the final design plans for all parkland improvements be reviewed and approved as part of the local coastal development permit process, instead of being delegated for approval after the City takes its final action on the local coastal development permit. We will carefully review all future local coastal development permits that include development in or adjacent to Victory Park (or other parkland) to ensure that they include protection of all affected parkland and recreational resources. Commission staff will consider appealing any local approval that lacks such assurances or does not maintain and protect the Victory Park strip.

Thank you for your cooperation in this matter and we look forward to working with you and your staff in the future. Please call Charles Posner at (562) 590-5071 if you have any questions.

Sincerely


DEBORAH LEE
Deputy Director