



Legislation Details (With Text)

File #: 17-0806 **Version:** 2 **Name:** DS - Appeal of SEASP EIR D3 (4 of 6)
Type: Ordinance **Status:** Second Reading
File created: 9/11/2017 **In control:** City Council
On agenda: 10/3/2017 **Final action:** 10/3/2017

Title: Recommendation to declare ordinance amending the Long Beach Municipal Code by amending section 21.37.010 by repealing PD-1 (Southeast Area Development and Improvement Plan); and amending Section 21.37.210 to add SP-2 (Southeast Area Specific Plan); and by repealing Ordinance ORD-06-0001 related to the Southeast Area Development and Improvement Plan (PD-1), all relating to the establishment of the Southeast Area Specific Plan (SP-2), read and adopted as read.

Sponsors: Development Services

Indexes:

Code sections:

Attachments: 1. 091917-H-1sr.pdf, 2. 091917-H-1att(4 of 6).pdf, 3. 100317-ORD-38att.pdf, 4. ORD-17-0022.pdf

Date	Ver.	Action By	Action	Result
10/3/2017	2	City Council	approve recommendation and adopt	Pass
9/19/2017	1	City Council	declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading	Pass

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending section 21.37.010 by repealing PD-1 (Southeast Area Development and Improvement Plan); and amending Section 21.37.210 to add SP-2 (Southeast Area Specific Plan); and by repealing Ordinance ORD-06-0001 related to the Southeast Area Development and Improvement Plan (PD-1), all relating to the establishment of the Southeast Area Specific Plan (SP-2), read and adopted as read.

On June 1, 2017, the Planning Commission conducted a public hearing on the Southeast Area Specific Plan (Specific Plan or SEASP) (Exhibit A - Specific Plan) and formally recommended the Specific Plan to the City Council for adoption (Exhibit B - Planning Commission staff report). The Planning Commission’s action is the culmination of over 13 years of study, community visioning and planning exercises, and exhaustive public and environmental review. The purpose of the update is to enhance the quality of life, improve the functionality and visual appearance of public and private improvements in the area, and provide an overall framework for resource protection, mobility, growth, and development for the southeast area of the City into the future.

Existing regulations for the SEADIP area (Exhibit C - PD-1 SEADIP) were adopted in 1977. In 2004, the Third District Los Cerritos Wetlands Study Group first recommended changes to this oldest planned development district in the City. In 2006, the City Council directed staff to update these regulations because they were no longer meeting the needs of Long Beach residents and property owners in terms of mobility, activity and amenities, land use, the need

for employment and housing and, most importantly, of maintaining, restoring, and protecting our wetlands. The existing PD-1 is a set of restrictions and allowed uses but is not a plan in today's understanding of that term. PD-1 contains no vision for the future and does not contemplate the redevelopment of sites that are now coming to the end of their physical and economic lives.

A new Specific Plan is required to bring regulations in the southeast part of the City into conformity with today's vision for the area, to comply with State requirements for more compact mixed-use development, and to provide the range of mobility options the public has expressed a desire for and are mandated under the City's Mobility Element, as well as State law. Updating SEADIP is also essential to correct the major environmental shortcomings of the existing plan, including the fact that SEADIP allows for residential and commercial development on open wetlands and adjacent habitat fronting Pacific Coast Highway, as well as 2nd Street. The new Specific Plan (Southeast Area Specific Plan, or SEASP) focuses new development and redevelopment on a limited set of opportunity sites, existing developed shopping centers and hotels, with the goal of transforming these parcels over time into a dynamic mixed-use community complete with public amenities. This goal builds upon the community vision for the area.

A Community Advisory Committee (CAC), along with the public at large, developed a vision based not only on wants and needs for today, but a broad look into the future. The community vision for southeast Long Beach in 2060 is as follows:

Southeast Long Beach is a livable, thriving, ecologically diverse and sustainable coastal gateway and destination in the City and Southern California region.

Southeast Long Beach is an attractive, active, and important gateway and destination in the City of Long Beach and Southern California region. People enjoy living, working and visiting here because of the diversity of uses in close proximity to one another. Our established residential neighborhoods continue to anchor the area and are complemented by businesses, restaurants, hospitality uses and recreational amenities that are frequent destinations for locals and visitors. We have developed connections to our local medical facilities and educational institutions; both provide significant resources to our area that positively contribute to our sense of community. The energy providers operating in the area have upgraded their facilities and seek to use the most current technologies available.

Our wetlands and local coastal habitat are thriving due to the ongoing efforts of the community and City to restore, maintain and preserve our natural resources. Combined, the wetlands, San Gabriel River, marina, and access to the ocean, contribute considerably to the livability and character of the area. We have protected

and encouraged views to these areas and the mountains in the distance, creating a landscape that cannot be found anywhere else.

Southeast Long Beach is clearly defined by attractive streetscapes that create an immediate impression that you have arrived someplace special. Bike lanes and pedestrian walkways are carefully integrated in our safe and efficient network of roadways, and along with our transit system, provide attractive alternatives to the car in this active area of town.

Buildings are designed at a scale and with a form that allows for variety in the appearance of the streetscape, encourages the pedestrian environment and creates central gathering areas to generate lively spaces. Great care has also been taken to implement thoughtful and carefully designed transitions between urbanized areas and natural areas and waterways so they are complementary of one another.

In early 2014, the City completed its background research, requested applications for the CAC and began holding planning meetings. The vision statement, the result of multiple CAC and public meetings, was released in August 2014. That summer, an opportunities-and-constraints workbook was released exploring all the issues and opportunities within the project area. During 2015, the City and its consultants began developing concept sketches for potential development types, conducted a detailed development financial feasibility analysis and detailed look at funding infrastructure and wetland improvements.

A conceptual land-use plan was prepared in late 2015, focusing on limited areas of change based on the community feedback that most of SEADIP should remain as-is but the large retail centers and existing Golden Sails hotel site should be reimaged. The areas of change consist of already-developed commercial and hotel properties totaling 86 acres out of a total of 1,486 acres in the SEASP boundaries. Properties not within the areas of change will maintain their existing regulations, mostly staying within the Specific Plan with a limited number of single-family homes returning to traditional zoning. Based on these facts, an initial study was prepared and, on November 4, 2015, the required environmental review process began. In March 2016, a draft of the Specific Plan was released, and at the request of the community an additional public workshop was held on March 26, 2016.

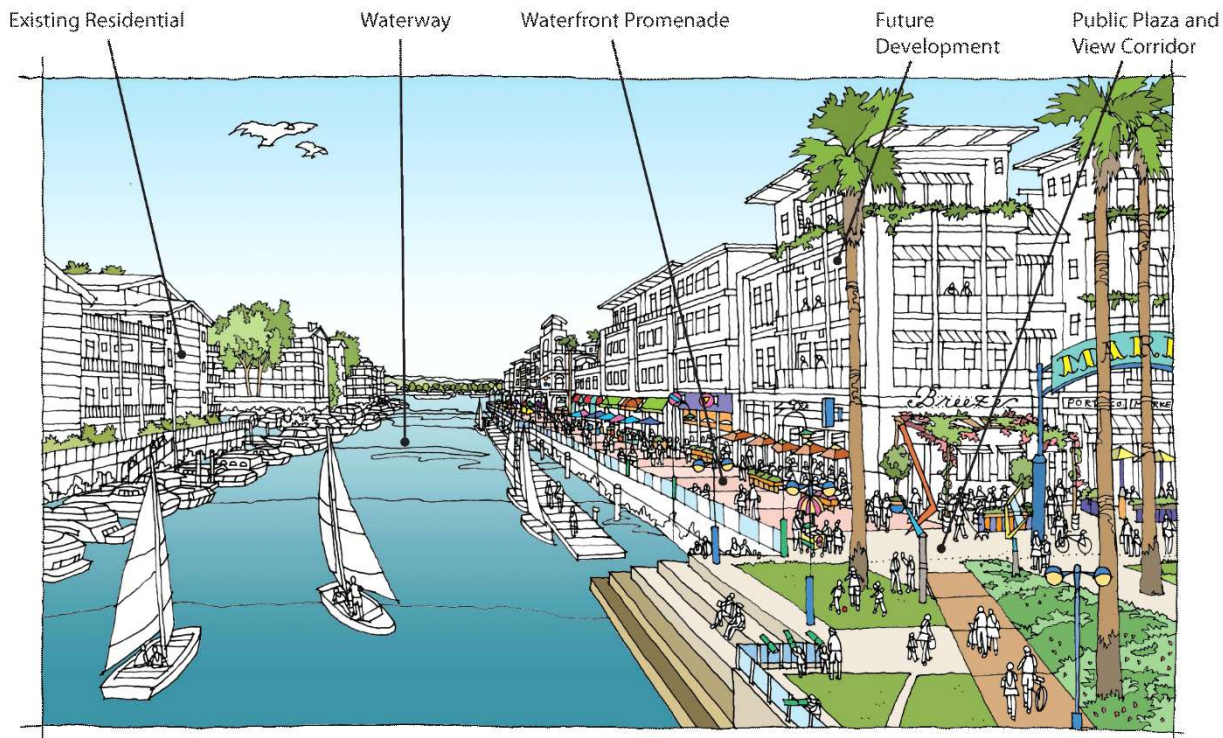
After numerous study sessions and deliberations, the Planning Commission ultimately recommended certification of the Program Environmental Impact Report (Program EIR) and approval of the Specific Plan with two changes: selection of the Reduced Intensity Alternative and reduction in height on the Marketplace parcel. These changes from the initial public draft of the Specific Plan reduce the total amount of development by approximately 30 percent. This reduction in total development will reduce future traffic impacts from total buildout under

the Plan (traffic was the most common and important topic of concern identified by the public during the process). Future development is capped, on a per-acre basis, based upon its PM-peak vehicle trip generation. Additionally, the Planning Commission reduced the height limit on the Marketplace parcel to five stories, to provide a more appropriate transition between wetland habitat and urbanized uses.

The primary benefits of the Specific Plan include encouraging redevelopment and economic growth consistent with the Economic Blueprint, expanding housing supply consistent with the Housing Element, expanding multimodal safety and active transportation choices consistent with the Mobility Element, and creating sustainable development regulations and impact fees to facilitate wetland habitat conservation and restoration. A market feasibility analysis was conducted to assure that the Specific Plan's land use pattern is achievable and will result in real development complete with public benefits. The final Specific Plan recommended by the Planning Commission, includes a modest amount of growth and change over time balanced with the unique and sensitive environmental setting of the SEASP area. The development of this mixed-use environment with retail, hotel, office, residential, and recreational uses provides certainty to both the public and the development community.

Consistent with the Economic Blueprint recommendation to "reduce the cost of development and average days to approval for entitlement" and "increase citywide real estate investment," the use of a Specific Plan allows development consistent with the plan to proceed forward with a streamlined conformance review and tiering off of the Program EIR. Whether one year or thirty years in the future, a property owner is assured of a reasonable development opportunity, and the public is assured of required public benefits and limits on traffic trip generation.

The approximately 2,500 residential units that are contemplated in the SEASP area over time will provide new housing opportunities for all types of families and expand the City's overall housing supply. Combined with over 300,000 new square feet of retail and office uses and 375 hotel rooms, this development will enhance the City's fiscal position and fits within an overall citywide strategy of promoting jobs and housing growth.



This new development is tied to a major upgrade to mobility for all residents, visitors and employees coming and going to southeast Long Beach. Development consistent with the Specific Plan will bring a 79 percent increase in bicycle lane miles, 29 percent increase in pedestrian facilities and 9 percent increase in automobile lane miles to the area. Roadway improvements concentrate on breaking-up super blocks and providing local traffic with an opportunity to traverse the area while avoiding the congested 2nd Street and Pacific Coast Highway intersection. While traffic congestion within the SEASP is serious and traffic levels will continue to rise with or without the Specific Plan, adoption of the Specific Plan allows the City to provide mobility choices consistent with the community vision, requires mitigation and transportation demand management (TDM) measures for new development, and facilitates a mix of development that will limit trips. The mix of uses are designed to allow Long Beach residents access to shopping that may currently take them to Orange County or other distant destinations; likewise, amenities and residences are co-located to enable walking for residents and a park-once approach for visitors.

This development all occurs on existing developed, paved locations. This allows for open habitat and wetland areas to be preserved and restored in perpetuity. The Specific Plan includes bird safe design and lighting treatments, a native plant palette, wetland buffers, and impact fees to support wetlands restoration. Together, this suite of sustainability provisions are among the most progressive of any urban Specific Plan in the United States and will provide a positive model for planning within the City and region going forward.

Requested Entitlements, Findings, and Actions

Denial of the Appeal

Despite the fact, the Planning Commission's action was a recommendation, not an approval, an appeal of that action was filed by Warren Blesofsky on behalf of Long Beach Citizens for Fair Development. The appeal characterizes the plan as a gift to developers and objects to streamlining of future environmental review in addition to other complaints that are presented in a bullet point list (Exhibit I - Appeal). The appellant provided no additional details beyond what is presented in the appeal and did not comment on the Draft EIR nor participate in the multi-year process to develop the plan. Denial of this appeal is appropriate because SEASP balances multiple factors to create a plan that furthers the community vision. Additionally, the approach to environmental review is mandated by State Law, particular the California Environmental Quality Act (CEQA) Guidelines and the State Planning and Zoning Law.

General Plan Amendment

The City's General Plan Land Use Element assigns designations including Single-Family District, Mixed Use District, Institutional and School District, and Open Space and Park District to the SEASP area. These broad designations are consistent with both the existing and future uses contemplated in SEASP. Most of the proposed SEASP is also within the Coastal Zone. The City's Local Coastal Program (LCP) is a part of the City's overall General Plan. Therefore, for conformity purposes, this action is considered to include a General Plan Amendment as it updates the LCP.

General Plan Amendments are legislative actions that require findings only when the proposed amendment is consistent with other policies and elements of the General Plan. This consistency analysis can be found within Exhibit E.

Local Coastal Program Amendment

This action removes the references to PD-1 (SEADIP) from the City's certified LCP and adds policy language and maps consistent with SEASP. The LCP Amendment is contained within Exhibit F. The proposed amendment is self-contained, impacting only parcels within the coastal zone portion of SEASP and not changing any other designations or policies within the LCP. Importantly, the proposed amendment seeks to certify portions of the Los Cerritos Wetlands that are currently excluded, also known as a "white hole." This would place these parcels within the City's land use jurisdiction subject to appeal to the Coastal Commission on certain parcels proximate to wetlands or an open channel.

The LCP Amendment is also a legislative action with no specific findings required under the Long Beach Municipal Code (LBMC). The consistency analysis found within Exhibit E covers the proposed amendment.

Zoning Code Amendment

The Zoning Code Amendment includes repealing the existing Planned Development District (PD-1 SEADIP) Zoning, adoption of SEASP (Exhibit A), as well as providing the nomenclature of SP-2 Southeast Area Specific Plan (SEASP) within Section 21.37.210 of the LBMC. This legislative action requires two findings set forth in LBMC Section 21.25.106: the proposed change will not adversely affect the character, livability, or appropriate development of the surrounding area; and the proposed change is consistent with the goals, objectives, and provisions of the General Plan. While the SEASP area does include an existing mobile home park, no change is identified for that parcel; therefore, supplemental findings per Section 21.25.109 are not required. Zone change findings are set forth in Exhibit G.

Zone Change

This action involves three different zone changes. The first involves re-zoning the parcels within the boundaries of the Specific Plan from PD-1 and respective subareas to SP-2 SEASP. The second action involves removing the City-owned parcel at Colorado and Eliot Streets (location of Fire Station 14) from PD-1 and changing the zoning to the "I" Institutional zone. The final action involves removing 38 residential properties near Marine Stadium from PD-1 SEADIP and zoning them to R-1-S. This zone change to R-1-S will provide these properties with regulations that are more consistent with their as-built condition and also the same regulations as similar homes to the south and east of this area. A map of the proposed zone change is found within Exhibit H.

ENVIRONMENTAL REVIEW

Pursuant to the CEQA and the State CEQA Guidelines, an Initial Study was been prepared for the project, identifying potentially significant effects. A Draft EIR was prepared for the project, analyzing the following environmental effects: Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation and Traffic, and Utilities and Service Systems. The Draft EIR was circulated for a 60-day public review period between July 20, 2016 and September 19, 2016. Subsequent to the Draft EIR, the section regarding Transportation and Traffic was recirculated for an additional 45-day public review period between February 17, 2017 and April 3, 2017.

The Final EIR, including responses to comments, mitigation monitoring and reporting program, errata, and corrections was posted to the City's website and distributed to commenting agencies. Consideration of this project by the City Council includes certification of the EIR consisting of both the Draft and Final EIR. Because this project includes significant impacts after mitigation, the City Council is also requested to adopt a Statement of Overriding Considerations. The Draft and Final EIR are on file and available for review at the City of Long Beach Development Services Department, Planning Bureau, 333 West Ocean Boulevard, 5th Floor, Long Beach, CA 90802, Monday through Friday from 7:30 a.m. to 4:30

p.m.

In accordance with the noticing requirements of the LBMC, public hearing notices were published and public hearing posters were posted within the required time frame.

This matter was reviewed by Assistant City Attorney Michael J. Mais on August 23, 2017 and by Budget Management Officer Rhutu Amin Gharib on August 31, 2017.

Attachments: Exhibit A - Southeast Area Specific Plan (SEASP)
 Exhibit B - Planning Commission June 1, 2017 Staff Report
 Exhibit C - Existing PD-1
 Exhibit D - Draft and Final EIR 02-16 (SCH# 2015101075)
 Exhibit E - General Plan Findings
 Exhibit F - Local Coastal Program Amendment
 Exhibit G - Zone Change Findings
 Exhibit H - Zone Change Map
 Exhibit I - Appeal

City Council Resolutions

- 1) Resolution certifying EIR 02-16, making findings of fact, adopting a statement of overriding considerations and approving a Mitigation Monitoring and Reporting Program for the Southeast Area Specific Plan (State Clearinghouse No. 2015101075)
- 2) Resolution establishing the Southeast Area Specific Plan, pursuant to Sections 65450-65458 of the California Government Code

City Council Ordinances

- 1) Ordinance amending the Long Beach Municipal Code Chapter 21.37, establishing the Southeast Area Specific Plan (SP-2) and repealing PD-1 (Southeast Area Development and Improvement Plan (SEADIP)), relating to the Southeast Area Specific Plan (ZCA 17-001)

Ordinance amending the Land Use District Map by amending portions of Part 6, 7, and 12 of said map to reflect the establishment of the Southeast Area Specific Plan (SP-2, ZCH 17-008) and making conforming changes to the map.

Timely consideration by the City Council is requested to begin the accrual of the benefits contemplated in the Specific Plan. City Council action is necessary for the California Coastal Commission to begin its review of this matter.

The goal of the SEASP is to attract new investment, jobs and housing to the area. The exact timing or quantification of these impacts is dependent on future actions by private property owners. Any costs associated with processing future development applications will be offset by permit fees and surcharges. Upon approval of SEASP by the City Council, the Development Services Department will conduct a nexus study for the purposes of establishing the wetland conservation and monitoring fund. Any proposed fee to support

wetland conservation and monitoring will be presented to the City Council for approval as part of the Master Fees and Charges Schedule during the annual budget adoption.

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Approve recommendation.

AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

PATRICK H. WEST
CITY MANAGER