

1 RESOLUTION NO. RES-17-0069

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH FINDING THAT THE BROADWAY &
5 MAGNOLIA PROJECT IS CONSISTENT WITH THE
6 DOWNTOWN PLAN PROGRAM ENVIRONMENTAL IMPACT
7 REPORT AND SUBJECT TO THE DOWNTOWN PLAN
8 MITIGATION MONITORING AND REPORTING PROGRAM;
9 AND MAKING CERTAIN FINDINGS AND
10 DETERMINATIONS RELATED THERETO

11
12 WHEREAS, in January, 2012, the City Council of the City Long Beach
13 (City) adopted the Downtown Plan as a comprehensive spatial development plan to
14 implement strategies that both preserve and enhance the ideals that have contributed to
15 the Downtown's successes while seamlessly instilling new principles of sound urban
16 development. The Downtown Plan area comprises 719 acres in the City's Downtown.
17 As adopted, the Downtown Plan provides development standards and design guidelines
18 for an expected increase in the density and intensity of existing Downtown land uses by
19 allowing up to: (1) approximately 5,000 new residential units; (2) 1.5 million square feet of
20 new office, civic, cultural, and similar uses; (3) 384,000 square feet of new retail; (4)
21 96,000 square feet of restaurants; and (5) 800 new hotel rooms. The development
22 assumed in the Downtown Plan would occur over 25 years.

23 WHEREAS, in connection with adoption of the Downtown Plan, the City, as
24 lead agency, prepared a Program Environmental Impact Report for the Downtown Plan,
25 SCH No. 2009071006 (Downtown Plan PEIR) in accordance with the provisions of the
26 California Environmental Quality Act (CEQA) and Section 15168 of the CEQA Guidelines,
27 which provides for the preparation of a PEIR "[i]n connection with issuance of rules,
28 regulations, plans, or other general criteria to govern the conduct of a continuing

1 program.” The City Council certified the Downtown Plan EIR in January 2012 when it
2 adopted the Downtown Plan.

3 WHEREAS, pursuant to Section 1.3 of the Downtown Plan PEIR, the PEIR
4 serves “as a basis for streamlined environmental review of all subsequent public and
5 private actions that may be subject to CEQA review for land development projects,
6 infrastructure improvements, and other ordinances, programs, and actions that the Lead
7 Agency determines to be necessary to implement the Downtown Plan.” Furthermore, the
8 PEIR states:

9 “Because the Project is an adoption of a plan, not an individual or series of
10 development projects, subsequent environmental review will be subject to
11 the provisions of Section 15183 of the State CEQA Guidelines, under
12 which projects that are consistent with the development density or
13 intensity of the plan “shall not be subject to additional environmental
14 review, except as might be necessary to examine whether there are
15 project-specific significant effects which are peculiar to the project or its
16 site.” Section 15183 provides additional guidance for preparation of an
17 Initial Study for subsequent projects to determine whether there are
18 project- or site-specific impacts; environmental effects that were not
19 analyzed as significant effects in the PEIR; as offsite or cumulative
20 impacts; or as more severe impacts than were identified in the PEIR.”

21 WHEREAS, where appropriate, the mitigation measures to the PEIR
22 requires preparation of specific additional studies and analyses to determine whether an
23 individual project would result in project-specific new or increased significant effects that
24 are peculiar to the project or its site.

25 WHEREAS, the proposed Magnolia Broadway Project (Project) located at
26 500 West Broadway in the City consists of a proposed 7-story building containing
27 approximately 142 apartment units, 4,603 square feet of ground floor commercial space,
28 and approximately 191 vehicular parking spaces and 94 bicycle spaces on a 0.75-acre lot

1 currently paved and used as a surface parking lot (project site). The project site is within
2 boundaries of the Downtown Plan, and, as set forth below, is consistent with the
3 Downtown Plan.

4 WHEREAS, on May 4, 2017, the Long Beach Planning Commission
5 approved a Site Plan Review for the Project and found the Project to be exempt from
6 CEQA under CEQA Guidelines Section 15332 (Infill Exemption). On May 9, 2017,
7 Warren Blesofsky, on behalf of himself and Long Beach Citizens for Fair Development,
8 filed an appeal of the Planning Commission's action. The appeal contends that the City's
9 reliance on the Infill Exemption was inappropriate and the Project should instead have
10 been reviewed in the context of the Downtown Plan PEIR and in accordance with Section
11 15183 of the State CEQA Guidelines.

12 WHEREAS, in response to the appeal, the City Planning Department has
13 undertaken additional review of the Project in accordance with CEQA Guidelines Section
14 15183, including an expert technical memorandum prepared by EcoTierra (Technical
15 Memorandum) and supporting expert technical studies by Cadence Environmental
16 Consultants and Linscott Law and Greenspace to determine whether there are project-
17 specific significant effects which are peculiar to the Project or the project site that would
18 require still further analysis.

19 WHEREAS, pursuant to CEQA, the City serves as the "lead agency" with
20 respect to the Project in connection with the subject City actions.

21 NOW, THEREFORE, the City Council resolves as follows:

22 Section 1. The City Council: (a) has considered the Downtown Plan
23 PEIR, Technical Memorandum and supporting technical studies, and other pertinent
24 evidence in the record, including studies, reports, and other information from qualified
25 experts (collectively the "Environmental Documents"), (b) has considered the
26 environmental effects of the Project as set forth in the Environmental Documents, and (c)
27 makes the following findings:

28 A) The City independently reviewed and analyzed the Environmental

- 1 Documents and finds that they reflect the independent judgment of the City.
- 2 B) The Downtown Plan was adopted as a zoning ordinance and is consistent
- 3 with the City's General Plan.
- 4 C) The City previously certified the Downtown Plan PEIR for the Downtown
- 5 Plan.
- 6 D) The Project is consistent with the Downtown Plan, including, but not limited
- 7 to the following design standards:
- 8 • 100 percent of ground floor street fronts should contain active uses on
- 9 designated pedestrian-oriented "main" and "secondary" streets of which
- 10 Magnolia and Broadway are considered pedestrian-oriented "secondary"
- 11 streets;
- 12 • The Project is approximately 84 feet tall, consistent with the Height
- 13 Incentive Area 240-foot limit (500 feet with incentives);
- 14 • The Project observes the "zero-foot build-to-lines" guidelines and provides
- 15 the required 3-foot 6-inch front yard setback with 0-foot side and rear
- 16 setbacks;
- 17 • The Project has an FAR of 4.09:1, below the allowed 8:1 FAR;
- 18 • The Project is consistent with the development standards to promote a mix
- 19 of unit sizes;
- 20 • The Project exceeds the design standards for open space by providing over
- 21 11,000 square feet of open space;
- 22 • Consistent with the development standards, the Project provides a
- 23 community room of approximately 1,539 square feet;
- 24 • The Project is consistent with the development standard to provide private
- 25 balconies on at least 50% of units of at least 36 square feet;
- 26 • The Project meets the parking requirements of the Downtown Guide
- 27 development standards (1 vehicular parking space per unit plus 1 guest
- 28 space per 4 units);

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- The Project exceeds the bicycle parking requirements Downtown Guide development standards (1 bicycle space per 7,500 square feet of commercial and 1 bicycle space per every 5 units);
- The Project incorporates high-quality materials into its design, includes a pedestrian-scale corner element, and uses outdoor space to create visual interest; and
- The size and scale of the Project is consistent with neighboring properties, and the surrounding area and the Downtown Plan.

E) All applicable feasible mitigation measures from the Downtown Plan PEIR will be undertaken as part of the Project, in the form of mitigation measures, regulatory compliance measures, project design features, and/or conditions of approval, as set forth in the Environmental Documents.

F) Based on substantial evidence in the Environmental Documents and elsewhere in the record, including but not limited to oral and written testimony provided at the public hearings on the matter, there are no environmental effects of the Project that: (1) are project-specific impacts peculiar to the Project or its site, (2) were not analyzed as significant effects in the Downtown Plan PEIR, (3) are potentially significant off-site impacts and cumulative impacts which were not discussed in the PEIR, or (4) are previously identified significant effects which, as a result of substantial new information which was not known at the time the PEIR was certified, are determined to have a more severe adverse impact than discussed in the PEIR.

G) Pursuant to CEQA Guidelines 15183, no further CEQA review or additional environmental studies are required for the Project.

H) None of the information submitted by the Appellants, including the Appeal and testimony by the Appellants and their representatives at the public hearings on the Project, constitutes significant new information. The City

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Council has carefully considered this information and testimony and does not find it to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Downtown Plan PEIR, or otherwise requiring additional CEQA review, including but not limited to preparation of subsequent or supplemental EIR pursuant to CEQA Guidelines 15162 and 15163;

- I) The City Council finds and declares that substantial evidence for every finding made herein is contained in the Environmental Documents, which are incorporated herein by this reference, or is in the record of proceedings in the matter.
- J) Consistent with Public Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program attached as Exhibit "A", which is incorporated herein by this reference, to mitigate or avoid significant effects of the Project on the environment and to ensure compliance during project implementation.
- K) In accordance with the requirements of Public Resources Section 21081.6, the City Council hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the Project.
- L) Consistent with Public Resources Code Section 21081.6(a)(2), the documents that constitute the record of proceedings for approving the Project are located at the Development Services Department, 333 West Ocean Blvd., 4th Floor, Long Beach, California 90802.

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1 Section 2. This resolution shall take effect immediately upon its adoption
2 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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4 I hereby certify that the foregoing resolution was adopted by the City
5 Council of the City of Long Beach at its meeting of August 8, 2017, by the
6 following vote:

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8 Ayes: Councilmembers: Gonzalez, Pearce, Price,
9 Supernaw, Mungo, Andrews,
10 Uranga, Austin, Richardson.

11
12 Noes: Councilmembers: None.

13
14 Absent: Councilmembers: None.

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16
17 
18 City Clerk

OFFICE OF THE CITY ATTORNEY
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