

RAE GABELICH

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CITY OF LONG BEACH COUNCILWOMAN - 8th DISTRICT

Dear Locust Avenue Resident:

On Tuesday, January 8th the City Council is scheduled to hear an appeal of a proposal to construct a four-level parking structure behind the office building at 3711 Long Beach Boulevard.

The structure (one subterranean level, two story levels and a roof deck level) will provide an additional 170 parking spaces, for a total of 443 on-site spaces, to attract new tenants to the building, including medical professionals, and improve the long-term viability of the property. Story poles are currently located on the Locust side of the property indicating the proposed height of the project. There will be no vehicle access to the parking structure from Locust Avenue.

The proposal includes significant improvements to the Locust Avenue side of the property, including additional mature trees, sidewalk upgrades and public art. Attached are drawings of different options for how the Locust Avenue greenbelt would look.

I am interested in your opinion about which option you prefer, and any thoughts you may have about the proposed project, as a whole.

Please take the time to read the attached staff report and proposed conditions of approval. Conditions 25, 31, 32, 34, 35, 36, 37, 38, 40, 41, 43 and 44 specifically address impacts for residents on Locust.

I would appreciate hearing any additional conditions that you feel would contribute to an improved long-term quality of life for Locust Avenue residents.

Please call my office at (562) 570-6685, or email me at district8@longbeach.gov to share any comments you may have.

Thank you for your consideration.

Sincerely,

Rae Gabelich Councilwoman, Eighth District



CITY OF LONG BEACH

DEPARTMENT OF PLANNING AND BUILDING

CH-1

333 W. Ocean Boulevard

Long Beach, California 90802

562-570-6194 FAX 562-570-6068

January 8, 2008

HONORABLE MAYOR AND CITY COUNCIL City of Long Beach California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing dealing with Negative Declaration (ND 23-08), a Site Plan Review, a Conditional Use Permit and a Standards Variance to allow the construction of a 233-space parking garage with a setback of 10'-0" from Locust Avenue (instead of not less than 20'-0") at 3711 Long Beach Boulevard and either:

- Overrule the appeal and sustain the decision of the City Planning Commission to not certify the Negative Declaration and deny the proposed project; or
- Uphold the appeal, support the initial staff position, overrule the decision of the City Planning Commission, certify Negative Declaration (ND23-08) and approve the proposed project (Case No. 0606-08) (District 8).

BACKGROUND

This item was continued from the December 11, 2007 City Council meeting at the request of the applicant.

DISCUSSION

The subject property is a 63,640 (203'x313.5') square foot lot that is developed with a 118,918 square foot, 10-story commercial building, parking structure and surface parking lot. The property is a through lot with frontage on Long Beach Boulevard to the east and Locust Avenue to the west.

Currently, the property has a total of 273 parking spaces in the existing structure that is located adjacent to the building, and in the at-grade parking lot on the westerly portion of the lot. Based on the current parking requirements, the 118,918 square foot building would require 565 parking spaces. Therefore, from a code perspective, the site has a deficit of 292 spaces.

In addition, of the 273 existing parking spaces, 132 spaces are in tandem and 45 spaces are in triple-tandem (3-deep), all of which are non-conforming as the current parking code does not permit tandem parking for commercial uses. With the proposed addition and a reconfiguration, a total of 310 parking spaces will be in tandem, and there will be no triple-tandem. Therefore, only 96 of the 273 existing parking spaces comply with the parking standards. Combined with the parking deficit, the parking for this project is very inefficient, and the applicant has indicated that the owner of the building is unable to lease a large portion of the building due to the parking deficit.

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The proposal attempts to correct a number of deficiencies by providing a new 233-space, 2-story, 4-level (one subterranean level, two story levels and a roof deck level) parking structure and modification of the existing surface parking lot and existing structure. The changes will result in a net parking increase of 170 spaces for a total of 443 on-site parking spaces. In order to maximize the number of parking spaces, a Standards Variance is requested to allow the parking structure to be setback 10'-0" off Locust Avenue, instead of the required 20'-0". In addition to the parking structure, the applicant is also proposing to upgrade the existing building along Long Beach Boulevard.

Staff recommended approval of these requests based on the project's consistency with the Central Long Beach Design Guidelines and Strategic Plan to revitalize the Long Beach Boulevard Commercial Corridor. The additional parking will allow the applicant to activate the office tower thereby attracting additional tenants and improving the long-term viability of the property. The structure will be fully enclosed (except for the roof level) which will minimize the impact of vehicular noise, lights and odor on the adjacent properties. Conditions of approval including requiring a minimum 6' high parapet from the roof deck side of the structure and limiting hours of operation for the new parking structure also help to mitigate potential impacts.

The Planning Commission conducted an initial public hearing on September 6, 2007 (see Attachment 1), the Planning Commission heard testimony from four people who were concerned about the negative impact of allowing the commercial use to further encroach into the adjacent residential neighborhood, as well as the lack of current upkeep of the property. After consideration and testimony from the applicant that additional upgrades were being proposed for the existing office building that include entry, lobby and landscape improvements, a motion was made by Commissioner Stuhlbarg to certify the Negative Declaration and approve the project as submitted. The motion was seconded by Commissioner Greenberg, but no vote was taken. A substitute motion was made by Commissioner Jenkins to continue the project to allow the applicant to revise the plans to indicate all of the proposed improvements for the site. The motion was seconded by Commissioner Saumur and passed 4-2 with Commissioners Stuhlbarg and Gentile dissenting.

The second public hearing was conducted on October 18, 2007 (see Attachment 2). The applicant presented the proposed improvements, and testimony was heard from one additional person in opposition to the project. After consideration, Commissioner Smith made a motion to deny the proposal. The motion was seconded by Commissioner Gentile and the motion passed 4-1 with Commissioner Greenberg dissenting. The issues voiced by the majority of the Commissioners were that the concerns of the adjacent residential neighbors had not been sufficiently addressed and the project, as proposed, would negatively impact the adjacent residential neighborhood.

As there were no findings prepared to support a denial, staff was directed to prepare findings of denial based on Planning Commission comments. The findings were prepared and presented to the Planning Commission for adoption at its November 1, 2007 meeting (see Attachment 3). Commissioner Saumur made the motion to adopt the findings. Commissioner Gentile seconded the motion, which passed 4-0-1, with Commissioner Greenberg abstaining. The decision was appealed by the applicant and thus requires action by the City Council.

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ENVIRONMENTAL ANALYSIS

Negative Declaration 23-07 was prepared in conjunction with this project but was not certified by the Planning Commission. The Negative Declaration is attached for consideration.

Assistant City Attorney Michael J. Mais reviewed this report on November 28, 2007.

TIMING CONSIDERATIONS

The Long Beach Municipal Code requires an appeal of a Planning Commission action to be transmitted by the Department of Planning and Building for presentation to the City Council within 60 days.

FISCAL IMPACT

None.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted

CRAIG BECK

DIRECTOR OF PLANNING AND BUILDING

CB:GC:CB:jw

Attachments:

- 1. Planning Commission Staff Report and Minutes dated September 6, 2007 (including attachments)
- 2. Planning Commission Staff Report and Minutes dated October 18, 2007 (including attachments)
- 3. Planning Commission Staff Report dated November 1, 2007 (including attachments)

4. Plans and exhibits

APPROVED:

PATRICK H. WEST CITY MANAGER

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CONDITIONS OF APPROVAL SITE PLAN REVIEW/ CONDITIONAL USE PERMIT/STANDARDS VARIANCE

Case No. 0606-08 Date: October 18, 2007

- 1. This permit and all development rights (Site Plan Review, Conditional Use Permit, Standards Variance) hereunder shall terminate one year from the effective date (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date) of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
- This approval 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 form 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 Planning and Building Department. These conditions must be printed on the site plan or a subsequent reference page.

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- The developer must comply with all mitigation measures of the applicable Environmental Review (ND 23-07) 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. The Director of Planning and Building 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. Any major modifications shall be reviewed by the Planning Commission.
- 8. Site development, including landscaping, shall conform to plans approved on file in the Department of Planning and Building. At least one set of approved plans containing Planning, Building and 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.
- 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 the landscape plan. This plan shall be submitted after consultation with the utility providers. 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 Planning and Building.
- 10. 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.
- 11. 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 exterior façades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).
- 12. Any graffiti found on site must be removed within 24 hours of its appearance.
- 13. All parking areas shall provide appropriate 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. A photometric study

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shall be submitted to the Planning and Building Department for verification of compliance.

- 14. The Applicant and/or successors is encouraged to utilize and incorporate energy conserving equipment, lighting and related features with the project to the greatest extent possible.
- All rooftop equipment shall be fully screened from public view. Said screening must be architecturally compatible with the building in terms of theme, materials, colors and textures. If 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 Planning and Building prior to the issuance of a building permit.
- 16. 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.
- 17. Separate permits are required for signs, fences, retaining walls, trash enclosures, flagpoles, pole-mounted yard lighting foundations and planters.
- 18. Approval of this development project 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 level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.
- 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.
- All structures shall conform to Building Code requirements. Notwithstanding this
 review, all required permits from the Building and Safety Bureau must be secured.
- 21. Prior to the issuance of a building permit, the applicant shall submit architectural, landscaping and lighting drawings for the review and approval of the Police Department for their determination of compliance with Police Department security recommendations. For additional information, contact Officer Eduardo Reyes at (562) 570-5805.
- 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

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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.

- 23. Lighting of the structure shall be designed to prevent light trespass. This shall include, but not be limited to, utilizing full cut-off fixtures and locating light poles and wall packs in appropriate locations. In addition, the structure shall be designed to minimize glare and light trespass from vehicles by enclosing the structure on the north, south and west sides. A photometric study shall be submitted to the Department of Planning and Building. If, after construction is completed, glare or light trespass issues exist, the applicant shall take additional measures to correct the problem.
- 24. Prior to City approval of any plans, the applicant shall submit a complete landscape and irrigation plan of the proposed landscaping. Irrigation and landscape design shall be for moderate to drought tolerant plant. All new trees, shrubs, vines, and ground cover shall be identified and the size, quantity and location shall be shown on the plans.
- 25. The applicant shall install a minimum of eight (8), 36" box trees along the Locust Avenue frontage to the satisfaction of the Director of Planning and Building.
- Pedestrian access to the site from Locust Avenue is limited to emergency access only.
- 27. The parking structure shall be fully enclosed on the north, south and west to minimize the impact of vehicular noise, lights and odors.
- 28. Prior to the release of a grading permit, the applicant shall prepare and submit a Storm Master Plan to identify all storm run-off and methods of proposed discharge. The Plan shall be approved by all impacted agencies.
- 29. Prior to the release of any grading or 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 this 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.

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- 30. 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.
- 31. The landscape area on Locust Avenue shall be maintained on a weekly basis to the satisfaction of the Director of Planning and Building. This shall include, but not be limited to the following:
 - · The area shall be kept free from litter
 - · All grass must be kept mowed and green
 - · All trees, plants and shrubs must be trimmed and maintained
 - Any plant material that dies shall be replaced with similar sized planting if the plant dies within 7 days
- 32. The applicant shall comply with the following conditions to the satisfaction of the Public Works Department:

PUBLIC RIGHT-OF-WAY

- The design of a landscape buffer (yet to be determined) may affect standard improvements to the Locust Avenue sidewalk and parkway. The Department of Public Works shall review and approve any changes to the public space along this frontage, which may result in additional requirements such as the dedication of additional sidewalk right-of-way and/or the recordation of an installation and maintenance agreement.
- The Developer shall construct all improvements needed to provide full ADA
 accessibility compliance within the adjacent public right-of-way to the satisfaction of
 the Director of Public Works. If a dedication of additional sidewalk area is
 necessary to satisfy ADA requirements, the additional right-of-way shall be
 provided.

ENGINEERING BUREAU

- 3. Demolition and reconstruction of curb and gutter, driveways, sidewalks, wheelchair ramps, roadway and alley pavements, removal and relocation of utilities, traffic signal modifications and installations, traffic striping and signing, street tree removals and plantings in the public right-of-way, shall be performed under Public Works street improvement permit. Permits to perform work within the public right-of-way must be obtained from the Public Works counter, 10th Floor of City Hall, 333 West Ocean Boulevard, telephone (562) 570-6784.
- All work within the public right-of-way shall be performed by a contractor holding a valid State of California contractor's license and City of Long Beach Business

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License sufficient to qualify the contractor to do the work. The contractor shall have on file with the City Engineer Certification of General Liability insurance and an endorsement evidencing minimum limits of required general liability insurance.

- 5. The Developer shall be responsible for the maintenance of the off-site improvements during construction of the on-site improvements. All off-site improvements found damaged as a result of construction activities shall be reconstructed or replaced by the Developer to the satisfaction of the Director of Public Works.
- 6. The Developer shall remove unused driveways and replace with full-height curb, curb gutter, and sidewalk. Sidewalk improvements shall be constructed with Portland cement concrete. The size and configuration of all proposed driveways serving the project site shall be subject to review and approval of the City Traffic Engineer. Contact the Traffic and Transportation Bureau at (562) 570-6331 to request additional information regarding driveway construction requirements.
- The Developer shall provide for the resetting to grade of existing manholes, pullboxes, and meters in conjunction with the required off-site improvements to the satisfaction of the Director of Public Works.
- The Developer shall provide for new street trees with root barriers and irrigation on Locust Avenue, adjacent to the project site. The Developer and/or successors shall privately maintain all street trees, landscaping and sprinkler systems required in connection with this project.
- 9. The Developer shall submit a drainage plan and grading plan with hydrology and hydraulic calculations showing building elevations and drainage pattern and slopes for review and approval by the Director of Planning and Building Services and the Director of Public Works prior to approval of the map and/or release of any building permit.
- 10. Prior to approving an engineering plan, all projects greater than 1 acre in size must demonstrate coverage under the State Construction General NPDES Permit. To meet this requirement, the applicant must submit a copy of the letter from the State Water Resource Control Board acknowledging receipt of the Notice of Intent (NOI) and a certification from the developer or engineer that a Storm Water Pollution Prevention Plan (SWPPP) has been prepared. Should you have any questions regarding the State Construction General NPDES Permit or wish to obtain an application, please call the State Regional Board Office at (213) 266-7500 or visit their website for complete instructions at www.waterboards.ca.gov/stormwtr/construction.html Left-click on the Construction General Permit 99-08-DWQ link.
- After completion of the required off-site improvements, the Developer or project representative shall contact the Engineering Bureau to initiate the process of clearing any Public Works holds attached to the development project. Contact Jorge M. Magaña, Civil Engineering Associate, at (562) 570-6678.

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TRAFFIC & TRANSPORTATION BUREAU

- 12. Vehicular access to this site as developed is inadequate. No development that increases vehicular trips through the existing driveway can be permitted. If primary access is provided through the driveway to the south, the north driveway can be maintained for right-turn in and right-turn out traffic only. A left-turn barrier may be required. Additional signage and changes to the street striping are the responsibility of the Developer, and shall be installed to the satisfaction of the City Traffic Engineer.
- The Developer shall replace all traffic signs and mounting poles damaged or misplaced as result of construction activities to the satisfaction of the City Traffic Engineer.
- The Developer shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
- 15. All traffic control device installations, including pavement markings within the private parking lot, shall be installed in accordance with the provisions of the Manual On Uniform Traffic Control Devices (MUTCD), 2003 edition (i.e., white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).
- 33. 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.
- 34. The seating area in the landscape area along Locust Avenue shall be removed.
- 35. A construction mitigation plan shall be submitted and approved by the Director of Planning and Building prior to the issuance of a building permit. The plan shall include measures to reduce construction impacts that include, but are not limited to, construction hours, office parking, and the staging of construction materials to residential properties on Locust Avenue.
- 36. A minimum 6' high parapet, as measured from the roof deck side of the parking structure, shall be designed and installed to the satisfaction of the Director of Planning and Building.

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- 37. A trellis system for vine planting or other treatment shall be installed along the first level of the exterior of the parking structure along Locust Avenue to reduce the potential for graffiti to the satisfaction of the Director of Planning and Building.
- 38. Graffiti coating shall be applied to all exterior surfaces of the parking structure that are visible from a public right of way to the satisfaction of the Director of Planning and Building. If graffiti occurs, removal shall occur within 24 hours.
- 39. There shall be no charge for use of the parking structure. If the applicant and/or successors requests a change to this condition, the Modification request shall be considered by the Planning Commission at a public hearing.
- 40. The hours of operation for the new parking structure shall be limited to 6:00 a.m. to 7:00 p.m. No vehicle will be permitted to enter or exit the structure before 6:00 a.m. or after 7:00 p.m.
- 41. If problems related to noise, loitering, glare, security or other similar issues arise, the Director of Planning and Building is authorized to implement additional conditions related to the use of the roof level of the parking structure.
- 42. Prior to issuance of a Certificate of Occupancy, any missing street trees along the Locust Avenue frontage adjacent to the project site shall be replaced to the satisfaction of the Director of Public Works.
- 43. The commercial property, both the parking structure and the office building, shall be adequately maintained to include, but not be limited to:
 - · Removal of graffiti within 24 hours
 - Clean and graffiti free windows
 - Upkeep and replacement of site landscaping
 - Upkeep and replacement of the irrigation system
 - Upkeep and maintenance of the exterior façade
- 44. The applicant shall install public art in the area along Locust Avenue as indicated on the plans to the satisfaction of the Director of Planning and Building prior to issuance of the Certificate of Occupancy.
- 45. Exterior and lobby improvements shall be completed to the satisfaction of the Director of Planning and Building prior to the issuance of the Certificate of Occupancy.



GARDEN AT LOCUST AVENUE



GARAGE AND SIDEWALK AT LOCUST AVENUE

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