

RESOLUTION NO. RES-23-0058

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3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
4 OF LONG BEACH APPROVING AND CERTIFYING AN  
5 ADDENDUM (EIRA-02-22) TO THE PROGRAM  
6 ENVIRONMENTAL IMPACT REPORT (PEIR) FOR THE CITY  
7 OF LONG BEACH DOWNTOWN PLAN (PEIR-SCH#  
8 2009071006) RELATING TO THE DEVELOPMENT PROJECT  
9 AT 450 THE PROMENADE NORTH/501-599 LONG BEACH  
10 BLVD IN THE DOWNTOWN PLAN PLANNED  
11 DEVELOPMENT DISTRICT (PD-30) AREA AND PURSUANT  
12 TO THE APPROVED DOWNTOWN PLAN PROGRAM EIR  
13 LAND USE EQUIVALENCY PROGRAM, IN ACCORDANCE  
14 WITH THE PROVISIONS OF THE CALIFORNIA  
15 ENVIRONMENTAL QUALITY ACT (CEQA) SECTION 15164  
16 OF THE CEQA GUIDELINES AND MAKING CERTAIN CEQA  
17 FINDINGS AND DETERMINATIONS RELATIVE THERETO,  
18 INCLUDING FINDING THAT THE ADOPTED DOWNTOWN  
19 PLAN MITIGATION MONITORING AND REPORTING  
20 PROGRAM MITIGATES, TO THE EXTENT FEASIBLE,  
21 IMPACTS ASSOCIATED WITH EQUIVALENCY PROGRAM  
22 PROJECTS, IN ACCORDANCE WITH THOSE MEASURES  
23 SET FORTH IN THE DOWNTOWN PLAN; AND THAT NO NEW  
24 OR DIFFERENT MITIGATION MEASURES ARE REQUIRED

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

28 Section 1. Oren Hillel for Waterford Property Co. has proposed a project at

1 450 The Promenade North/501-599 Long Beach Blvd. (“the Project”). The Project consists  
2 of a 900-unit development including 54 affordable housing units located on an  
3 approximately 5.5-acre site within the Downtown Plan area. The project site is bounded by  
4 6th Street on the north, Long Beach Boulevard on the east, 4th Street on the south, and  
5 The Promenade North and a City of Long Beach parking structure on the west. The Project  
6 would include the construction of three (3) eight-story apartment buildings with a total of 900  
7 dwelling units, including 102 studio units, 476 one-bedroom units, and 313 two-bedroom  
8 units, and nine three-bedroom units. Said Project description and Project location are more  
9 fully described in the Program Environmental Impact Report (PEIR-SCH#2009071006) and  
10 Addendum thereto (EIRA-02-22); which Addendum is an addendum to the Program  
11 Environmental Impact Report for the Downtown Plan (PD-30) (SCH#2009071006), as  
12 certified and approved by the Long Beach City Council on January 10, 2012, and pursuant  
13 to the Downtown Plan Program EIR Land Use Equivalency Program (“Equivalency  
14 Program”) adopted by the City Council on January 18, 2022, copies of which PEIR,  
15 Equivalency Program and EIR Project Addendum are incorporated herein by this reference  
16 as though set forth in full, word for word.

17           Section 2. At the time the City Council approved and adopted the Long  
18 Beach Downtown Plan on January 10, 2012, the City Council made certain Findings and  
19 determinations in accordance with the provisions of the California Environmental Quality  
20 Act (CEQA), adopted a Statement of Overriding Considerations for each environmental  
21 impact identified in the PEIR as “significant and unavoidable,” and adopted a Mitigation  
22 Monitoring and Reporting Program (“MMRP”). The content of said Findings, Statement of  
23 Overriding Considerations, and MMRP are hereby incorporated herein by this reference as  
24 though set forth herein word for word.

25           Section 3. At the time the City Council approved and adopted the  
26 Downtown Plan Program EIR Land Use Equivalency Program (“Equivalency Program”) on  
27 January 18, 2022, the City Council made certain Findings and determinations in accordance  
28 with CEQA. No successful legal challenge was filed at that time, or anytime thereafter, in

1 relation to the Equivalency Program. The content of said Findings and determinations with  
2 respect to the Equivalency Program are hereby incorporated herein by this reference as  
3 though set forth herein word for word.

4           Section 4.    The 450 The Promenade North Development Downtown Plan  
5 EIR Addendum (EIRA 02-22) to the Downtown Plan Environmental Impact Report prepared  
6 in connection with the Project represents and discusses certain modifications to the  
7 approved Long Beach Downtown Plan and is considered an addition to the previous project  
8 environmental review documentation and approvals for the Downtown Plan. The  
9 modifications to the approved Long Beach Downtown Plan described in Addendum EIRA-  
10 02-22 do not require major substantive revisions to the Downtown Plan Environmental  
11 Impact Report. A copy of Addendum EIRA-02-22, together with technical appendices and  
12 other supporting documentation, has been provided to the City Council for its review and  
13 consideration; and are hereby incorporated herein by this reference as though set forth in  
14 full, word for word.

15           Section 5.    Pursuant to Section 15164 of the CEQA Guidelines, and based  
16 on the evidence and oral and written testimony presented at all previous public hearings,  
17 and based on all of the information contained in the files of the Development Services  
18 Department on the Project (incorporated herein by this reference as though set forth herein  
19 in full word for word), including the PEIR for the Long Beach Downtown Plan, the  
20 Equivalency Program Addendum, and the Addendum to the PEIR for the Project, and  
21 including, but not limited to, the January 19, 2023, Planning Commission written and oral  
22 staff reports, and the April 18, 2023, City Council written and oral staff reports, the City  
23 Council finds that:

24           A.    The 450 The Promenade North EIR Addendum (EIRA 02-22),  
25 as an Addendum to the Downtown Plan Environmental Impact Report (PEIR)  
26 (Addendum), has been completed in compliance with CEQA.

27           B.    The PEIR Addendum reflects the independent judgment and  
28 analysis of the City and City Council as lead agency with respect to the

1 Project.

2 C. None of the conditions described in CEQA Guidelines Section  
3 15162 which call for the preparation of a subsequent or supplemental EIR  
4 have occurred or exist.

5 D. The PEIR Addendum is appropriate since the Project would not  
6 result in any additional significant impacts; nor would it increase the severity  
7 of previously anticipated impacts. Rather, all the impacts associated with the  
8 Project are within the envelope of impacts addressed in the certified PEIR;  
9 and/or do not constitute a new or greater significant impact. Thus, a  
10 supplemental or subsequent EIR is not required pursuant to Public Resources  
11 Code Section 21166, or California Code of Regulations, Title 14, Sections  
12 15162 or 15163, because none of the conditions described in Section 15162,  
13 or in the associated CEQA Guidelines, calling for the preparation of a  
14 subsequent or supplemental EIR have occurred or exist.

15 Section 6. The CEQA Findings made in this Resolution are based on the  
16 information and evidence set forth in PEIR for the Long Beach Downtown Plan, the  
17 Equivalency Program Addendum, and the EIR Addendum, and upon such other substantial  
18 evidence (both oral and written) which has been presented in the record of the proceeding,  
19 including, but not limited to, that information received by the City Council at the public  
20 hearing conducted on April 18, 2023, including the Staff Report presented to the City  
21 Council on that date and the Response prepared by ESA on behalf of the City to the  
22 Coalition for Responsible Equitable Economic Development (CREED) Appeal submitted to  
23 the City on or about January 27, 2023. The PEIR and the PEIR Addenda, staff reports,  
24 testimony, technical studies, appendices, plans, specifications, figures, exhibits, ESA  
25 response prepared on the City's behalf, and other materials that constitute the record of  
26 proceedings on which this Resolution is based are on file and available for public  
27 examination during normal business hours in the Department of Development Services,  
28 Planning Bureau, 411 West Ocean Boulevard, 3rd Floor, Long Beach, CA 90802. The

1 custodian of said records is the Director of Development Services.

2 Section 7. Decision.

3 A. The City Council hereby approves and adopts the 450 The  
4 Promenade North Development Downtown Plan EIR Addendum (EIRA 02-  
5 22) as an Addendum to the Downtown Plan Environmental Impact Report for  
6 the Project, which Addendum and all Appendices and Exhibits thereto, are  
7 incorporated herein by this reference as though set forth in full word for word;  
8 and further adopts the Mitigation Monitoring and Reporting Program for the  
9 Project and makes each and every mitigation measure contained therein and  
10 in the Conditions of Approval (Attachment G to the Staff Report) a condition  
11 of Project approval.

12 Section 8. The City Council hereby approves and incorporates herein by  
13 this reference: each fact and finding as set forth in the City Council Staff Report dated April  
14 18, 2023, relating to the Site Plan Review (SPR22-060) and Vesting Tentative Parcel Map  
15 No. 83693 (TPM22-002) for the Project; hereby approves the Project as it is described  
16 herein and in the Staff Report, and other supporting materials dated April 18, 2023; and  
17 approves the Conditions of Approval.

18 Section 9. The appeal filed by Coalition for Responsible Equitable  
19 Economic Development on or about January 27, 2023, is hereby denied in its entirety.

20 Section 10. This resolution shall take effect immediately upon its adoption  
21 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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OFFICE OF THE CITY ATTORNEY  
DAWN MCINTOSH, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Lona Beach, CA 90802

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I hereby certify that the foregoing resolution was adopted by the City Council  
of the City of Long Beach at its meeting of April 18, 2023,  
by the following vote:

Ayes: Councilmembers: Zendejas, Duggan, Supernaw, Kerr,  
Saro, Uranga, Austin, Ricks-Oddie.

Noes: Councilmembers: None.

Absent: Councilmembers: Allen.

Recusal(s) Councilmembers: None.

  
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City Clerk