



Legislation Text

File #: 19-1194, **Version:** 1

Recommendation to receive supporting documentation into the record, conclude the public hearing;

Adopt resolution certifying the revised Program Environmental Impact Report (EIR 03-16) based on the final set of maps approved by the Council on March 6, 2018, together with a Mitigation Monitoring and Reporting Program (MMRP) and Statement of Overriding Considerations (SOC);

After more than ten years of effort, the City Council voted to approve the General Plan Land Use Element PlaceType and Height Maps and directed staff to update the Program Environmental Impact Report (PEIR) at its March 6, 2018 meeting. Since that time, City of Long Beach (City) staff has been working to update the PEIR for the Land Use Element (LUE) and its companion Urban Design Element (UDE), as required by the California Environmental Quality Act (CEQA). The revised PEIR is based on the final set of maps approved by the City Council in March 2018, as well as the updated text in the LUE and UDE plans, which include technical changes to ensure consistency with the map changes and the revised CEQA analysis. On October 17, 2019, the Planning Commission held a public hearing and recommended that the City Council certify the revised PEIR and adopt the revised LUE and UDE.

The City's General Plan is a policy document required by State law that establishes the goals and policies that will guide growth and development in the City through 2040. The LUE, one of the seven state-mandated components, has not been updated since 1989. The General Plan update aims to guide the City to a more sustainable future, improve mobility choices, expand transit access, improve air quality, reduce greenhouse gas emissions, and accommodate growth projections in accordance with State law. The proposed LUE and UDE (Plan) accommodates the City's population and employment projections through 2040, while also advancing goals for open space, active living, improved urban design, sustainability, and overall quality of life.

The Plan would replace the existing LUE and Scenic Routes Element (Attachments A, B). The proposed LUE would introduce the concept of PlaceTypes, which would replace the approach in the existing LUE of segregating property within the City through traditional land use designations and zoning classifications (Attachment C). The LUE uses PlaceTypes to create distinct neighborhoods, allowing for greater flexibility and a mix of compatible land uses within these areas. The UDE defines the physical aspects of the urban environment and facilitates the PlaceTypes established in the LUE (Attachment D). The intent of the UDE includes creating attractive and vibrant places, ensuring appropriate scale and massing for

the neighborhood context based on PlaceTypes, improving the urban fabric and public spaces, and defining edges, thoroughfares, and corridors. The LUE PlaceType and Height Maps of the updated LUE will replace the existing General Plan Land Use Designation (LUD) maps (Attachment E). The City's GIS map database has been updated to reflect the parcel-level amendments to the General Plan from the existing LUD to the appropriate PlaceType and Height and is the official record of the City for determining a property's PlaceType at the parcel level.

Compared to the PlaceType and Height Maps analyzed in the 2016 EIR, many areas experienced a reduction in PlaceType intensity and/or maximum height allowance. A full description of these changes is included in PEIR Section 3.0: Project Description of the revised PEIR, including Figures 3.7 and 3.8, which depict all changes in PlaceType and Height designations and provide a comparison between the 2016 maps and the final 2018 maps.

Updating the PEIR involved revising the project description to reflect the LUE text and map changes, updating the baseline year to 2018, and working with technical experts in transportation modeling, population forecasting, greenhouse gas emissions modeling and analysis, and more. The purpose of the updated analyses is to identify and disclose potential environmental impacts and feasible mitigation measures in accordance with CEQA.

CEQA requires recirculation of an Environmental Impact Report (EIR) when significant new information is added after public notice is given of the availability of the Draft EIR, but before certification of the EIR. In this instance, recirculation was required, due to the substantial changes made to the LUE maps after the first PEIR was circulated for public review in the fall of 2016. The revised EIR fully analyzed the revised project and has been substantially updated to reflect changes to the maps and plans (Attachment F).

Similar to the 2016 EIR, the revised EIR analysis found that all impacts can be reduced to a less than significant level with adherence to Standard Conditions and prescribed mitigation measures, with the exception of impacts related to air quality, global climate change, and transportation. The only new impact found to be significant and unavoidable relates to noise. The 2016 EIR did not find noise impacts to be significant, but, given that the timing and extent of future construction-related noise is unknown, the revised EIR finds this impact to be significant and unavoidable; this conclusion represents a more conservative analysis. Pursuant to CEQA, all required environmental impacts and project alternatives have been considered, and in light of this analysis, the proposed project has been found to provide the only acceptable alternative, despite potential future environmental impacts. CEQA's Findings of Fact and Statement of overriding Considerations is included (Attachment G).

State law includes various consistency requirements for General Plan Elements. The LUE and UDE are designed to work together, and upon adoption, will be consistent with each other. The Plan is also consistent with all remaining required and optional elements of the Long Beach General Plan. The Plan has been prepared consistent with the Governor's Office

of Planning and Research (OPR) Guidelines published in July 2017, and within the framework of California Government Code §65300 (Authority for and Scope of General Plans), as determined in the Findings report of the LUE General Plan Amendment (Attachment H). The focus of the Plan is to sustainably accommodate housing need and job-generating uses while improving the quality of the built environment in the City, and specific policies are in place to assure safety, quality design and to protect historic structures.

Based on the City Council's action in March 2018, staff made technical changes to the Plan text to ensure consistency with the map changes (Attachment I). Text in the Plan has been updated with technical changes to align with the final maps, to correct minor errors, and to address environmental impacts identified through the environmental review process. Updates and corrections to the Plan text are included (Attachment J).

As required by State CEQA Guidelines Section 15087, a Notice of Completion (NOC) of the Recirculated Draft EIR was filed with the State Clearinghouse on June 18, 2019, and a Notice of Availability (NOA) for the proposed project was filed with the Los Angeles County Clerk on June 18, 2019. The recirculated Draft EIR was circulated for public review for an extended period of 60 days, from June 18, 2019 to August 16, 2019, longer than the mandatory 45-day review period. The NOA and/or copies of the recirculated draft EIR were distributed to all responsible agencies and to the State Clearinghouse in addition to various public agencies, citizen groups, and interested individuals. Copies of the recirculated Draft EIR were also made available for public review at the Department of Development Services at City Hall, at all local libraries in the City, and on the City's website. Prior commenters on the Plan were notified of its availability, including all those who commented on the previous PEIR in 2016 and attendees who signed-in and provided their email addresses during the 2017 outreach process. The 2016 EIR is still part of the administrative record (Attachment K).

A total of 17 letters commenting on the recirculated Draft EIR were received during the public review period or immediately thereafter. Comments were received from State and local agencies, as well as interested individuals. Comments that address environmental issues are responded to in the Final EIR. Comments that (1) do not address the adequacy or completeness of the recirculated Draft EIR; (2) do not raise environmental issues; or (3) request the incorporation of additional information not relevant to environmental issues do not require a response, pursuant to Section 15088(a) of the State CEQA Guidelines. However, the City has attempted to provide a response to each comment in the Final EIR. Information provided in the response to comments in the Final EIR clarifies, amplifies, or makes minor modifications to the recirculated Draft EIR. No significant changes have been made to the information or analysis contained in the recirculated Draft EIR because of the responses to comments, and no significant new information nor any new mitigation measures have been added that would require recirculation of the recirculated Draft EIR document.

On October 17, 2019, the Planning Commission held a public hearing, and it was recommended that the City Council certify the 2019 revised PEIR and adopt the revised Plan. The staff report to the Planning Commission and all public comments received for that

hearing are included (Attachment L).

LUE Implementation

Adopting the Plan sets the broad policy framework and follow-up required to implement the proposed Plan policies. The LUE contains 110 Citywide implementation measures and various neighborhood strategies. The UDE contains another 70 implementation strategies. One of the primary means for implementing these plans is a phased approach to updating the City's Zoning Code. This includes development of new zones to implement the LUE PlaceTypes, since many of the PlaceTypes proposed cannot be supported by existing zones. These updates will also be phased in geographically, which has already begun in the work to develop the Uptown Land Use Planning and Neighborhood Strategy (UPLAN) in North Long Beach. In addition to developing new zones, other updates to development standards and procedures will be made to the Zoning Code. One example for which progress has already been made are the updates to drive-through regulations in the City's Zoning Code. There are LUE implementation measures related to diminishing the impact of drive-through facilities on the pedestrian environment. This has already been achieved when earlier this year, the City Council adopted modifications to the drive-through regulations of the code.

Development of the City's first ever Climate Action and Adaptation Plan (CAAP) is a mitigation measure of the LUE and will help to execute many of the sustainability-related implementation actions in the LUE. Staff have made significant progress in working with the community to develop the CAAP, which will be the framework for creating a more sustainable and resilient City. Given that 95 percent of greenhouse gas emissions in Long Beach come from the transportation and building sectors, land use regulations are critical to the City's ability to achieve its climate goals by fostering complete communities that allow people to drive less, creating more efficient housing and buildings, preserving and enhancing open spaces.

As with the UPLAN, CAAP, and drive-through regulations processes, staff will continue to work closely with residents, community partners, and neighborhoods to conduct community engagement per the updated outreach policies and practices that have been implemented by the Planning Bureau over the past year based on direction by the City Council and requests for implementation and reporting set forth on March 6, 2018 (Attachment M). Staff will continue to work towards monitoring, implementation, and reporting back on the LUE, per the City Council's direction.

Public Hearing Notice

The required public hearing notice was provided in accordance with the Long Beach Municipal Code (LBMC). A public hearing notice was published in the Long Beach Press-Telegram and in the Grunion Gazette, public hearing notices were mailed to the California Coastal Commission and all City libraries, and three public hearing notices were posted in public places within the City. No comments have been received as of the preparation of this report.

Environmental Review

In accordance with CEQA guidelines, a PEIR (EIR 03-16) has been prepared for this project and was circulated for public review. The 2019 revised PEIR reflects the updated project and is the version of the EIR and plans being considered for adoption. CEQA requires a Lead Agency to prepare an EIR for any project that may have a significant environmental effect that cannot be mitigated. For plans such as the LUE and UDE, the City prepares a PEIR, which is a type of EIR document designed to consider "broad policy alternatives and program-wide mitigation measures" [CEQA Guidelines §15168(b)(4)]. Subsequent activities, such as development projects or other legislative actions that would be undertaken by the City to implement the LUE and UDE that occur as a result of approval and certification of a PEIR must be further evaluated in light of the PEIR to determine whether or not an additional environmental document must be prepared, depending on whether it is found that new environmental effects could occur and whether new mitigation would be required.

This matter was reviewed by Assistant City Attorney Michael J. Mais and Budget Analysis Officer Julissa José-Murray on November 12, 2019.

City Council action is requested on December 3, 2019. Pursuant to Section 21.25.103 of the Zoning Code, this request must be presented to the City Council within 60 days of the Planning Commission hearing, which took place on October 17, 2019.

This recommendation has no staffing impact beyond the budgeted scope of duties and is consistent with existing City Council priorities. The Plan provides policy direction to increase access to jobs and services; maintain a strong, diversified economic base that creates jobs and attracts employers; and maintain a full range of services for the community that is consistent with the revenue available to sustain those services. Therefore, there is no fiscal or local job impact associated with this recommendation.

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LINDA F. TATUM, FAICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

THOMAS B. MODICA
ACTING CITY MANAGER