

OFFICE OF THE CITY ATTORNEY
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RESOLUTION NO. RES-19-0177

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH APPROVING AND CERTIFYING AN ADDENDUM (EIRA-02-19) TO THE PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF LONG BEACH DOWNTOWN PLAN (EIR-SCH NO. 2009071006) RELATING TO THE 3RD AND PACIFIC PROJECT LOCATED AT THE EAST SIDE OF PACIFIC AVENUE BETWEEN WEST THIRD STREET ON THE SOUTH, WEST FOURTH STREET TO THE NORTH, AND SOLANA COURT TO THE EAST, IN ACCORDANCE WITH THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND STATE AND LOCAL GUIDELINES; MAKING CERTAIN CEQA FINDINGS AND DETERMINATIONS RELATIVE THERETO; ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) IN ACCORDANCE WITH THOSE MEASURES SET FORTH IN THE DOWNTOWN PLAN AND DOWNTOWN PLAN EIR; AND ADOPT FINDINGS AND DETERMINATIONS AS SET FORTH IN THE CITY COUNCIL STAFF REPORT RELATING TO SITE PLAN REVIEW, VESTING TENTATIVE TRACT MAP, AND GENERAL PLAN CONFORMITY

The City Council of the City of Long Beach does hereby find, determine and resolve:

Section 1. Ensemble Real Estate Investments c/o Tyson Sayles has proposed a project located at 3rd Street and Pacific Avenue ("the Project"), consisting of

1 345 residential units in one mixed-use tower, 23 stories in height, and one mid-rise, mixed
2 use building, eight stories in height, 14,481 square feet of retail space, 563 parking
3 spaces, and 128 bicycle parking spaces at 131 West Third Street, in the Downtown Plan
4 (PD-30) area. Said Project description and Project location are more fully described in the
5 Program Environmental Impact Report (EIR-SCH#2009071006) and Addendum thereto
6 (EIRA-02-19), copies of which EIR and EIR Project Addendum are incorporated herein by
7 this reference as though set forth in full, word for word;

8 Section 2. A Draft Program Environmental Impact Report (PEIR-
9 SCH#2009071006) for the Long Beach Downtown Plan was completed on December 7,
10 2010, and was circulated for public review and comment between December 10, 2010 and
11 April 4, 2011, certified by the Planning Commission of the City of Long Beach in
12 November, 2011, and thereafter re-certified by the City Council of the City of Long Beach
13 (on appeal) in January 2012, at which time the City Council also adopted and approved
14 the Long Beach Downtown Plan.

15 Section 3. At the time the City Council approved and adopted the Long
16 Beach Downtown Plan in January 2012, the City Council made certain Findings and
17 determinations in accordance with the provisions of the California Environmental Quality
18 Act (CEQA), adopted a Statement of Overriding Considerations for each environmental
19 impact identified in the PEIR as "significant and unavoidable," and adopted a Mitigation
20 Monitoring and Reporting Program ("MMRP"). The content of said Findings, Statement of
21 Overriding Considerations, and MMRP are hereby incorporated herein by this reference
22 as though set forth herein word for word.

23 Section 4. The Addendum (EIRA) prepared in connection with the Project
24 represents and discusses certain modifications to the approved Long Beach Downtown
25 Plan and is considered an addition to the previous project environmental review
26 documentation for the Downtown Plan. A copy of Addendum EIRA-02-19, together with
27 technical appendices and other supporting documentation has been provided to the City
28 Council for its review and consideration.

1 Section 5. Pursuant to Section 15164 of the CEQA Guidelines, and based
2 on the evidence and oral and written testimony presented at all previous public hearings,
3 and based on all of the information contained in the files of the Development Services
4 Department (incorporated herein by this reference) on the Project, including the PEIR for
5 the Long Beach Downtown Plan, and the Addendum to the PEIR for the Project, and
6 including, but not limited to, the September 19, 2019 Planning Commission written and
7 oral staff reports, and the November 12, 2019 City Council written and oral staff reports,
8 the City Council finds that:

- 9 A. The EIR Addendum has been completed in compliance with CEQA;
- 10 B. The EIR Addendum reflects the lead agency's independent judgment
11 and analysis with respect to the Project;
- 12 C. None of the conditions described in CEQA Guidelines Section 15162,
13 which call for the preparation of a subsequent or supplemental EIR have occurred;
- 14 D. The EIR Addendum is appropriate since the Project would not result
15 in any additional significant impacts nor would it increase the severity of previously
16 anticipated impacts. Rather, all of the impacts associated with the Project are within the
17 envelope of impacts addressed in the certified PEIR and/or do not constitute a new or
18 greater significant impact. Thus, a supplemental or subsequent EIR is not required
19 pursuant to Public Resources Code Section 21166, or California Code of Regulations,
20 Title 14, Section 15162 or 15163, because none of the conditions described in Section
21 15162 calling for the preparation of a subsequent or supplemental EIR have occurred.

22 Section 6. The CEQA Findings made in this Resolution are based on the
23 information and evidence set forth in PEIR for the Long Beach Downtown Plan and the
24 EIR Addendum, and upon such other substantial evidence (both oral and written) which
25 has been presented in the record of the proceeding, including, but not limited to, that
26 information received by the City Council at the public hearing conducted on November 12,
27 2019, including the Staff Report presented to the City Council on that date. The PEIR and
28 the PEIR Addendum, staff reports, testimony, technical studies, appendices, plans,

1 specifications, figures, exhibits, and other materials that constitute the record of
2 proceedings on which this resolution is based are on file and available for public
3 examination during normal business hours in the Department of Development Services,
4 Planning Bureau, 411 West Ocean Boulevard, 3rd Floor, Long Beach, CA 90802. The
5 custodian of said records is the Director of Development Services.

6 Section 7. Decision.

7 A. The City Council hereby approves and adopts the Addendum
8 to the certified Program Environmental Impact Report for the Project, which Addendum
9 and all Appendices and Exhibits thereto, is incorporated herein by this reference as
10 though set forth word for word.

11 B. The City Council hereby adopts the Mitigation Monitoring and
12 Reporting Program, as set forth in the Program Environmental Impact Report for the
13 Downtown Plan (EIR-SCH NO. 2009071006) and in the EIRA-02-19, and finds that in
14 response to each significant impact identified in the Addendum, changes, alterations or
15 mitigation measures have been or will be required or incorporated into the Project as part
16 of the Mitigation Monitoring and Reporting Program which will avoid or substantially
17 reduce to a level of insignificance any significant environmental impacts identified. Each
18 such change, alteration or mitigation measure shall be a condition of approval of the
19 Project.

20 Section 8. The City Council hereby adopts, and incorporates herein by this
21 reference, each and every fact and finding as set forth in the City Council Staff Report
22 dated November 12, 2019 relating to the Site Plan Review, Vesting Tentative Tract Map,
23 and General Plan Conformity.

24 Section 9. This resolution shall take effect immediately upon its adoption
25 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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1 I hereby certify that the foregoing resolution was adopted by the City Council of the
2 City of Long Beach at its meeting of November 12, 2019, by the following vote:

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4 Ayes: Councilmembers: Pearce, Price, Supernaw, Mungo,
5 Andrews, Uranga, Austin.

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8 Noes: Councilmembers: None.

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10 Absent: Councilmembers: Richardson.

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15 City Clerk

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