

**H-8**

November 12, 2019

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

**RECOMMENDATION:**

Receive the supporting documentation into the record, conclude the public hearing and consider an appeal by Supporters Alliance for Environmental Responsibility;

Adopt a Resolution approving and certifying an Addendum (EIRA-02-19) to the Environmental Impact Report for the City of Long Beach Downtown Plan (EIR-SCH# 2009071006) related to the project at 131 West 3rd Street 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; and adopting a Mitigation Monitoring and Reporting Program in accordance with those measures set forth in the Downtown Plan; and,

Approve a Site Plan Review (SPR 18-038) for a project consisting of 345 residential units in one 23 story mixed-use tower, and one 8 story mixed-use building, 14,481 square feet of retail space, 563 parking spaces, and 128 bicycle parking spaces; find that the proposed vacation of a segment of Roble Way, a named alley, and vacation of portions of Pacific Avenue are in conformance with the General Plan; approve a Vesting Tentative Tract Map (TTM18-008) to merge six lots into one 1.22-acre ground lot and create six airspace lots on a site currently developed as an at-grade parking lot, located at 131 West 3rd Street in the Downtown Plan (PD-30) Height Incentive Area (Application No. 1807-11). (District 1)

**DISCUSSION**

At its meeting on September 19, 2019, the Planning Commission held a public hearing and approved, with conditions, a Site Plan Review (SPR) and Vesting Tentative Tract Map (VTTM) request for a project consisting of 345 residential units in one 23 story mixed-use tower, and one 8 story mixed-use building, 14,481 square feet of retail space, 563 parking spaces, and 128 bicycle parking spaces (Project), located at 131 West 3rd Street in the Downtown Plan (PD-30) Height Incentive Area within General Plan Land Use District Number 7 – Mixed Uses (LUD 7) (Attachment A – Planning Commission Staff Report). LUD 7 is intended for combinations of land uses. The Planning Commission also made a determination of General Plan Conformity for proposed right-of-way vacations associated with the proposed development.

The Project is located on the east side of Pacific Avenue, between West 3<sup>rd</sup> Street, West 4<sup>th</sup> Street, and Solana Court, a named alley (Attachment B – Vicinity Map). The Project encompasses six parcels and a portion of Roble Way, a named east-west alley, that is proposed to be vacated as a part of the project for a total project area of 1.22-acres (53,358 square feet) (Project Site). The Project Site is currently developed as a paved at-grade parking lot with parking spaces utilized by the City of Long Beach (City). Adjacent uses include a mix of residential, retail, and hotel that are typical of the Downtown setting (Attachment C – Plans and Project Renderings).

### **Site Plan Review**

The Project Site is located within the core of the Downtown area and is configured with a mid-block paseo running between the 85-foot high mid-rise building on the north, and the 269-foot high tower on the south. The building placement relates to the existing development pattern, in that the mid-rise building is sited on the north end of the Project Site where it is more consistent with the mid-rise buildings across 4<sup>th</sup> Street. The Project Site was reconfigured in this manner in response to community feedback. The buildings each have a distinct, but complimentary, contemporary design.

The Project provides 563 parking spaces, 116 spaces in excess of the 447 parking stalls required by PD-30. This includes one parking space per unit (345 spaces), guest parking at a rate of one space per four dwelling units (87 spaces), and one parking space per 1,000 square feet of retail in excess of the first 6,000 square feet (15 spaces). The project also includes 128 bicycle parking spaces, 55 in excess of the 73 bicycle spaces required.

Vehicle access to the parking garage will be from Solana Court. The existing 16-foot wide alley will be widened to 20 feet to accommodate two-way vehicular traffic. A temporary loading/unloading space will be located on West 4<sup>th</sup> Street near Solana Court.

The proposed street trees and public right-of-way landscaping improvements offsite will enhance the pedestrian experience. Due to the proximity of the Project to a Metro Blue Line transit station, a condition of approval has been added requiring the applicant to further assess the feasibility of a pedestrian scramble at the intersection of Pacific Avenue and West 4<sup>th</sup> Street.

During the first phase of the Project, the mid-rise building, the paseo, alley improvements, and adjacent public right-of-way improvements will be constructed. Phase two will consist of the construction of the south high-rise tower. During the second phase of construction, the paseo is anticipated to be used for staging, and the landscaping removed will be replaced.

The Project Site is in the PD-30 Height Incentive Area, a subarea that allows high-rise development. The PD-30 Height Incentive Area is characterized by mid- and high-rise residential development, high-intensity employment, and various retail, cultural, and entertainment destinations. The maximum base floor area ratio (FAR) in the PD-30 Height Incentive Area is 8.0. The Project's total gross building area would be approximately

659,515 square feet, including all below-grade levels. With the subtraction of exempt garage square footage, the FAR would be 9.48 (505,536 square feet), where a FAR of 11 (586,938 square feet) is the maximum permitted with incentives. To exceed the base FAR of 8.0 in the PD-30 Height Incentive Area, the applicant is proposing to use a combination of three development incentives for an additional 1.5 of FAR; LEED Silver Certified or Equivalent, Green Roof or Eco-Roof, and Public Open Space.

The base height limit in the PD-30 Height Incentive Area is 240 feet, but this may be increased up to 500 feet with incorporation of the proposed incentives discussed above. The total height of the south tower is proposed to be 269 feet above grade. The north mid-rise building will be 85 feet in height, which is within the base height limit for the area. The Project is designed to conform with all applicable development standards of PD-30 and is consistent with the level and intensity of development intended by the Zoning District. The incentives are memorialized in the Conditions of Approval (Attachment D – Conditions of Approval).

### **Vesting Tentative Tract Map**

The Project includes a Vesting Tentative Tract Map (VTTM), which merges six lots into a single ground lot and creates six airspace lots (Attachment E – VTTM No. 82334). The airspace lots facilitate separation of the residential, commercial, and parking areas for financing purposes. The proposed residential units will remain rental units.

To create the public paseo at Roble Way, a vacation of the existing 10-foot wide alley is provided. In addition, between two and nine feet of the public right-of-way along Pacific Avenue will be vacated.

### **General Plan Conformity Findings**

The General Plan Conformity finding pertains to the proposed alley vacation, and vacation of portions of the right-of-way described above. All vacations must be found consistent with the General Plan. All elements of the General Plan were considered when reviewing the vacations requested, and staff found them to be in conformance with all applicable elements (Attachment F – Findings).

The Project, with its high-density residential, mixed-use nature, building heights, and orientation, is representative of the type of developments anticipated within the Downtown Plan. The site is an ideal location for this transit-oriented development, as it is well served by multi-modal transportation options. Improving the site with a high-quality, context-sensitive mixed-use residential project will activate the site and contribute new residential units to the City's housing stock.

## **Environmental Impact Report Addendum**

On September 19, 2019, the Planning Commission accepted the EIR Addendum and conditionally approved the Site Plan Review (SPR), General Plan Conformity (GPC), and Vesting Tentative Tract Map (VTTM) requests at the Public Hearing. Five pieces of written correspondence were received prior to the Planning Commission Hearing. Comments in support and opposition to the project were also made at the Public Hearing (Attachment G – Public Hearing Public Comments).

## **Appeal**

An appeal of the Planning Commission's approval of the Project, filed by the Supporters Alliance for Environmental Responsibility, asserts that the Project introduces environmental impacts that were not considered in the PD-30 Program EIR, and that a tiered EIR must be prepared (Attachment H – Application for Appeal).

Staff's response to the appeal is attached and demonstrates that the Project would not result in an effect on the environment, and the Project is consistent with all required findings (Attachment I). An EIR Addendum (EIRA-02-19) was prepared for this Project in accordance with Sections 15164 and 15162 of the California Environmental Quality Act (CEQA) Guidelines (Attachment J – EIR Addendum). The EIR Addendum analyzed the proposed Project in accordance with the Downtown Plan Program EIR (SCH No. 2009071006) and determined that the Project will not result in any new significant impacts that exceed those analyzed in the Downtown Plan Program EIR, with mitigation measures included (Attachment K – Downtown Plan Program EIR-04-08). Additionally, the development is subject to the Downtown Plan Program EIR Mitigation Monitoring and Reporting Program (MMRP), which is designed to ensure compliance with adopted mitigation measures during Project implementation (Attachment L – Downtown Plan MMRP). For each mitigation measure recommended in the Program EIR that applies to the proposed Project, specifications identify the action required, the monitoring that must occur, and the party responsible for verifying compliance.

The proposed Project is consistent with the PD-30 development standards and the Program EIR prepared for the Downtown Plan. The Project will introduce new housing and retail space to further serve residents, tourists, employees, and business visitors in the greater Downtown area.

Staff analyzed the Project, in accordance with the required findings for SPR, GPC, and VTTM entitlements, and find that positive findings can be made for each approval. The appeal materials provided by the appellant are consistent with the materials considered by the Planning Commission, which ultimately approved the Project.

Public Hearing notices were distributed on October 18, 2019, in accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code.

One piece of written correspondence was received prior to the City Council Hearing (Attachment M – City Council Public Comments).

This matter was reviewed by Assistant City Attorney Michael J. Mais on October 25, 2019 and by Budget Analysis Officer Julissa José-Murray, on October 23, 2019.

TIMING CONSIDERATIONS

City Council action is requested on November 12, 2019. Section 21.21.504.B of the Zoning Regulations requires a Public Hearing for an appeal to the City Council to take place within 60 days of receipt of an appeal, the first of which was filed on September 27, 2019.

FISCAL IMPACT

This recommendation is within the normal budgeted scope of staff duties and is consistent with City Council priorities. There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



LINDA F. TATUM, FAICP  
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:



THOMAS B. MODICA  
ACTING CITY MANAGER

- ATTACHMENTS: CITY COUNCIL RESOLUTION
- ATTACHMENT A – PLANNING COMMISSION STAFF REPORT (SEPTEMBER 19, 2019)
  - ATTACHMENT B – VICINITY MAP
  - ATTACHMENT C – PLANS AND PROJECT RENDERINGS
  - ATTACHMENT D – CONDITIONS OF APPROVAL
  - ATTACHMENT E – VTTM No. 82334
  - ATTACHMENT F – FINDINGS
  - ATTACHMENT G – PLANNING COMMISSION PUBLIC COMMENTS
  - ATTACHMENT H – APPLICATION FOR APPEAL
  - ATTACHMENT I – STAFF RESPONSE TO THE APPEAL
  - ATTACHMENT J – EIR ADDENDUM EIRA-02-19
  - ATTACHMENT K – DOWNTOWN PLAN PROGRAM EIR-04-08 (SCH # 2009071006)
  - ATTACHMENT L – DOWNTOWN PLAN MMRP
  - ATTACHMENT M – CITY COUNCIL PUBLIC COMMENTS

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

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RESOLUTION NO.

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 3<sup>rd</sup> 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, 3<sup>rd</sup> 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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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2019, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

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Noes: Councilmembers: \_\_\_\_\_

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Absent: Councilmembers: \_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_  
City Clerk

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411 West Ocean Boulevard, 9th Floor  
Lona Beach, CA 90802