



Legislation Text

File #: 23-0106, **Version:** 1

Recommendation to void, vacate and set aside the Planning Commission and City Council prior approvals of a Site Plan Review (SPR20-015), Standards Variance (SV20-006), Conditional Use Permit (CUP20-010), and Lot Merger (LMG20-009), relating to the proposed construction and operation of a three-story, 152,745-square-foot commercial building for self-storage, in conjunction with an accessory recreational vehicle parking lot and patron (private) car wash at 3701 Pacific Place, Long Beach;

Adopt resolution voiding, vacating and setting aside Resolution Number RES-21-0034 in its entirety related to the adoption and certification of Mitigated Negative Declaration MND07-20, adoption of a mitigation monitoring and reporting program (MMRP) and approval of the Pacific Place project located at 3701 Pacific Place, Long Beach, including all findings adopted by the Planning Commission and City Council as part of the Project approvals; and

The In-Site Self Storage (Pacific Place Project) proposal began in 2018, to encourage investment in a 13.95-acre, underutilized property that is zoned Light Industrial (IL). The property is located at the north end of Pacific Place and Ambeco Road directly north of the Interstate 405 Freeway and East of the Los Angeles River. The site was formerly used as a golf driving range (closed in 2007) and golf-related retail shop and equipment rental (closed in 2015). Prior to the golf uses, the site included an oil brine water treatment facility for on and off-site oil production activities and oil well drilling. This oil related use was established in the 1920's and activities included pumping of oil brine to oil sumps (evaporation and treatment ponds). As a result of these treatment activities, water seepage into the subsurface below the sumps caused a sludge residue on-site. Oil drilling took place on-site between the 1930's and 1980's. All 13 wells were abandoned between 1961 and 2014.

On December 17, 2020, the Planning Commission approved the Pacific Place Project, a three-story, 152,745-square-foot self-storage building consisting of 1,132 storage units, approximately 6,200 square feet of office space, a 2,153-square-foot accessory car wash to service onsite (patron) vehicles only, and a paved Recreational Vehicle parking lot consisting of 578 parking stalls. Entitlements for the approval included Site Plan Review, Standards Variance, Conditional Use Permit (CUP), and Lot Merger (collectively, the "Project Approvals"). The Planning Commission also recommended that the City Council approve a zone change from IL to Commercial Storage to facilitate the proposed development in the IL Zoning District.

For the environmental review under the California Environmental Quality Act (CEQA), an Initial Study/Mitigated Negative Declaration (IS/MND-07-20) for the project was prepared and found that by implementing identified mitigation measures, the project would not result in

significant effects to the environment. The IS/MND was circulated for a 30-day public review and comment period between October 19, 2020, through November 16, 2020. The Planning Commission accepted the IS/MND. Six appeals of the Planning Commission's recommendation to the City Council and decision to approve the project and accept the IS/MND were submitted by the appeal deadline.

On April 13, 2021, the City Council held a do novo (new) appeal hearing on the project and following the public hearing the City Council upheld the Planning Commission's approval of the Project Approvals and further adopted a Resolution certifying the Mitigated Negative Declaration and adopting a Mitigation Monitoring and Reporting Program and adopted an Ordinance approving the proposed Zone Change.

On May 12, 2021, The Riverpark Coalition and the Los Angeles Waterkeepers (Petitioners) filed a lawsuit, Petition for Writ of Mandate, against the City of Long Beach (City) and the Applicants of Long Beach, for various alleged CEQA violations.

The Judge in the matter heard arguments on two dates, June 22 and July 22, 2022.

On October 19, 2022, the Judge granted the Petition for Writ of Mandate in favor of the Petitioners against the City and Applicants and ordered the City to set-aside its approvals of the project until proper CEQA compliance. The judgement was entered by the Court on December 13, 2022.

Staff is requesting that City Council take the requested action to set aside the previous approvals of the Pacific Place Project in order to timely comply with the Court's order.

It has been agreed to by the applicant and the City that a Focused Environmental Impact Report (Focused EIR) will be completed for the proposed development which will include an additional detailed review and analysis of those focus areas that were the subject of the litigation. A draft of the Focused EIR will be made available for public review and comment, after which a final EIR will be published. Once the Focused EIR is completed, the Planning Commission and City Council may consider reapproving the Pacific Place Project. Meanwhile, the Pacific Place Project Applications for the Site Plan Review, Standards Variance, CUP, Lot Merger and Zone Change will remain on hold and no further applications will be considered, nor permits issued within the project area. If the Pacific Place Project is reapproved, these and any other projects within the project area may then proceed.

This matter was reviewed by Deputy City Attorney Erin Weesner-McKinley on January 23, 2023 and by Revenue Management Officer Geraldine Alejo on January 9, 2023.

Due to the time sensitive nature of the ongoing litigation, it is requested that this item be considered as soon as possible. The next available City Council meeting is February 7, 2023.

There is no fiscal or local job impact associated with this recommendation. The applicant will be responsible for costs associated with additional environmental review, including completion of a required Focused Environmental Impact Report. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities.

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APPROVED:

THOMAS B. MODICA
CITY MANAGER