



Legislation Details (With Text)

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Type: Resolution **Status:** Adopted
File created: 11/19/2019 **In control:** City Council
On agenda: 12/3/2019 **Final action:** 12/3/2019

Title: Recommendation to receive supporting documentation into the record, conclude the public hearing and consider an appeal (APL 19-006) by Jerilyn Lopez Mendoza (Coalition for Clean Air), Ann Cantrell, Joe Weinstein and Corliss Lee (Citizens About Responsible Planning), Ann Cantrell and Anna Christiansen (Sierra Club Los Cerritos Wetlands Task Force); Jesse N. Marquez (Coalition For A Safe Environment), and Andrea Hricko (Concerned Faculty of USC and UCLA);

Adopt resolution approving and certifying the Mitigated Negative Declaration of Environmental Impact (MND 08-19) for the Long Beach Cruise Terminal Improvement Project, consisting of onshore and maritime improvements 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 MND; and

Approve a Site Plan Review (SPR 19-026) for the onshore improvements to the Long Beach Cruise Terminal, consisting of expanding the parking structure, filling an abandoned tunnel, and reconfiguring the traffic lanes near the parking garage in the Queensway Bay Planned Development (PD-21) Zoning District (Application No. 1909-08). (District 2)

Sponsors: Development Services

Indexes:

Code sections:

Attachments: 1. 120319-H-19sr&att.pdf, 2. 120319-H-19-Attachment A.pdf, 3. 120319-H-19-Attachment B.pdf, 4. 120319-H-19-Attachment C.pdf, 5. 120319-H-19-Attachment D.pdf, 6. 120319-H-19-Attachment E.pdf, 7. 120319-H-19-Attachment F.pdf, 8. 120319-H-19-Attachment G.pdf, 9. 120319-H-19-Attachment H.pdf, 10. 120319-H-19-Attachment I.pdf, 11. 120319-H-19-Attachment J.pdf, 12. 120319-H-19-Attachment K.pdf, 13. 120319-H-19 Corresp. Chavez.pdf, 14. 120319-H-19 Corresp. CARP.pdf, 15. 120319-H-19 PowerPoint.pdf, 16. 120319-H-19 Appellant PowerPoint.pdf, 17. RES-19-0187.pdf

Date	Ver.	Action By	Action	Result
12/3/2019	1	City Council	approve recommendation and adopt	Pass

Recommendation to receive supporting documentation into the record, conclude the public hearing and consider an appeal (APL 19-006) by Jerilyn Lopez Mendoza (Coalition for Clean Air), Ann Cantrell, Joe Weinstein and Corliss Lee (Citizens About Responsible Planning), Ann Cantrell and Anna Christiansen (Sierra Club Los Cerritos Wetlands Task Force); Jesse N. Marquez (Coalition For A Safe Environment), and Andrea Hricko (Concerned Faculty of USC and UCLA);

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Monitoring and Reporting Program in accordance with those measures set forth in the MND; and

Approve a Site Plan Review (SPR 19-026) for the onshore improvements to the Long Beach Cruise Terminal, consisting of expanding the parking structure, filling an abandoned tunnel, and reconfiguring the traffic lanes near the parking garage in the Queensway Bay Planned Development (PD-21) Zoning District (Application No. 1909-08). (District 2)

On November 7, 2019, the Planning Commission held a public hearing and accepted the Mitigated Negative Declaration (MND) for the Long Beach Cruise Terminal Improvement Project (Project) at 231 Windsor Way in the Queensway Bay Planned Development (PD-21) Zoning District, and approved, with conditions, a Site Plan Review (SPR) request for the onshore improvements consisting of the expansion of an existing parking structure, the filling of an abandoned tunnel, and reconfiguration of the traffic lanes (Attachment A).

The project site is located in Pier H at the terminus of Queens Highway North. The Pier H area is a 45-acre portion of the overall 103-acre parcel (7436-021-907) within the PD-21 Zoning District, Subarea 4, and has a General Plan Designation of LUD #7, Mixed Use District. The Project site is currently developed with the Long Beach Cruise Terminal and a 5-story parking structure with an associated ingress/egress roadway system (Attachment B).

Project Description

The Applicant, Carnival Cruise Lines, proposes to make improvements to its facilities at the Long Beach Cruise Terminal to accommodate a new and larger class of cruise ships capable of holding 4,008 passengers, to safely moor the larger cruise ship at the existing berth, and to improve safety at the berth related to ocean swells. The proposed maritime and onshore improvements together include all actions and activities necessary to accommodate the larger vessel and the associated increase in passengers. For context, the maritime improvements include dredging the existing berth to a deeper depth (approximately 33,250 cubic yards of dredge volume), construction of two mooring dolphins and associated catwalks, a passenger walkway bridge extension, and fender replacements.

In addition to the City approvals, including building and grading permits, there are numerous entities that require review, approvals, and permits for the overall Project. Those entities include the City of Long Beach's (City) Harbor Department, United States Army Corps of Engineers, California Coastal Commission, Los Angeles Regional Water Quality Control Board, and the National Oceanic and Atmospheric Administration Fisheries, Office of Protected Resources.

Onshore improvements include expansion of the existing parking structure to the north and south to include 657 new parking stalls, filling of an abandoned 450-foot-long tunnel between Windsor Way and the parking structure, and the reconfiguration of the traffic lanes within the leasehold area near the parking garage, to accommodate the expanded and remodeled structure (Attachment C). Pursuant to Section 21.25.502 of the Long Beach Municipal Code

(LBMC). SPR is required for new construction that exceeds 500 square feet in area on City land. Pier H is owned by the City.

Environmental Review

The Initial Study and Mitigated Negative Declaration (IS/MND) was prepared for the project and circulated for public review in accordance with the California Environmental Quality Act (CEQA). The initial period of public review occurred from June 20, 2019 to July 19, 2019 (Attachment D). To reflect editorial changes made in response to letters received during the initial public review period, the document was recirculated between August 28, 2019 to September 26, 2019. Comment letters were also received on the recirculated IS/MND. A response to comments on the recirculated MND was prepared by the City's CEQA Consultants. The MND demonstrates that the project would not result in a significant effect on the environment with the incorporated mitigation measures, and that the project is consistent with all required findings (Attachment E). In both cases, the MND was circulated for public comments. A Notice of Intent (NOI) was filed with the Los Angeles County Clerk, mailed to the Long Beach Harbor Department, various other local and State agencies, and published in the Long Beach Press-Telegram, as required by law.

During the public hearing at November 7, 2019 meeting, the Planning Commission accepted the Long Beach Cruise Terminal MND and conditionally approved the SPR findings (Attachment F, G). Six pieces of written correspondence were received prior to the Planning Commission hearing (Attachment H) in support of, and opposition to, the project and were made available at the public hearing. The project proposal is subject to the Mitigation Monitoring and Reporting Program (Attachment I), which is designed to ensure compliance with the adopted mitigation measures during project implementation.

Mitigation measures were identified and required for four resource areas, including air quality, biological resources, noise, and tribal cultural resources. These mitigation measures include higher Tier engines for construction equipment and tug boats, the use of qualified biological monitors prior to and throughout construction, a variety of noise control activities, and use of a certified archaeologist, should tribal cultural resources be found during construction.

Appeal

Within the ten-day appeal period a total of five appeals were received (Attachment J). Appellants include:

- 1) Jerilyn Mendoza, Coalition for Clean Air;
- 2) Ann Cantrell and Anna Christiansen, Sierra Club Los Cerritos Wetlands Task Force;
- 3) Joe Weinstein, Corliss Lee, and Ann Cantrell, Citizens About Responsible Planning (CARP);
- 4) Andrea Hricko, Concerned Faculty of USC and UCLA; and,
- 5) Jesse Marquez, Coalition for a Safe Environment (CFASE).

Generally, the Appellants assert that: (1) the City approved the MND without consultation from the City's Harbor Department; (2) an environmental impact report is necessary to assess environmental issues including air quality, kelp, marine mammals, birds, fish habitat, noise, and dredge disposal; (3) the baseline is faulty; (4) dredge material contamination level is higher than documented in the MND; (5) proposed mitigation measures are too lenient; (6) the City violated CEQA by segmenting the project; (7) the MND failed to incorporate mitigation measures for potential ship-whale strikes; (8) the MND fails to achieve emission reduction; (9) there is an underestimation of the emission inventories; and, (10) lack of sanctions if mitigation measures are not met.

In accordance with the Guidelines for Implementation of CEQA, the City acted as the lead agency for the preparation of the environmental review of the Project. In its capacity as lead agency, the City prepared a MND assessing the maritime and onshore improvements in the 20 resource areas and found the impacts of the project would be less than significant with mitigation incorporated. The Planning Bureau staff from the Development Services Department consulted with the Harbor Department in accordance with the CEQA, which included early consultation in determining lead agency, prior to determining the level of environmental review, as well as during the public review of the MND (Government Code Sections 15051, 15063(g), 15073(c)).

From the beginning of the review process for the Project, the City has continually partnered with the Harbor Department to conduct its environmental review of the Project as it includes both maritime and landside changes to accommodate the larger class of cruise ship and improve the safety and customer experience at the Long Beach Cruise Terminal. This consultation included conferring with the Harbor Department's air quality expert to assist in the research and preparation of the IS/MND.

Staff finds each of the appeals of the Project to be without merit because the environmental review and consultation with responsible agencies was conducted in accordance with State CEQA Guidelines (Attachment K). As such, staff recommends that the City Council deny the appeals and uphold the decision of the Planning Commission.

Public hearing notices were distributed on November 19, 2019 in accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code.

This matter was reviewed by Assistant City Attorney Michael J. Mais and by Budget Analysis Officer Julissa José-Murray on November 20, 2019.

City Council action is requested on December 3, 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 November 13, 2019.

This recommendation has no staffing impact beyond the budgeted scope of duties and is consistent with existing City Council priorities. There is no fiscal or local job impact associated with this recommendation.

Approve recommendation.

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LINDA F. TATUM, FAICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

THOMAS B. MODICA
ACTING CITY MANAGER