



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor Long Beach, CA 90802 (562) 570-6194 FAX (562) 570-8068

April 19, 2012

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Receive and file the report from The Boeing Company and concur with staff's finding that they have complied with the terms and conditions required under the Douglas Park Development Agreement, and fulfilled the requirements for the reporting period of January 2011 through December 2011. (District 5)

APPLICANT: Boeing Realty Corporation
4501 E. Conant Street
Long Beach, CA 90808
(Application No.1203-03)

DISCUSSION

In 2005, the City of Long Beach and the McDonnell Douglas Corporation, a wholly-owned subsidiary of The Boeing Company (Boeing), entered into a Development Agreement (Agreement) to allow for a mixed-use master planned community at 3855 Lakewood Boulevard, called Douglas Park (Exhibit A – Location Map). The Agreement was subsequently revised to address the rezone north of Cover Street which eliminated the residential land use and expanded the office, retail and light industrial land uses, rerouted bike paths, reconfigured and relocated open spaces, and restructured the financial contributions of Boeing. The Restated and Amended Development Agreement (DA) was approved in 2009 and recorded in May 2010.

2011 REPORTING PERIOD

Pursuant to Section 5.1 of the DA, an annual review is required to determine good faith compliance with the provisions of the DA. Boeing has submitted the annual report and staff has conducted its review (Exhibit B – Development Review Status Matrix). Major project activities that have occurred in 2011, include:

- Infrastructure Plans: Park A – Douglas Plaza (DA 8.25.1) – City construction began in March 2011 and completed in October 2011
- Rubbercraft project construction completed and Certificate of Occupancy granted August 31, 2011. Project consists of a 130,000-square-foot industrial building with 268 parking spaces.

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- LD Products project building construction completed in late 2011 and Certificate of Occupancy anticipated for mid 2012. Project consists of a 106,844-square-foot industrial building with 214 parking spaces.
- Courtyard Marriott hotel project entitlement approved June 2, 2011. Project consists of an 89,455-square-foot hotel with 198 parking spaces, and two 5,000-square-foot retail pads. Construction documents were submitted February 2012.
- Sares/Regis – Pacific Pointe North entitlement approved September 15, 2011 and building permits issued February 2012. Project consists of four new industrial buildings with the following square footages: 103,469 square feet, 87,112 square feet, 42,831 square feet and 35,272 square feet. The project also includes a total of 403 parking spaces.
- Sares/Regis – Pacific Pointe South entitlement approved December 15, 2011. Project consists of three new industrial buildings of 131,423 square feet, 168,271 square feet, and 106,275 square feet, respectively.
- Rezone Review and Approval (DA 8.46) – Final Maps 1, 2 and 4 approved and recorded June 2011. Final mapping north of Cover Street completed.
- Community Open Space (DA 1.21 and 2.4.2) – Design for Jansen Green Park and five Gateways designated for open space submitted and approved third quarter of 2011.

Staff has reviewed the submitted materials from Boeing and determined that all activity described in Exhibit B is substantial and that the applicant is in compliance with the terms of the Agreement. Staff recommends Planning Commission approval of the DA annual review.

Respectfully submitted,



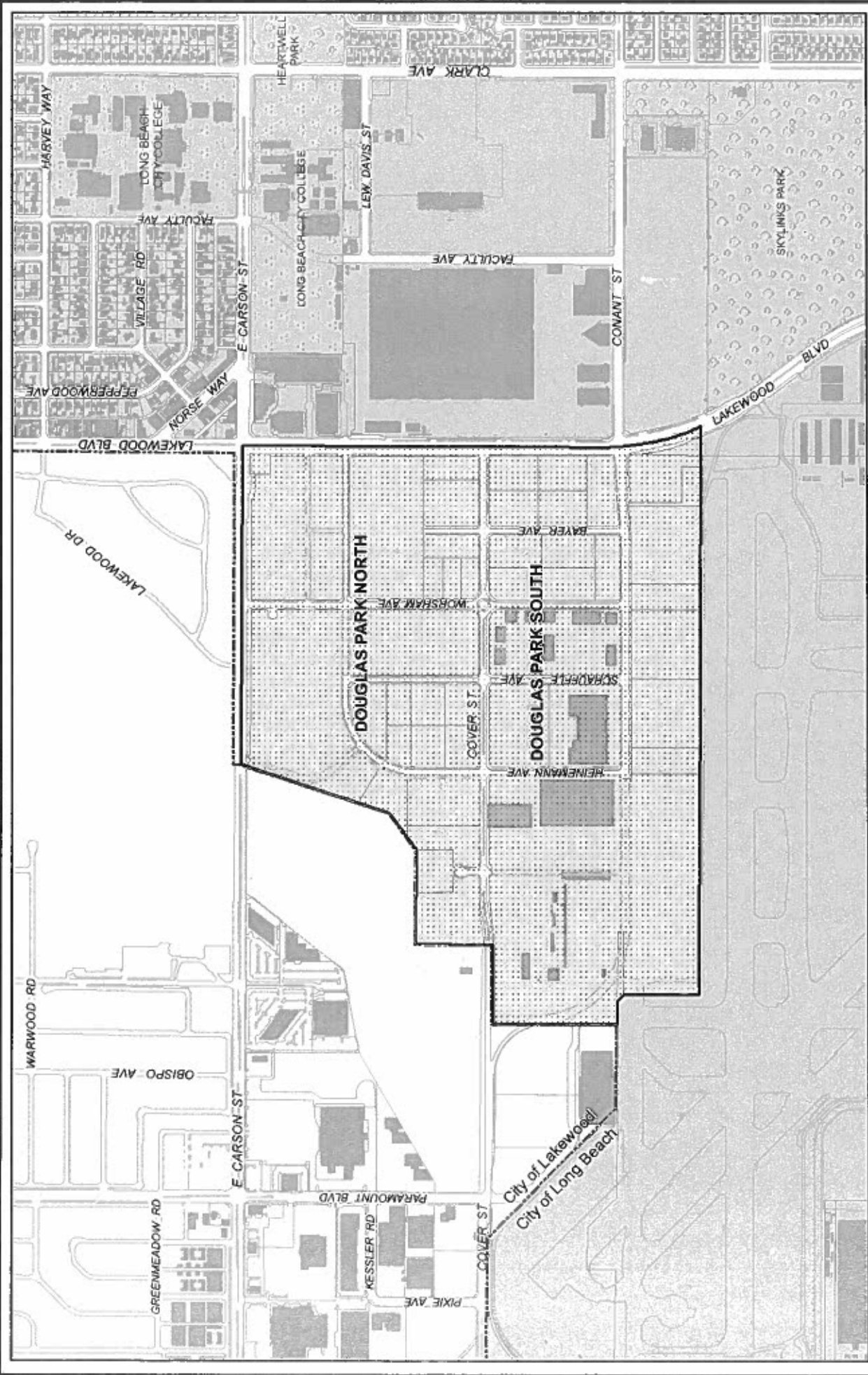
DEREK BURNHAM
PLANNING ADMINISTRATOR



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:DB:PG:CJ

Exhibits: A. Location Map
B. Development Review Status Matrix



Subject Property:
 3855 Lakewood Blvd
 Application No. 1203-03
 Council District 5
 Zoning Code : PD-32 (SubArea : 1, 2, 3, 7, 8A, 8B)
 (Overlay : Main St, Mixed-Use)

Exhibit A



ANNUAL REVIEW OF BOEING'S COMPLIANCE WITH THE TERMS OF THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT 2012

2011 Work in Progress and Commitment to Perform

Itemized Compliance

1) Preliminary discussions and planning for the ATCS Traffic Control Program began in mid 2005, 2) Technical memo presented for design comments from all jurisdictions involved September 2006, 3) System design in process. ATCS Traffic Control Program construction complete and system operating December 2010. City acceptance 12.9.2010.

Phase 1 Infrastructure Plans, including utility, on and off site street improvements, street lighting, and landscaping, approved by the various Public Works Departments November 1, 2006, Permit approval and commencement of work October/November 2006.

Construction Start: Wet Utilities October 2006, balance of infrastructure construction began November 2006. Construction completed and accepted by the City of LB 10.26.09 City and County Final Inspection acceptance and completion of construction of backbone storm drain September 2006. City and County Final Inspection acceptance and completion of construction of the Phase 1 storm drain system December 2007.

Park A's plan approval is complete, permits have been extended by the Building Dept. Construction is pending Water Quality Board's release to the City of Long Beach and site grading completed by City of Long Beach prior to commencement of park construction.

Off-site construction complete and City acceptance 4th quarter 2009.

84% of the Off Site Intersection Improvements were completed in 2009 ahead of the trigger requirements of Exhibit F. Completed intersections include: Carson / Lakewood, Cover / Lakewood, Conant / Lakewood, Carson / Worsham, Douglas Ctr Drive / Lakewood Off Site Intersection Improvements completed December 2010. Cherry / N405 on-ramp has been designed and permitting will proceed to meet future trigger requirements in Exhibit F of the Amended and Restated Development Agreement.

Class 1 Bike Path improvements along Carson Street: Plans including landscape improvements submitted for City review November 2006. Plan approved and construction commenced July 07. Bike Path installed according to approved plan in 2008 but required rev.

Development Agreement Requirement

TBC shall implement a Transportation Demand Management Program as required by the Mitigation Monitoring Program including an ATCS Traffic Control Program. TBC shall incorporate transportation improvements to service the project and to reduce project related traffic impacts within the project area.

The City will work with TBC in good faith to process and review the Ministerial Permits and Approvals and Inspections in a timely manner.
"Phase 1 On-Site Roadway Infrastructure.

Grading of Douglas Plaza

Category B - Intersection Improvements and Category D Regional Transportation Improvements. Intersections itemized as follows: Carson / Lakewood, Cover / Lakewood, Conant / Lakewood, Carson / Worsham, Douglas Ctr Drive / Lakewood, Carson / Paramount, DelAlmo

Bike Path as described per Exhibit E-1 of the Bike Path Development Agreement

Description

Transportation Demand Management Program -- ATCS Traffic Control Program

Phase 1 Infrastructure Plan review and approval - including traffic and utility improvements

On site construction Phase 1

Park "A" - Douglas Plaza

Off site construction Phase 1

Off Site Intersection Improvements per Exhibit F of the Development Agreement

DA Ref

8.27 & 8.28

3.3.3, 2.42 & 2.43

8.25.1

City construction projected to begin March 2011. Boeing's park construction to follow immediately upon City completion. The cost associated with the grading of Douglas Plaza prepaid 2010. Boeing Construction completed October 2011.

DA Ref	Description	Development Agreement Requirement	Itemized Compliance	2011 Work in Progress and Commitment to Perform
			Phase 1 Infrastructure - Complete with City acceptance 4th quarter 2009.	
	Phase 2 Infrastructure Plan review and approval - including traffic and utility improvements	"Phase 2 On-Site Roadway Infrastructure" as described per Exhibit E-1 of the Development Agreement	Street Improvements for Phase 2 submitted for City review November 2006. Construction commenced October 2007, Completion and City acceptance 4th quarter 2009	
	Enclave Fencing	Landscaping shall be installed on the eastern side of the Enclave fence from the north end of Building 15 to the southern property line upon installation of Phase 1 commercial infrastructure. Landscaping shall be installed on the northern side of the fence.	Enclave Fencing design approval obtained December 4, 2007. Boeing extended landscape screening from north end of building 15 to Cover Street for improved aesthetics.	
	Phase 3 Infrastructure Plan review and approval - including traffic and utility improvements	"Phase 3 On-Site Roadway Infrastructure" as described per Exhibit E-1 of the Development Agreement	Phase 3 infrastructure plans submitted July 27th, 2007. Construction completed and City acceptance 4th quarter 2009	
	Final Maps	Conditions of Approval #1-6	First Final Map approved and recorded December 2006. Second Final Map approved and recorded December 2007.	
1.51 & 2.4.2d	Infrastructure Design No. of Cover - ReZone Area Phase 4	Phase 4 Infrastructure Plan review and approval - including traffic and utility improvements	"Phase 4 On-Site Roadway Infrastructure" as described per Exhibit E-1 of the Amended and Restated Development Agreement	Phase 4 infrastructure plans submitted March 2009. Construction to commence 3Qtr 2011 and shall be completed by March 2012.
3.3.3.2	Subsequent Discretionary Project Approvals	In order to provide the City with advance notice of upcoming applications for Discretionary Project Permits and Approvals, TBC shall supply to the City a list of the various Discretionary Permits which TBC reasonably anticipates will be requested each year.	1) Quarterly letter with matrix of anticipated Ministerial Permits & Approvals annotating the schedule, 2) Annual compliance letter with matrix.	1) TBC submitted updates of the anticipated Discretionary Permit and Approvals matrix through 2011.
3.3.3.1	Ministerial Permit & Approval List	In order to provide the City with advance notice of upcoming applications for Ministerial Permits and Approvals, TBC shall supply to the City a list of the various Ministerial Permits which TBC reasonably anticipates will be requested each year.	1) Quarterly letter with matrix of anticipated Ministerial Permits & Approvals annotating the schedule, 2) Annual compliance letter with matrix.	1) TBC submitted updates of the anticipated Discretionary Permit and Approvals matrix through 2011.
3.3.1	City Project Coordinator	In order to facilitate the expeditious completion of the Project, the City shall select a City Project Coordinator. Triggering event: City shall initiate selection upon agreement execution.	1) The City Project Coordinator position was awarded to James Kennelly, 2) Various meetings for clear communications required to expedite review coordination and the permit approval processes have been established. 3) Coordinator meetings continued through Boeing team with City points of contact.	

DA Ref	Description	Development Agreement Requirement	Itemized Compliance	2011 Work in Progress and Commitment to Perform
8.45	Art and History Program	The project shall include a public art component reflecting the Property's historical significance or other thematic elements important to creating the project's new identity. Project shall submit a Public Art Master Plan.	1) Historical American Engineering Record (HAER) report completed, approved and delivered to agencies as required July 2006, 2) The Douglas Heritage Group has been established, 3) Art Program developed and approved May 2006, 4) Street Names selected and Commercial Gateway landscape completed August 2008, SCE pedestals relocated and power energized January 2011. Douglas Plaza's plan approval is complete; construction commenced timely following City's delivery of an environmentally clean and graded site June 2011.	
8.19	Jobs Program	TBC shall collaborate with Long Beach Jobs Initiative Team to implement a "JOBS" program with the goal of employing qualified LB residents or qualified graduates of an appropriate Jobs Initiative training program.	1) Pursuant to the DA requirements a Board of Directors was identified and the first meeting of Board occurred on November 17, 2005, 2) Meetings continue every 6 months and met accordingly 2006, 3) First annual contribution of \$100,000 was made by TBC, requirement completed / closed	
8.23	Public Financing Districts	TBC may propose to initiate proceedings to form one or more Public Financing Districts with respect to the Property, to finance all or a portion of the costs to improve the property. Triggering event: Development	1) Public Finance Districts / CFD final agreement approval issued December 21, 2006, executed agreement and payment of costs for formation to the City of Long Beach in the amount of \$150,000 made by January 11, 2007.	All funds received.
8.23.2	Maintenance CFD North of Cover	Schedule B	Documentation completed December 2010, City Council approval January 2011.	
8.30	Affordable Housing	The project will contribute to the affordable housing goals of the City. Triggering event: Payment due at execution of Development Agreement and resolution of a challenge should one occur.	1) First payment of \$250,000 was made upon resolution of the CEQA Litigation by check dated 2/15/06. All fees paid pursuant the Amended and Restated Douglas Park Development Agreement.	
8.46	Infrastructure Payment	The project will contribute to the City's infrastructure improvements. Triggering event: Initial payment due at execution of Development Agreement and resolution of a challenge should one occur.	1) Payment of 1/2 of the Infrastructure payment of \$250,000 was made in good faith at the time of Grading Permit issuance for Phase 1 of the construction (10/05) due to the CEQA Litigation, 2) Payment of the balance due of \$125,000 was made upon resolution approval. \$625,000 paid upon execution May 2010 and reordination of the Amended and Restated Development Agreement as well as early payment of the \$125,000 required one year after recording of the Amended and Restated Development Agreement.	Infrastructure payment due upon the 1st Certificate of Occupancy in Sub Area 1, 2 or 3 in the amount of \$250,000 was prepaid in Sept 2011.
	ReZone Review & approval		Council Approval of ReZone for Douglas Park October 6, 2009	
	Final Maps	ReZone Areas 1, 2, 3, & 4	Final Maps for Areas 1-4 submitted for technical review and approval 2010.	Final Maps 1, 2, & 4 approved and recorded 6.2011. Final Maps 3 & 5 approved and recorded 12.2011. Final mapping for rezone area north of Cover completed.
	Amended & Restated Development Agreement		Amended and Restated Development Agreement approved and recorded May 26th, 2010.	
	EIR Addendum		EIR Addendum approved September 3, 2009	

DA Ref	Description	Development Agreement Requirement	Itemized Compliance	2011 Work in Progress and Commitment to Perform
2.4.3	CC&R's		1/20/2011 Recorded amended CC&R's to conform with the Amended and Restated Development Agreement	
1.9 & 2.4.2	Carson Street Landscape Improvements	1.9: 'Carson Street Landscape Improvements' means those landscaping improvements to be installed on the north side of Carson Street and more particularly described and depicted on Exhibit R of the DA. 2.4.2: The Carson Street Landscape Improvements which are a part of the Project are those landscaping improvements which will be installed pursuant to Exhibit R.		Design for North side of Carson Landscaping submitted and approved. 2011
1.21 & 2.4.2	Community Open Space	1.21: 'Community Open Space' means Donald Douglas Plaza and Jansen Green, other significant plazas, street gateways, etc all of which shall be made available and open for public use, and are more fully described and depicted in Exhibit E-2 to the DA. 2.4.2: The Community Open Space improvements which are a part of the Project are described in Exhibit E-2.		Design for Jansen Green and (5) Gateways designated as 'Community Open Space' areas were submitted to Public Works and Building for review and approval 3rd quarter 2011.