



Legislation Details (With Text)

File #: 21-0641 **Version:** 2 **Name:** Belmont Beach Ord 2
Type: Ordinance **Status:** Adopted
File created: 7/2/2021 **In control:** City Council
On agenda: 7/13/2021 **Final action:** 7/20/2021

Title: Recommendation to declare ordinance amending the Use District Map of the City of Long Beach as said Map has been established and amended by amending portions of Part 5 of said Map from Belmont Pier Planned Development District (PD-2) Subarea 4 to R-4-R (Moderate-Density Multiple Residential), and from PD-2 Subarea 5 to PD-2 Subarea 4, read and adopt as read. (District 3)

Sponsors: Development Services

Indexes:

Code sections:

Attachments: 1. 072021-ORD-20att.pdf, 2. 072021-ORD-20 Corresp. Weinstein.pdf, 3. ORD-21-0026.pdf

Date	Ver.	Action By	Action	Result
7/20/2021	2	City Council	approve recommendation and adopt	Pass
7/13/2021	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 Use District Map of the City of Long Beach as said Map has been established and amended by amending portions of Part 5 of said Map from Belmont Pier Planned Development District (PD-2) Subarea 4 to R-4-R (Moderate-Density Multiple Residential), and from PD-2 Subarea 5 to PD-2 Subarea 4, read and adopt as read. (District 3)

On January 21, 2020, the City Council denied the appeals, adopted an Environmental Impact Report Addendum, amended the Local Coastal Program (LCP) Element of the General Plan, adopted a Zoning Code Amendment to the Belmont Pier Planned Development District (PD-2), adopted a Zone Change, approved a modification to a previous Site Plan Review, approved a Local Coastal Development Permit, and directed the Director of Development Services to submit a LCP Amendment to the California Coastal Commission (Coastal Commission), all related to approval of the Belmont Beach and Aquatics Center (BBAC) project at 4200 East Ocean Boulevard (Application No. 1910-05), which is the replacement facility for the former Belmont Olympic Plaza Pool at 4000 Olympic Plaza.

On February 11, 2021, the Coastal Commission denied the appeals and approved Coastal Development Permit Nos. 5-18-0788, A-5-LOB-17-0032, and A-5-LOB-20-0007 requested by the City of Long Beach (City), subject to conditions, for development of the BBAC project. The Coastal Commission also approved, with modifications, LCP Major Amendment No. LCP-5-LOB-20-0014-1, which amends the Implementing Ordinances and Land Use Plan of the certified LCP to revise the Belmont Pier Planned Development District (PD-2) to allow development of the BBAC.

Because the Coastal Commission approved the LCP amendment with modifications, LCP Amendment No. LCP-5-LOB-20-0014-1 will not be effective for implementation in the City's coastal zone until:

- 1) The City Council adopts the Coastal Commission's suggested modifications;
- 2) The City Council forwards the adopted suggested modifications to the Coastal Commission by Resolution;
- 3) The Executive Director of the Coastal Commission certifies that the City has complied with the Coastal Commission's February 11, 2021 action; and,
- 4) The Coastal Commission concurs with the Executive Director's determination that the action by the City Council adopting the suggested modifications is legally adequate.

The Coastal Commission's requested modifications to the LCP Implementing Ordinance (PD-2) include the following nine subject areas (Attachment A - Coastal Commission Approval of LCP Amendment with Suggested Modifications). These requested modifications are technical in nature and do not change the design of the pool or ability to operate the pool for the recreational needs of Long Beach residents. Each change requested by the Coastal Commission, and staff's response, is discussed below.

· Suggested Modification 1: Ensure that public access and recreational use of the BBAC, beach, and park areas are provided for all people. The Coastal Commission has provided suggested language and staff has incorporated the language into the Ordinance. This change relates to PD-2 in its entirety.

· Suggested Modification 2: Clarify the standard of review and permitting requirements for local CDPs and development located within the Commission's retained jurisdiction. The Coastal Commission provided suggested language establishing Chapter 3 of the Coastal Act as the standard of review with the certified LCP providing guidance. This change relates to PD-2 in its entirety. Staff has incorporated the language into the Ordinance.

· Suggested Modification 3: Remove a reference to an uncertified element of the City's General Plan and add a reference to the applicable LCP component. The Coastal Commission has provided suggested language removing a reference to the Bicycle Master Plan and replacing it with a reference to the version of the Mobility Element of the General Plan that is certified into the LCP. This is a previous version of the Mobility Element, as the effort to certify the current Mobility Element, which includes the Bicycle Master Plan, is still pending with the Coastal Commission. This change relates to an issue essentially unrelated to the BBAC project, but which must be resolved for the amendment to the LCP to proceed. Staff has incorporated the suggested language into the Ordinance.

· Suggested Modification 4: Remove the exception of the BBAC from meeting the LCPs requirement for buildings not to cover more than 50 percent of their lot's area. The Coastal Commission has provided suggested language modifying this development standard in the PD-2 Ordinance. This change relates to PD-2 in its entirety, but directly concerns the BBAC project. After confirming that this change and the Coastal Commission's understanding of the definition of lot coverage will not negatively affect the project plans for the BBAC. Staff has incorporated the suggested language into the Ordinance.

· Suggested Modification 5: Delete language that was already taken out of the certified

LCP pursuant to LCPA No. 1-83 and remove the City's proposed language requiring no new parking be provided for new development in the future. The Coastal Commission has provided suggested language cleaning up the PD-2 Ordinance language to make it consistent with the certified version in the LCP. These changes relate to a 1983 modification that was certified by the Coastal Commission but omitted in error from the City Ordinance. The subject matter is the number of parking spaces allowed in public beach parking lots, both currently and in future buildouts, and is essentially unrelated to the BBAC project, but must be resolved for the amendment to the LCP to proceed. Staff has incorporated the suggested language into the Ordinance.

· Suggested Modification 6: Reinstate the policies approved pursuant to LCPA Nos. 1-82B and eliminate the policies proposed under LCPA No. 2-87 that were previously denied by the Commission. The Coastal Commission has provided suggested language cleaning up the PD-2 Ordinance language to make it consistent with a 1982 modification that was certified by the Coastal Commission but omitted in error from the City Ordinance, and to remove language that was adopted by the City Council but denied certification by the Coastal Commission in 1987. The language in question deals with development standards in Subarea 1 of PD-2 (to be restored to certified 1982 language), and creation of Subarea 4 in PD-2 (denied in 1987 and to be removed from the Ordinance). Both changes are essentially unrelated to the BBAC project, but must be resolved for the amendment to the LCP to proceed. Staff has incorporated the suggested language into the Ordinance.

· Suggested Modification 7: Clarify the new allowable uses in Subarea 5. The Coastal Commission has provided suggested language clarifying the uses allowed in the new Subarea 5 of PD-2 (renumbered Subarea 4 with the deletion of the previous Subarea 4 per the above). These modifications directly concern the BBAC project, and clarify that, in addition to the public aquatics center complex, secondary uses are permitted to support it, such as uses that support beach or aquatics center programming, and storage or maintenance rooms. Staff has incorporated the suggested language into the Ordinance.

· Suggested Modification 8: Modify the access requirements for the new BBAC subarea to reflect the current project description and ensure the proposed project (and future development) protects public access and recreational opportunities. The Coastal Commission has provided suggested language clarifying access requirements to the BBAC subarea of PD-2 and ensuring the preservation of beach access and ocean views. These changes directly concern the BBAC project but do not negatively impact the project design. Staff has incorporated the suggested language into the Ordinance.

· Suggested Modification 9: Distinguish the height of buildings from the height of structures allowed in Subarea 5. The Coastal Commission has provided suggested language clarifying the development standards between the permitted height of buildings (30 feet) and non-building accessory structures (60 feet) such as light standards. These changes directly concern the BBAC project. After confirming that these changes will not negatively impact the project design, staff incorporated the suggested language into the Ordinance.

These recommended modifications to PD-2 and the associated actions for a Zoning Code Amendment, Zone Change, General Plan Amendment to the Local Coastal Program Element, and amendment to the Local Coastal Program Implementation Plan Land Use Map, require City Council approval prior to resubmittal to the Coastal Commission for certification.

Required Approvals and Recommendation

To complete the approvals required for the BBAC project, the following entitlements and approvals are required by the City Council:

- Determination that no further environmental review is required, as this action is statutorily exempt from CEQA per Section 21080.9 of the California Public Resources Code, and Section 15265(a)(1) of the CEQA Guidelines, and note that all required environmental review was completed in the Environmental Impact Report (EIR) prepared for the previous version of the BBAC project (the Belmont Pool Revitalization Project EIR (BPRP EIR), EIR 01-16, State Clearinghouse No. 2013041063), and the EIR Addendum that was subsequently prepared for the current version of the BBAC project;
- Approval of a Zoning Code Amendment to implement the Coastal Commission's suggested modifications to PD-2, an Implementing Ordinance of the LCP;
- Approval of a Zone Change to implement the above Zoning Code Amendment to PD-2;
- Approval of a General Plan Amendment to the Local Coastal Program Element to incorporate the above changes into the City's LCP;
- Approval of an amendment to the LCP Implementation Plan Land Use Map, by amending portions of the Map to make conforming changes, incorporating modifications suggested by the Coastal Commission; and,
- Adoption of a Resolution directing the Director of Development Services to submit the above actions to the California Coastal Commission to complete the modifications requested by the Coastal Commission in their February 11, 2021 approval of the BBAC project and to allow these changes to be certified by the Coastal Commission.

Positive findings as required by the Zoning Regulations and State Planning and Zoning Law for the Zoning Code Amendment, Zone Change, and General Plan Amendment can be made for the changes (Attachment B - Findings). The City Council's discretion in these matters is limited to either accepting or rejecting the changes, no further modifications are possible at this stage in the Coastal Commission review process. Appropriate conditions of approval also have been included for these actions (Attachment C - Conditions of Approval).

This matter was reviewed by Assistant City Attorney Michael J. Mais on June 2, 2021 and by Budget Management Officer Rhutu Amin Gharib on June 21, 2021.

Public Hearing Notice

A 1/8th page notice of public hearing was published in the Long Beach Press-Telegram on June 24, 2021, and total of 3,242 notices of public hearing were also distributed on June 24, 2021, in accordance with the requirements of Chapter 21.21 of the Zoning Regulations. A notice of public hearing also was distributed through the City's LinkLB e-mail system. Any comments received following the preparation and publication of this report will be forwarded to the City Council as they are received.

Environmental Review

As this action is necessary for the preparation and adoption of a Local Coastal Program, it is statutorily exempt from the California Environmental Quality Act (CEQA) per Section 21080.9 of the California Public Resources Code, and Section 15265(a)(1) of the CEQA Guidelines.

Additionally, in accordance with CEQA and the CEQA Guidelines, an Environmental Impact Report (the Belmont Pool Revitalization Project EIR (BPRP EIR), EIR 01-16, State Clearinghouse No. 2013041063) previously was prepared for the prior version of the BBAC project, and certified by the City Council on May 16, 2017. An EIR Addendum was prepared for the redesign of the BBAC project, which is the current version of the project, and was approved by the City Council on January 21, 2020. The revised BBAC project remains subject to the original Mitigation Monitoring and Reporting Program (MMRP) from the BPRP EIR. The current action, which is procedural in nature and consists only of relatively minor modifications to land use regulations, and does not include any direct land use approvals, falls within the scope of the previously certified EIR and the scope of the previously adopted EIR Addendum, and no further environmental review is required.

The Coastal Commission, in its February 11, 2021 approval of the LCP Amendment, set a six-month time limit for the City to adopt the modifications discussed in this report and return them to the Coastal Commission for certification. City action must be completed no later than August 11, 2021, to meet this requirement.

This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. While this recommendation provides the necessary City environmental and planning approvals to construct the proposed project, the recommendation does not commit the City to expend any funds for the proposed project's construction. As a result, this recommendation does not have a fiscal or local job impact.

Approve recommendation.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE USE DISTRICT MAP OF THE CITY OF LONG BEACH AS SAID MAP HAS BEEN ESTABLISHED AND AMENDED BY AMENDING PORTIONS OF PART 5 OF SAID MAP FROM BELMONT PIER PLANNED DEVELOPMENT DISTRICT (PD-2) SUBAREA 4 TO R-4-R (MODERATE-DENSITY MULTIPLE RESIDENTIAL), AND FROM PD-2 SUBAREA 5 TO PD-2 SUBAREA 4

OSCAR W. ORCI
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

THOMAS B. MODICA
CITY MANAGER