



Legislation Text

File #: 17-0956, Version: 1

WITHDRAWN

~~Recommendation to receive supporting documentation into the record, conclude the public hearing, and adopt resolution certifying a Final Environmental Impact Report (EIR 05-16, State Clearinghouse No. 2014031059); and~~

~~Deny the appeal of the Coalition for Responsible Equitable Economic Development (CREED), represented by the law firm of Adams Broadwell Joseph and Cardozo, and uphold the Planning Commission's decision to approve a Site Plan Review and Local Coastal Development Permit for construction and operation of the 2nd & PCH Project, a commercial shopping center containing up to 245,000 square feet of retail and restaurant uses at 6400 East Pacific Coast Highway. (District 3)~~

On September 7, 2017, the Planning Commission held a public hearing and approved, with conditions, a commercial shopping center on a 10.93-acre site at 6400 E. Pacific Coast Highway (PCH) known as the 2nd & PCH Project (Project). The Project site is located in Subarea 17 of the Southeast Area Development and Improvement Plan (SEADIP), also known as PD-1, and within General Plan Land Use District Number 7 - Mixed Uses (LUD 7), a district established to vitalize sites and establish activity centers with a mix of uses, including retail-commercial and open spaces.

The Project site is bounded by 2nd Street to the north, PCH to the east, a retail shopping center (Marina Shores) to the south, and Marina Drive to the west (Exhibit A - Location Map). The Project proposal would replace the existing currently vacant SeaPort Marina Hotel, surface parking areas and associated amenities on the Project site with a visitor-serving commercial shopping center totaling up to 245,000 square feet of gross floor area. The proposal includes approximately 95,000 square feet of retail uses, a 55,000-square-foot grocery store, a 25,000-square-foot fitness/health club, and 70,000 square feet of restaurant uses (made up of 40,000 square feet of full service dining, 25,000 square feet of fast casual dining, and 5,000 square feet of ready-to-eat dining). The proposed uses would be located in four buildings, with three buildings fronting PCH and one building fronting Marina Drive (Exhibit B - Project Site Plans). The Project would consist of one- and two-story buildings, ranging in height from 30 feet to a maximum of 35 feet. A total of 1,150 on-site parking spaces, a ratio of approximately 4.7 parking spaces per 1,000 square feet of gross floor area, would be provided within two main parking structures, including a second-level parking deck above some of the single-story uses, and a parking structure on the southern portion of the site with three levels, plus rooftop parking. Landscaped courtyards and open space areas would also be provided throughout the Project site.

The Project site is designated as Land Use District (LUD) No. 7, Mixed Use District, in the City's General Plan. As set forth in the General Plan, land uses intended for LUD No. 7 include employment centers such as retail uses, offices, and medical facilities; higher density residential; visitor-serving facilities; personal and professional services; and, recreational facilities. The Project site is also located within the Coastal Zone and is therefore subject to the requirements of the City's Local Coastal Program.

The Project's zoning is Subarea 17 of the Southeast Area Development and Improvement Plan (SEADIP), also known as Planned Development District 1 (PD-1). SEADIP is the applicable zoning district for the Project site. Although in September 2017, the City Council approved the Southeast Area Specific Plan (SEASP) to replace SEADIP as the zoning district for this southeastern part of Long Beach, SEASP will not become effective until the California Coastal Commission certifies it, which is not anticipated for at least another year. Therefore, SEADIP will continue to be the Project zoning district through the appeal process and statute of limitations period after the City Council appeal hearing. As described in the SEADIP, this zoning designation is intended to provide for a community of residential, business, and light industrial uses integrated by an extensive system of parks, open space, and trails. SEADIP states that Subarea 17 is fully developed in accordance with the Retail Center (CR) zone. Based on modifications to the City's Zoning Regulations, the CR zone now corresponds to the City's Community Commercial Automobile-Oriented (CCA) district. In accordance with the Long Beach Municipal Code, uses allowed in the CCA district include retail and service uses for an entire community such as convenience and comparison-shopping goods and associated services. The proposed Project commercial land uses (retail, restaurant, and personal service) are all permitted land uses in the CCA zoning district.

The retail and commercial uses would be located within a series of one- and two-story structures situated along PCH and Marina Drive, with landscaped setbacks along the adjacent street frontages. The PCH frontage would be characterized by extensive landscaping and a series of one-story structures (with intermittent taller architectural elements) and second-level (i.e., rooftop) parking. These buildings would feature varied rooflines, but would not exceed the SEADIP maximum height of 35 feet. Along Marina Drive, the Project would provide a landscaped setback and include a two-story structure of up to 35 feet in height, which would include retail, fast-food, and ready-to-eat restaurant uses with outdoor seating patios on the ground level and full-service restaurant uses with outdoor seating patios and terraces on the upper level offering ocean views and enhancing the waterfront experience.

The Project integrates various architectural and pedestrian elements throughout the buildings to create a unique community destination, with the design of major tenants expressing their individuality. The result is a diverse architectural vocabulary typical of mature urban environments that have organically evolved over time (See Exhibit C - Project Elevations/Materials). The Project design includes a variety of surface materials colors, and varying rooftop designs to create horizontal and vertical articulation, including elements that provide visual interest and reduce building massing. All glass used in the building facades

would be non-reflective bird-safe glass designed to meet California Building Code Title 24 requirements.

Landscaped pedestrian pathways would be provided along the site perimeter and landscaped pedestrian-oriented open space areas, such as a plaza and paseos, would be provided within the site interior (Exhibit D - Project Landscape Plans). Any on-site or street trees removed during construction would be replaced in accordance with the City's Tree Maintenance Policy. Project landscaping would include water conservation features such as drought-tolerant plantings and use of a water-efficient sprinkler system to reduce landscaping water use by at least 20 percent.

Project signage would include monument signs, area identification signs, tenant identification wall signs, directional signage, and wall signs for advertising purposes within the interior of the site, as well as on the street front facades and window signs on retail storefronts. All signage would be visually integrated with the Project and would feature colors and lighting that would be complementary to the architectural design of the Project buildings. The Project Conditions of Approval include a requirement (Condition No. 10) that the applicant submit a Master Sign Program for review and approval by the Site Plan Review Committee (Exhibit E - Conditions of Approval).

The Project would incorporate features to support and promote environmental sustainability. "Green" principles have been incorporated in the Project to comply with the City of Long Beach Green Building Ordinance (Ordinance No. ORD-09-0013) and the sustainability intent of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) program. Per Section 21.45.400 of the Zoning Code, the Project will be required to meet the equivalent of LEED at the Certified level. The Project would attain LEED Certification (or equivalent) by incorporating a variety of transportation-related, energy conservation, water conservation, waste reduction, sustainable construction material, and indoor air quality features.

The Project as proposed would be in compliance with all applicable SEADIP general development standards involving building height, street setbacks, and usable open space. All Project buildings would be no more than 35 feet in height, which is the maximum permitted building height for non-residential uses in SEADIP. The Project would exceed the SEADIP requirement that a minimum of 30 percent of the site be usable open space. All Project buildings would also comply with the SEADIP minimum setback of 20 feet from all public streets.

As discussed above, the Project buildings would consist of one- and two-story structures, ranging in height from approximately 30 feet to no more than the SEADIP maximum building height of 35 feet. The buildings fronting PCH would provide a variety of retail uses and feature varied rooflines within this required building height limit. More specifically, the PCH frontage would be characterized by extensive landscaping to screen the structures and second-level parking from street-level view. For Marina Drive, the Project would provide a

landscaped setback with a 35-foot-tall two-story structure including ground floor outdoor patios, second floor outdoor seating patios, and terraces.

In terms of usable open space, while SEADIP specifically excludes building footprints, streets, parking areas, and sidewalks adjacent to streets from usable open space calculations, usable open space areas would include pedestrian seating, enhanced paving, planters, and accent trees. Landscaping would be introduced in setbacks around the Project site perimeter. In total, approximately 146,797 square feet (approximately 3.37 acres) of open space would be provided on-site. This open space acreage represents over 31 percent of the Project site 10.77 net acres and 30.8 percent of the Project site 10.93 gross acreage. Therefore, the Project would exceed the SEADIP general provision that a minimum of 30 percent of the site be developed and maintained as usable open space.

Vehicular access to the Project site would be via driveways on PCH, Marina Drive, and 2nd Street. Two driveways located on PCH would provide access to the two-way drive aisle (Main Street) within the site interior, connecting to parking structures at the northern and southern ends of the site. Three driveways would access Marina Drive, with the southern driveway providing direct access to the southern parking structure, the northern driveway providing direct access to the northern parking structure, and the middle driveway providing access to the northern parking structure, as well as the interior Main Street. In addition, a driveway on 2nd Street would provide right-in/right-out access to the northern parking structure. At the September 7, 2017 public hearing, the Planning Commission approval added a condition that within one year of the Project attaining full occupancy, the applicant shall submit to the City a full report on the 2nd Street entry/exit functionality that assesses whether traffic conditions warrant converting this Project access feature to right-in only, no egress out (Condition No. 43).

Pedestrian access to the site would be provided by sidewalks along PCH, Marina Drive, and 2nd Street, as well as by crosswalks at the PCH/2nd Street and Marina Drive/2nd Street intersections. Landscaped pedestrian pathways are featured throughout the site, including around the perimeter of the proposed buildings and parking structures and through the plaza and paseos, in addition to crosswalks across Main Street within the site interior.

The parking structures located at the northern and southern ends of the Project site, along with a second-level parking deck located above the proposed single-story structures, would provide the on-site parking spaces. The northern parking structure would include both ground-level parking and a second-level (rooftop) parking deck. This parking deck would extend above the adjacent single-story grocery store (fronting PCH by the PCH/2nd Street intersection) and southerly above the other single-story buildings along PCH. The parking deck would also connect to the southern parking structure, which would include three levels plus rooftop parking with a maximum height of 35 feet. The Parking upper levels of this structure would extend over the southernmost buildings on-site.

The Project proposes a parking supply that would be less than the minimum parking

requirements set forth in Chapter 21.41, Off-Street and Loading Requirements, of the City's Zoning Code (Title 21 of the Long Beach Municipal Code). The Project meets the Zoning Code definition of a shopping center (per Section 21.15.2480, a commercial land use consisting primarily of retail sales uses and consisting of three or more lease areas on a single recorded lot), and would, therefore, be subject to the shopping center parking requirement of five parking spaces for every 1,000 square feet of gross floor area (with detached fast-food restaurants calculated separately). The Project's 245,000 square feet of gross floor area would require a minimum of 1,225 parking spaces under the shopping center parking requirement. The Project proposes a total of 1,150 on-site parking spaces, which would be a ratio of approximately 4.7 spaces per 1,000 square feet of gross floor area rather than the Code required five per 1,000 square feet minimum standard. However, per Zoning Code Section 21.41.219, shopping centers of 150,000 square feet or more may submit a parking demand study to reduce the standard shopping center parking ratio, if it can be demonstrated that the proposed parking supply would be adequate to meet projected peak parking demand.

A Parking Demand Analysis (Parking Study) dated April 10, 2017, was prepared by Linscott Law & Greenspan (LLG), and submitted to the City for consideration (Exhibit F - Parking Study). This Parking Study acknowledges that the specific Project tenancy mix provides an opportunity to share parking spaces, since this mixing of land uses typically results in an overall parking need that is less than the sum of the individual peak requirements for each land use. This Study found that the 1,150 proposed parking supply would be sufficient to meet the projected peak parking demands of the proposed Project land uses. Specifically, the weekday peak demand scenario would create a demand for up to 1,131 parking spaces (19 spaces less than the proposed parking supply), while the weekend peak demand would require up to 1,134 parking spaces (16 spaces less than proposed supply). This Study concludes that, with inclusion of a Parking Management Plan, the proposed Project parking supply would be sufficient and allowable under the provisions of the Zoning Code.

The Parking Management Plan (PMP) outlines the proposed allocation of on-site parking spaces and key parking management strategies to maximize the availability of parking for Project customers and employees. Specific PMP measures relative to the employees' parking operation and short-term parking for customers were developed based on the following objectives: (1) the PMP should identify where the employees park within the Project site; and, (2) the PMP should identify the locations of short-term parking spaces for service retail uses and/or food uses (take-out/curb side service, etc.). This Study anticipates that approximately 200 to 220 on-site parking spaces will be required to accommodate employee parking demand during the weekday and weekend peak hours. The PMP measures recommended by this Study are:

- The applicant shall work with shopping center tenants to implement an employees' parking program, with the goal of providing convenient and accessible shopping experiences for customers by allocating the most desirable parking spaces for customers use. The location of designated employee parking spaces will be

developed in collaboration between the applicant and the tenants. Although the employees parking spaces will be identified with a white or yellow circle, these spaces would also be available for customer use.

- The applicant shall work with shopping center tenants to identify the need for “short-term/time restricted spaces” on an as-needed basis, dependent on the needs of the retail and/or restaurant uses. The short-term spaces may be used for “curbside/take-out” and/or for service retail-type users. The number and location of parking spaces will be determined by the applicant and future tenants.
- The applicant shall work closely with the tenants to ensure that both employees and property management work together to provide the best shopping experience for the customers, as well as allowing the most desirable parking spaces to be accessed by customers rather than employees.

The Project would implement transportation demand management (TDM) measures to reduce vehicle trips and encourage the use of public transit. These measures include appropriate bicycle parking facilities; vanpool/carpool for employees, loading/unloading and parking areas; preferential parking spaces for employees’ carpool/vanpool vehicles; and, a bulletin board/kiosk displaying information regarding bus schedules and routes, ridesharing, bike routes, and carpool/vanpool opportunities. Additionally, a rideshare drop off/pickup area, as well as concierge services would also be provided.

The Project as proposed would require approval of the Site Plan Review and Local Coastal Development Permit requests (Exhibit G - Findings of Approval). Site Plan Review approval by the Planning Commission is required for all commercial projects with 50,000 square feet or more of new construction. The Project would meet the required Findings for Site Plan Review approval. The Project design is harmonious, consistent, and complete within itself, and is compatible in design, character, and scale with neighboring structures and the surrounding community. The Project conforms to the SEADIP general development standards and to the commercial standards of the CCA zoning district that apply to the Project site. Although some mature project sites and street trees would be removed during construction, the Project would result in substantial improvements to both the quantity and quality of the Project site landscaping. The proposed utility and public infrastructure improvements in and around the Project site have been reviewed by City staff and have been found to be necessary for the Project’s function and success. The Project would conform to all requirements of the City’s Transportation Demand Management Ordinance. Also, the Project would incorporate “Green” principles to comply with the City’s Green Building Ordinance.

The Project site is located in the Coastal Zone, specifically in the non-appealable part of the City Coastal Permit jurisdiction. Since the Project site is within the City jurisdiction area, Zoning Code Section 21.25.903 requires a Local Coastal Development Permit for all projects that require additional discretionary review, such as a Site Plan Review. Since the Project

site is in the non-appealable portion of the City Permit area, City approval of a Local Coastal Development Permit would not be appealable to the California Coastal Commission (although any approval by the Planning Commission is appealable to the City Council, which would have the final local discretionary approval authority).

The Project is located in the SEADIP Community Plan area of the City's Local Coastal Program (LCP). The SEADIP Planned Development Ordinance was adopted by reference as an integral part of this LCP. As this Project conforms to the SEADIP general development standards, and also the land use and development standards for the Project site SEADIP location (Subarea 17), the Project conforms to the SEADIP Community Plan provisions of the LCP. The Project also conforms to the applicable LCP General Policies, including the General Transportation Policy that all new construction should be required to provide adequate on-site parking. Since the Project would not displace or relocate any existing housing, construct any new housing units, or involve development located seaward of the nearest public highway to the shoreline, positive Findings can be made for this Project proposal.

There have been several outreach meetings held within the last year by the applicant team and community groups to inform the public and seek public input on the Project proposal. These meetings are summarized as follows:

- November 3, 2016: Meeting organized by Friends of Belmont at St. Bartholomew Church. Attendance approximately 75-100.
- November 19, 2016: Community Open House held in the ballroom at SeaPort Marina Hotel (Project site). Attendance approximately 150.
- May 4, 2017: Meeting organized by Friends of Belmont at St. Bartholomew Church. Attendance approximately 30-40.
- May 13, 2017: Environmental Impact Report Open House held at the Gaslamp restaurant. Attendance approximately 100.

Separate from this proposed Project, the City is undertaking the Marina Drive "Complete Street" Improvement Project (Marina Drive Project), which involves multimodal improvements along Marina Drive between 2nd Street and Studebaker Road in an effort to accommodate anticipated growth in the southeastern area of the City. These improvements are planned to include lane restriping to provide two continuous vehicular travel lanes in each direction (alternatively, the City is considering a "road diet" along this segment of Marina Drive, thus providing a single lane in either direction); a Class II bike lane in either direction, with the northbound bike lane separated from traffic by a three-foot buffer; clearly marked on-street parking in the northbound direction along all but the southernmost segment near Studebaker Road; reconfiguration of the northernmost Alamitos Bay Marina driveway to align with an existing driveway at the 2nd & PCH Project site and installation of a traffic signal at this

intersection; landscaped median enhancements with appropriate turn pockets; new pedestrian crossings, including a mid-block crossing adjacent to the 2nd & PCH Project frontage; new sidewalks where there are gaps in the existing sidewalks thereby providing a continuous sidewalk on the east side between 2nd Street and Studebaker Road; new streetscaping; and, potentially a new bus stop or shelter should the City's transit and/or shuttle service be expanded to Marina Drive. These improvements proposed by the City's Public Works Department are anticipated to be completed in 2018.

The Planning Commission held a public hearing on September 7, 2017, to consider certification of the Final Environmental Impact Report (EIR) and approval of the Site Plan Review and Local Coastal Development Permit requests. Over 30 members of the public provided testimony at this hearing, including some who expressed general support for the Project. Several public speakers represented various local unions and inquired about the Project commitment to local hiring, wages, and union participation. Concerns regarding Project traffic, air quality, and greenhouse gas emission impacts were raised by several speakers. Concerns on EIR impact analysis were also raised by Warren Blesofsky of Long Beach Citizens for Fair Development and representatives of the Coalition for Responsible Equitable Economic Development (CREED). In addition, a representative for the City of Seal Beach requested a continuance of the public hearing until the Cities of Seal Beach and Long Beach could reach an agreement on addressing Project potential impacts to Seal Beach intersections.

On September 14, 2017, Warren Blesofsky, representing Long Beach Citizens for Fair Development, filed a timely appeal of the Planning Commission's September 7, 2017, actions (Exhibit H - Citizens for Fair Development Appeal). On October 3, 2017, Mr. Blesofsky submitted a letter to the Development Services Department formally withdrawing his appeal application (Exhibit I - Citizens for Fair Development Appeal Withdrawal Letter).

On September 18, 2017, the City processed a timely appeal filed by the law firm of Adams Broadwell Joseph & Cardozo, representing the Coalition for Responsible Equitable Economic Development, also known as CREED (Exhibit J - CREED Appeal). In a September 7, 2017, letter submitted as part of the appeal filing, the appellant maintained the EIR air quality and GHG analyses were deficient, alternative traffic mitigation measures should be included, and the Statement of Overriding Considerations should address employment opportunities for highly trained workers as a Project benefit. This appeal filing also included a copy of the June 9, 2017, comment letter from the appellant on the Project Draft EIR.

Responses to the issues raised by the appellant are provided by both the applicant (See Exhibit K - Applicant Response to Appellant) and by Eyestone Environmental, the environmental consultant for this Project (Exhibit L - Eyestone Environmental Response to Appellant).

Staff finds the appeal to be without merit and recommends the City Council uphold the decision of the Planning Commission as outlined in the proposed Resolution.

This matter was reviewed by Assistant City Attorney Michael J. Mais on October 5, 2017 and by Revenue Management Officer Geraldine Alejo on October 6, 2017.

Public hearing notices were distributed on October 4, 2017, and no responses were received as of the date of preparation of this report.

ENVIRONMENTAL REVIEW

An Environmental Impact Report (EIR 05-16, State Clearinghouse No. 2014031059) has been prepared and made available for public review and comment in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines (Exhibit M - Final EIR 05-16). The Notice of Preparation (NOP) and Initial Study public comment and review period started on November 17, 2016 and ended on January 9, 2017. The NOP was posted with the Los Angeles County Clerk on November 16, 2016, and published in the Long Beach Press-Telegram on November 17, 2016. The Notice of Completion (NOC) for the NOP and Initial Study was filed with the State Clearinghouse on November 17, 2016. The Initial Study determined that several environmental factors, including traffic, involved at least one impact that could be a Potentially Significant Impact and, therefore, an Environmental Impact Report would be required for the Project. The NOP, Initial Study and NOP comment letters are provided in Appendix A of the Draft EIR.

The Draft EIR public review and comment period started on April 21, 2017 and ended on June 5, 2017. The Notice of Availability (NOA) for this Draft EIR was posted with the Los Angeles County Clerk on April 20, 2017, and published in the Long Beach Press-Telegram on April 21, 2017. The NOC for the Draft EIR was filed with the State Clearinghouse on April 21, 2017. The written comments received during this Draft EIR public comment period and the City's responses to these comments are included in the Final EIR. The City, as Lead Agency under CEQA for this EIR environmental review process, has determined that none of issues raised in the comments on the Draft EIR would require substantial revision and recirculation of the Draft EIR.

The Final EIR, which includes the Draft EIR, Responses to Comments, Mitigation Monitoring and Reporting Program, errata, and corrections, was posted on the City's website and distributed to commenting agencies. Consideration of this Project by the City Council includes certification of the Final EIR. Since this Project includes significant impacts after mitigation, the City Council is also requested to adopt a Statement of Overriding Considerations. The Final EIR is 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.

City Council action is requested on October 24, 2017, as 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 the Planning Commission public hearing.

There is no fiscal or local job impact associated with this recommendation.

Approve recommendation.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH RE-CERTIFYING THAT THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE 2ND & PCH PROJECT (STATE CLEARINGHOUSE NO. 2014031059) HAS BEEN COMPLETED IN ACCORDANCE

WITH THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND STATE AND LOCAL GUIDELINES AND MAKING CERTAIN FINDINGS AND DETERMINATIONS RELATIVE THERETO; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

PATRICK H. WEST
CITY MANAGER