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# CITY OF LONG BEACH

DEPARTMENT OF COMMUNITY DEVELOPMENT

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802

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February 19, 2002

 HONORABLE MAYOR AND CITY COUNCIL  
 City of Long Beach  
 California

SUBJECT: Agreements with Genesis Realty for Use of Victory Park, the Pedestrian Promenade and Pedestrian Bridges (District 2)

## DISCUSSION

Genesis Realty is planning to develop a 556-unit high-rise, multi-family residential project on a site located between Linden Avenue and Hart Place, on the south side of Ocean Boulevard. The residential project will be served by a three-level parking structure, which will be located under a portion of Victory Park. Construction of the subterranean parking structure will necessitate removal and replacement of existing portions of the park.

On February 15, 2001, the Planning Commission approved the project, with conditions. An appeal by outside parties of the Planning Commission approval came before the City Council on March 20, 2001 (Council Letter Attached). The City Council sustained the decision of the Planning Commission. The project was then appealed to the California Coastal Commission. The California Coastal Commission approved the project on August 7, 2001. Genesis Realty's plan for re-landscaping Victory Park between Linden Avenue and Hart Place was approved by the Recreation Commission on November 15, 2001. The City Council heard an appeal of the decision on December 11, 2001 (Council Letter Attached), and affirmed the Recreation Commission's decision. None of these actions took place at the behest of the project developers.

A License Agreement is required for any intrusion into Victory Park. As the subterranean parking structure will require reconstruction of the section of Victory Park adjacent to the Genesis Realty project, a temporary license agreement will be required for the construction period. A second, permanent license agreement is required because of the ongoing subsurface use of the land.

Staff recommends that the City Council authorize the City Manager to execute a temporary license agreement with Genesis Realty to allow for the construction of the subterranean parking garage beneath Victory Park, and a permanent license agreement to allow ongoing use of the subterranean area of Victory Park. The term of the permanent license agreement will be for as long as the licensee owns and operates improvements at 350 W. Ocean Boulevard. No rent will be charged for either license; however, the licensee assumes the full cost and responsibility for maintaining the portion of Victory Park in front of their project. In addition, under the permanent license,

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February 19, 2002  
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the developer grants public access to the Promenade and to public parking spaces contained in the subterranean parking structure.

Deputy City Attorney James McCabe and Budget Manager Annette Hough reviewed this letter on January 22, 2002.

TIMING CONSIDERATIONS

City Council action on this matter is required on February 19, 2002 in order facilitate the real estate escrow for the project and issuance of building permits.


FISCAL IMPACT

There is no fiscal impact.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Authorize the City Manager to execute License Agreements between the City of Long Beach and Genesis Realty for the use of Victory Park.

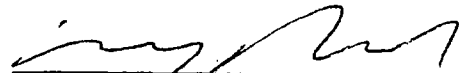
Respectfully submitted,



*of* MELANIE S. FALLON  
DIRECTOR OF COMMUNITY DEVELOPMENT

APPROVED:

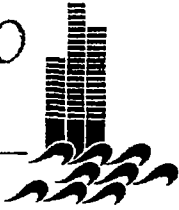
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HENRY TABOADA  
CITY MANAGER

Attachments:

March 20, 2001 Council Letter (without Attachments)  
December 11, 2001 Council Letter (without Attachments)

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# CITY OF LONG BEACH

THE CITY PLANNING COMMISSION

333 W. OCEAN BOULEVARD, 5TH FLOOR □ LONG BEACH, CA 90802 □ (562) 570-6194 FAX (562) 570-8068

APR 11 2001  
CITY OF LONG BEACH  
01 MAR 14 PM 4:18

March 20, 2001

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

SUBJECT: Hearing on Appeal of the City Planning Commission's Approval of a Site Plan Review, Local Coastal Development Permit, Vesting Tentative Tract Map No. 53405, Standards Variances, and Finding of General Plan Conformity for Street Vacations, for a 556-Unit Residential Condominium Above a Three-Level Parking Garage at 350 E. Ocean Boulevard (District 2)

## DISCUSSION

On February 15, 2001, the Planning Commission approved a Site Plan Review, Local Coastal Development Permit, Vesting Tentative Tract Map No. 53405, Standards Variances, and Finding of General Plan Conformity for Street Vacations for a proposed 556-unit residential condominium project at 350 E. Ocean Boulevard. Testimony was presented at the hearing in opposition to the project regarding the potential for view blockage, traffic and parking impacts, appropriateness of the land use, affordability of the units, and other issues. Appeals of the Planning Commission action were subsequently filed on February 26, 2001 by Joyce Bloom, George L. Campbell, and Jerry DeMeo.

The subject property, sometimes referred to as Block M, is located south of Victory Park on Ocean Boulevard between Hart Place and Linden Avenue in the Downtown Long Beach Redevelopment Project area. The zoning of the property is PD-6, the Downtown Shoreline Planned Development District, but the proposal also reflects development parameters contained in a Disposition and Development Agreement (DDA) negotiated by the Redevelopment Agency that dates back to 1983.

The project consists of two, 18-story residential condominiums above a three-level common parking garage. A total of 556 units are provided (278 in each of two, 18-story buildings). The garage contains 1,008 parking spaces, of which 120 are required by the DDA to be available for use by the public. PD-6 requires 1,205 parking spaces. The project thus falls short of the minimum parking requirement and approval of a Standards Variance for relief from this requirement was requested. Both the parking study and Negative Declaration 42-00 have analyzed the adequacy of the parking and conclude that the proposed parking supply is consistent with the actual parking demand for residential projects of this type located in urban areas.

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The architecture of the building combines art deco elements with modern rectilinear building forms. A dramatic focal sculpture funded through the developer's requirement for public art will be placed on the central towers of both buildings. Garden walls, exterior lighting fixtures, and other decorative elements designed by the artist will also be integrated into the project. Victory Park will be excavated to allow construction of the subterranean garage, but will be completely restored in compliance with the *Victory Park Design Guidelines*.

In addition to public art, three public pedestrian walkways will be built along Hart Place, Seaside Way, and at Elm Way as required by the provisions of PD-6 to provide access to coastal views. The two walkways that run north/south (Hart Place and Elm Way) also serve as view corridors through the project to the coast. A Standards Variance was requested to allow the Hart Place walkway to be 20'0" instead of a minimum of 30'0"; to compensate, the setback between the twin buildings at the Elm Way walkway is 55'0" at the narrowest point. The setback of the east tower from Linden Avenue is approximately 90'0". The east/west pedestrian walkway overlooking Seaside Way will eventually continue by bridging over Linden Avenue and over Hart Place. The developer is required to pay half the cost of both bridges.

A Standards Variance was also requested to allow a driveway on Ocean Boulevard (instead of restricting driveway access to Hart Place, Linden Avenue, and Seaside Way as required by PD-6). This driveway will be located in approximately the same location as Elm Way and will not remove any existing on-street parking. A fourth Standards Variance was requested to allow driveways on Hart Place and Linden Avenue that are 25'0" from Seaside Way, and a driveway on Hart Place that is 38'0" from Ocean Boulevard (instead of not less than 90'0"). All driveway locations have been reviewed and conceptually approved by the City Traffic Engineer.

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Negative Declaration (No. 42-00) was certified by the Planning Commission and is herewith forwarded to the City Council.

Principal Deputy City Attorney Michael J. Mais reviewed this report on March 9, 2001.

#### TIMING CONSIDERATIONS

The Long Beach Municipal Code requires that an appeal of the Planning Commission action be heard within 60 days of the date of filing of the appeal, or no later than April 26, 2001.

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FISCAL IMPACT

Not applicable.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Receive the supporting documentation into the record and conclude the public hearing;
2. Review and consider the material contained in the Negative Declaration;
3. Uphold the decision of the Planning Commission and deny the appeal.

Respectfully submitted,

THOMAS FIELDS, CHAIR  
CITY PLANNING COMMISSION

BY:

  
EUGENE J. ZELLER  
DIRECTOR OF PLANNING AND BUILDING

TF:EJZ:CCB

Attachments:

- 1) Planning Commission staff report of February 15, 2001;
- 2) Negative Declaration No. 42-00;
- 3) Planning Commission minutes of February 15, 2001;
- 4) Appeal letters;
- 5) Other Correspondence;
- 6) Project plans;
- 7) Vesting Tentative Tract Map No. 53405.



# CITY OF LONG BEACH

Department of Parks, Recreation and Marine

2760 Studebaker Road, Long Beach, CA 90815-1697

(562) 570-3100 • FAX (562) 570-3109

December 11, 2001

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

SUBJECT: Hearing on Appeal of Recreation Commission Approval of Plans for Improvement of Victory Park at 350 E. Ocean Boulevard (District 2)

## DISCUSSION

On November 15, 2001, the City of Long Beach Recreation Commission approved plans for the improvement of Victory Park between Linden Avenue and Hart Place (see attached Departmental staff report). The Recreation Commission action is authorized under Article IX, Section 902 (c) of the City of Long Beach Charter:

The Recreation Commission shall have such authority over all public leisure activities of a recreational character upon City-owned property as may be prescribed by the City Council by ordinance; and with respect thereto shall have the following powers and duties: (c) Approve plans for the construction of lands for public recreation.

The action has been appealed to the City Council by Gary Shelton and David Denevan of Gardens Beautifully Maintained.

The Local Coastal Plan, adopted by the City Council on February 12, 1980 and by the State of California Coastal Commission on July 22, 1980, requires that the adjoining private property owners improve Victory Park with the development of the adjoining property. The improvements are to be consistent with the Victory Park Design Guidelines (Design Guidelines) adopted by the Recreation Commission on November 15, 2001, and the Planning Commission on October 26, 1989.

The adjoining property owner, Genesis Realty, received certification of Environmental Negative Declaration No. 42-00 and zoning and subdivision approval for a Vesting Tract Map for a 556-unit condominium in two towers from the Planning Commission on February 15, 2001. Those approvals were appealed to the City Council, and the City Council sustained the Planning Commission approval on March 20, 2001. The project was then further appealed to the California Coastal Commission, and the California Coastal Commission also approved the project on August 7, 2001.

Approval of the Victory Park improvement plans by the Recreation Commission was one of the conditions of approval of the previous Planning Commission and City Council actions that must be satisfied before building permits for the project can be issued.

The Design Guidelines establish that Victory Park be improved as a passive park with a traditional layout of mostly lawn and traditional passive amenities of benches, trash receptacles, drinking fountains, and park identification signage. The Design Guidelines further require the placement of significant trees and shrubs along the southern portion of the park where it adjoins the private development in order for park users to have some sense of privacy and separation from the adjoining development.

Genesis Realty presented their design for the park improvements to the Recreation Commission on November 15, 2001. The design precisely followed the Design Guidelines including the extensive use of lawn; limited amount of paved walkways; park amenities of benches, trash receptacles, drinking fountains, and park identification signage; and heavy planting of 18 Coral and 21 Rusty Leaf Fig trees, plus shrubs and ground cover as a buffer between the development and Victory Park.

Appellant Gary Shelton spoke at the meeting of the Recreation Commission saying that the proposed garage is much more extensive in its intrusion under the park than the precedents at 550 and 180 East Ocean Boulevard and 350 West Ocean Boulevard. Appellant David Denevan did not appear at the hearing but sent two letters, one emphasizing the need for park identification signs so the public will know it is a park and not the front lawn for the building. The other letter emphasized the need for park amenities, such as benches, and the need to maintain the nature of the park as a memorial named in honor of veterans of World War I.

Deputy City Attorney Donna Gwin reviewed this item on December 3, 2001.

#### TIMING CONSIDERATIONS

The building permit for the project will not be issued until the park improvement plans are finalized. The project developer would like to begin the project before the end of 2001.

#### FISCAL IMPACTS

None.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Receive supporting documentation into the record, conclude the hearing, and affirm, modify, or overrule the decision of the Recreation Commission to approve the proposed landscaping plan submitted by Genesis Realty for Victory Park.

Respectfully submitted,



PHIL T. HESTER  
DIRECTOR OF PARKS, RECREATION AND MARINE

PTH:DLE:lr  
Attachment

APPROVED:



HENRY TABOADA  
CITY MANAGER



# EXHIBIT "B"

## Site Map

