



Legislation Details (With Text)

**File #:** 06-0990      **Version:** 1      **Name:** PB - Hearing FEIR, 400 Studebaker Rd  
**Type:** Public Hearing      **Status:** Concluded  
**File created:** 9/26/2006      **In control:** City Council  
**On agenda:** 10/3/2006      **Final action:** 10/3/2006

**Title:** Recommendation to conduct a hearing on the appeal by the appellants (as listed at the end of this agenda) of the Planning Commission certification of the Final Environmental Impact Report (FEIR) and approval of the Site Plan Review, Conditional Use Permit, Tentative Tract Map and Standards Variances related to a proposed Retail-Commercial Center located at 400 Studebaker Road (0308-11) (District 3);

1. Receive supporting documentation into the record, conclude the hearing, deny the appeals and sustain the decision of the Planning Commission to adopt a resolution certifying Final Environmental Impact Report 10-04/SCH No. 2004031093, and adopt a Statement of Overriding Considerations and Mitigation Monitoring Program; and
2. Approve Site Plan Review, Conditional Use Permit, Tentative Tract Map and Standards Variances for the Retail-Commercial Center, subject to conditions.

**Sponsors:** Planning Commission, Planning and Building

**Indexes:** Conditional Use Permit, Environment, Tract Map

**Code sections:**

**Attachments:** 1. 100306-H-2sr&att1, 2. 100306-H-2att2, 3. 100306-H-2att3, 4. 100306-H-2att4.pdf, 5. 100306-H-2handouts, 6. RES-06-0114

Date	Ver.	Action By	Action	Result
10/3/2006	1	City Council	approve recommendation	Pass
10/3/2006	1	City Council	approve recommendation	Pass
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1. Receive supporting documentation into the record, conclude the hearing, deny the appeals and sustain the decision of the Planning Commission to adopt a resolution certifying Final Environmental Impact Report 10-04/SCH No. 2004031093, and adopt a Statement of Overriding Considerations and Mitigation Monitoring Program; and

2. Approve Site Plan Review, Conditional Use Permit, Tentative Tract Map and Standards Variances for the Retail-Commercial Center, subject to conditions.

The proposal consists of the development of a retail-commercial center that includes a 140,000 (approximate) square foot home improvement and garden center, 12,000 square feet of retail space,

and a 6,000 square foot restaurant building, with 752 ground-level off-street parking spaces (see Attachment 1 for additional background information).

The entitlements necessary in order to allow the development to proceed are as follows:

Final Environmental Impact Report, including Findings of Fact, Mitigation Monitoring Program and Statements of Overriding Consideration - To provide the decision-making body and the public with information about the effect the proposed project is likely to have on the environment.

. Site Plan Review - Approval of the site plan and overall project design.

. Conditional Use Permit - To allow the operation of retail uses in an industrial zone.

. Tentative Parcel Map - Approval of the subdivision of the property into two lots.

. Local Coastal Development Permit - The property is in the Appealable Area of the Coastal Zone and requires approval of a coastal permit from the City of Long Beach.

. Standards Variance - The applicant has requested relief from the following standards:

1. Wider curb cuts - The Zoning Ordinance limits driveway and curb cuts to twentyfour feet (24') in width. The applicant is proposing driveways and curb cuts of sixtyeight feet (68'), and thirty feet (30') in width.

2. Less than required open space - PD-1, the Southeast Area Development and Improvement Plan (SEADIP) Ordinance requires a minimum of 30% onsite, usable open space. The proposed plan provides 21.64%. To mitigate this shortfall, the applicant has acquired a 1.37-acre undeveloped parcel of land adjacent to ih Street (the "7th Street property") and is proposing to improve it as a public park. The publicly accessible portion of the parcel adds approximately 5% of open space, for a total of 26.6% (instead of 30%).

### Project Description

The proposal calls for the removal of the majority of the existing tank farm on the site. A small tank will remain in the center of the site, which will be screened from view by a solid block wall and landscaping. The project is organized with three retail pads near Studebaker Road with associated parking and outdoor patio space. The larger home improvement building is located behind the pad buildings along with the main parking area. This site arrangement provides the neighborhood-serving retail along the street frontage, with the large parking area essentially concealed from view behind these buildings.

The applicant has acquired a 59,968-square foot (1.37 acre) undeveloped parcel of land adjacent to ih Street (the "7th Street property"), approximately 3,000 feet from the subject property. The applicant has proposed to improve this parcel with landsc~e and hardscape, with a portion accessible to the public, creating a connection between the 7 Street bike trail to Channel View Public Park.

### Planning Commission Action

A study session was held on May 19, 2006, with the Planning Commission. Topics of discussion included the project description and the draft EIR. Comments and questions were received from the Commission as well as the public.

The Planning Commission conducted a public hearing on August 17, 2006, to consider project permits. During the hearing, 56 individuals spoke on this project with 14 speaking in favor and 39 speaking in opposition and three neutral parties.

The concerns raised by those in opposition of the project included the potential for impacts on the nearby wetlands, traffic impacts, the adequacy of the hazards and hazardous materials and the overall adequacy of the EIR.

After discussion, Commissioner Winn made a motion to certify the FEIR and adopt the Mitigation Monitoring Program. Commissioner Rouse seconded the motion. The motion was passed unanimously. Regarding the remaining permits, Commissioner Winn made a motion to approve the Site Plan Review, Conditional Use Permit, Tentative Tract Map, Standards Variances and adopt the Statement of Overriding Considerations. Commissioner Gentile seconded the motion and the motion passed 4-0.

The Planning Commission made the findings that through the design review and site plan review process of the Planning Bureau, the applicant has presented a project that is self-contained and architecturally refined. The scale of the proposed project blends well with the adjacent neighborhood without being overbearing or obtrusive, since the lower scale buildings are placed along the street and the larger home improvement center is at the rear of the site where the mass and scale are somewhat minimized.

A total of 35 appeals of the Planning Commission decision were filed within the appeal period (see Attachment 2). This includes an appeal by the applicant of staff's determination that the Local Coastal Development Permit is appealable to the California Coastal Commission (CCC). Since the hearing, CCC staff has provided a written concurrence with this determination (See Attachment 3).

## ENVIRONMENTAL ANALYSIS

The appeals to the Planning Commission decision allege that the Final Environmental Impact Report (FEIR) is not adequate pursuant to CEQA guidelines. The City, as the Lead Agency, finds that the FEIR is adequate and this position was supported by the Planning Commission action.

The FEIR identified air quality, public services (solid waste) and traffic as unavoidable significant impacts that would not be reduced to less than significant level with the implementation of the mitigation measures. The Planning Commission considered and certified the FEIR, the Mitigation Monitoring Plan and adopted a Statement of Overriding Considerations for the project. In taking this action, the Planning Commission determined that the public benefits provided by this project outweigh the potential environmental impact.

This report was reviewed by Assistant City Attorney Michael J. Mais on September 15, 2006.

The Long Beach Municipal Code requires appeals to Planning Commission decisions to be transmitted by the Department of Planning and Building to the City Clerk for presentation to the City Council within 60 days following of the receipt of the appeal(s) (or by October 27, 2006).

The project will redevelop an aging, undesirable oil tank farm and replace it with community serving uses that contribute property and sales tax revenues to the City. The project developer will contribute

\$20,000 per year for the life of the project for the repair, maintenance or reconstruction of Loynes Drive.

Approve recommendation.

MATTHEW JENKINS,  
CHAIR CITY PLANNING COMMISSION

NAME Suzanne M. Frick  
TITLE Director of Planning and Building

APPROVED:

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GERALD R. MILLER  
CITY MANAGER