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RESOLUTION NO. RES-23-0022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH VOIDING, VACATING AND SETTING ASIDE RESOLUTION NO. RES-21-0034 IN ITS ENTIRETY RELATED TO THE ADOPTION AND CERTIFICATION OF MITIGATED NEGATIVE DECLARATION (MND07-20), ADOPTION OF A MITIGATION MONITORING REPORT PROGRAM (MMRP) AND APPROVAL OF THE PACIFIC PLACE PROJECT LOCATED AT 3701 PACIFIC PLACE, LONG BEACH, INCLUDING ALL FINDINGS ADOPTED BY THE PLANNING COMMISSION AND COUNCIL AS PART OF THE PROJECT APPROVALS

WHEREAS, on December 17, 2020, the Planning Commission of the city of Long Beach (“City”) held a public hearing and conditionally approved a Site Plan Review (SPR20-015), Standards Variance (SV20-006), Conditional Use Permit (CUP20-010), and Lot Merger (LMG20-009) (collectively, the “Project Approvals”), and also accepted the Initial Study/Mitigated Negative Declaration (“MND”) associated with the construction and operation of the Pacific Place Project at 3701 Pacific Place (the “Project”); and

WHEREAS, on April 13, 2021, the City Council held a do novo appeal hearing on the Project and following the public hearing Council upheld the Planning Commission's Project Approvals and adopted Resolution No. RES-21-0034 certifying the MND (State Clearinghouse No. 2020100290) and adopting the Mitigated Monitoring and Reporting Program (“MMRP”) for the Project; and

WHEREAS, on May 12, 2021, the Riverpark Coalition and Los Angeles Waterkeeper (collectively, “Petitioners”) filed a Petition for Writ of Mandate in the Los Angeles Superior Court (Case No. 21STCP01537), challenging the City’s April 13, 2021

1 decision approving the Project, Project Approvals, MND, and MMRP; and

2 WHEREAS, on October 19, 2022, after a full briefing and hearing, the Court
3 granted the Judgment for Petitioners, and ordered the City to set aside its approvals
4 related to the Project ; and

5 WHEREAS, on December 13, 2022, a judgement on the Peremptory Writ of
6 Mandate was entered by the Court in which it specifically ordered the City to void, vacate,
7 and set aside (a) its approvals of the Project Approvals; (b) its adoption and certification
8 of the MND and MMRP; and (c) Resolution No. RES-21-0034 related to the same; and

9 WHEREAS, the Peremptory Writ of Mandate further stated that no more
10 than ninety (90) days after service of the Writ, the City must set aside and vacate in its
11 entirety the aforementioned approvals and Resolution in relation to the Project and file a
12 return to the writ of mandate confirming that the City has taken such action; and

13 WHEREAS, the City was served with the Peremptory Writ of Mandate on
14 December 16, 2022;

15 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
16 follows:

17 Section 1. The City finds and determines that the foregoing recitals are
18 true and correct.

19 Section 2. Pursuant to Court Judgment in Case No. 21STCP01537, the
20 City Council hereby sets aside and vacates in their entirety Resolution No. RES-21-0034,
21 including the City Council’s certification of the MND, its findings, conditions, and the
22 MMRP, and its decision to uphold the Planning Commission’s approval of the Project
23 Approvals.

24 Section 3. Approval of this Resolution does not constitute a “project”
25 under the California Environmental Quality Act (“CEQA”) pursuant to Public Resources
26 Code Section 21080(a) and State CEQA Guidelines section 15378 since approval of this
27 Resolution does not have the potential to result in either a direct physical change in the
28 environment or a reasonably foreseeable indirect physical change in the environment.

OFFICE OF THE CITY ATTORNEY
DAWN MCINTOSH, City Attorney
411 W. Ocean Boulevard, 9th Floor
Long Beach, CA 90802

1 Moreover, pursuant to State CEQA Guidelines section 15061(b)(3), the approval of this
2 Resolution is exempt from CEQA because there is no possibility that it may have a
3 significant effect on the environment.

4 Section 4. This resolution shall take effect immediately upon its adoption
5 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

6 I hereby certify that the foregoing resolution was adopted by the City
7 Council of the City of Long Beach at its meeting of February 7, 2023, by the following
8 vote:

9
10 Ayes: Councilmembers: Zendejas, Allen, Supernaw, Kerr, Saro,
11 Uranga, Austin.

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13
14 Noes: Councilmembers: None.

15
16 Absent: Councilmembers: Duggan.

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18 Recusal(s): Councilmembers: Ricks-Oddie.

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City Clerk

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