



## Legislation Text

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**File #:** 11-1240, **Version:** 1

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Recommendation to receive supporting documentation into the record, conclude the public hearing, deny the appeals by David Robertson and Mary Suttie; Los Cerritos Wetlands Land Trust; Heather Altman; "Our Town-Long Beach" (ten people); and Kerrie Aley, and uphold the decision of the Planning Commission certifying the Final EIR and approving the Site Plan Review, Tentative Subdivision Map, Standards Variance, and Local Coastal Development Permit requests;

Adopt resolution recertifying the Final EIR 04-09 for the Second + PCH project (State Clearinghouse No. 2009101014);

The 10.93-acre project site is located in the southeastern portion of the City, bounded by Pacific Coast Highway (PCH) to the east, Second Street to the north, Marina Drive to the west and the Marina Shores shopping center to the south. The project site covers the entire Subarea 17 of the Southeast Area Development and Improvement Plan (SEADIP) district, also known as PD-1 (Exhibit A- Location Map). Surrounding land uses are primarily commercial retail in nature, particularly along PCH, with the Alamitos Bay Marina to the west and the Marina Pacifica residential community to the north. The Los Cerritos Wetlands is located east of PCH, approximately 400 feet northeast of the project site at the closest point, and separated by existing urban development. Since the project site is down-gradient from the Los Cerritos Wetlands, the project site and Los Cerritos Wetlands are not hydrologically connected.

The applicant originally proposed a mixed-use development project (Second +PCH project) that was larger than the project proposal, which is the subject of this staff report. On October 12, 2011, the Planning Commission held a public hearing on this project at a special meeting to consider certification of the Final Environmental Impact Report (EIR) and the project entitlement requests (Exhibit B - Planning Commission October 12, 2011 Staff Report). At this meeting, the Planning Commission also considered a text amendment request to the City's LCP and SEADIP Subarea 17 to allow residential land uses and development standards consistent with this project proposal (Exhibit C - Proposed Text Amendment to LCP and SEADIP Subarea 17).

After several hours of public testimony, the Planning Commission took the following actions:

- 1) Certified Final EIR 04-09 for this project (State Clearinghouse No. 2009101014).
- 2) Recommended that the City Council approve text amendments to the LCP and Subarea 17 of SEADIP to allow project development consistent with Alternative 3 (also known as Reduced Intensity Alternative A) of the Final EIR.
- 3) Continued the public hearing to the November 17, 2011 meeting date to consider approval of the project entitlement requests for project revisions in accordance with Alternative 3 of the Final EIR.

Alternative 3, as selected by the Planning Commission, would allow a maximum of 275 dwelling units, 155,000 square feet of commercial floor area, a 100 room hotel with 4,368 square feet of hotel

restaurant floor area and 3,510 square feet of hotel meeting space, 20,000 square feet of non-hotel restaurant space, and a 4,175-square-foot science center. Maximum building height would remain unchanged from the applicant's original proposal at 150 feet, 12 stories. The comparison to the applicant's original project proposal to the Planning Commission's recommendation was as follows:

<u>Original Proposal</u>	<u>Current Proposal</u>
325 dwelling units	275 dwelling units
191,475 sq. ft. commercial	155,000 sq. ft. commercial
100-room hotel with 4,368 sq. ft. restaurant 3,510 sq. ft. meeting space	100-room hotel with 4,368 sq. ft. restaurant 3,510 sq. ft. meeting space
21,092 sq. ft. restaurant	20,000 sq. ft. restaurant
4,175 sq. ft. science center	4,175 sq. ft. science center
99 seat theater	No theater
148,500 sq. ft. open space (31 percent of site)	173,000 sq. ft. open space (36 percent of site)
1,440 parking spaces	1,440 parking spaces

After the Planning Commission's October 12, 2011 actions, five separate appeals were filed by individuals and groups. A list of these initial appellants is attached as Exhibit E.

On November 17, 2011, after receiving public testimony and other evidence, the Planning Commission approved additional actions related to the project, including the following:

- 1) Adopted a Resolution with revised Findings of Fact and a Statement of Overriding Considerations certifying the Final Environmental Impact Report (EIR 04-09); and
- 2) Approved the Site Plan Review, Tentative Subdivision Map, Standards Variance and Local Coastal Development Permit requests (Exhibit D - Planning Commission November 17, 2011 Staff Report).

Adoption of the revised Findings was required since the Findings of Fact provided to the Planning Commission for the October 12, 2011 public hearing recommended a different project description than the one ultimately approved by the Planning Commission. These revised Findings of Fact reflect the Planning Commission recommendation that the City Council approve text amendments to the LCP and SEADIP Subarea 17 for project development consistent with Alternative 3 of the Final EIR (See attached Final EIR Resolution with Revised Findings).

The project approval requests include amendments to the LCP and SEADIP Subarea 17. Since the project site makes up all of Subarea 17, any amendments to this subarea would only apply to this site. The amendment request is necessary to allow residential uses and building heights greater

than 30 feet for residential uses and 35 feet for non-residential uses. Any LCP amendment must be approved by both the City Council and the California Coastal Commission. Given the need to establish development standards that ensure all future project site improvements will be high quality and compatible with surrounding land uses, along with the procedural requirements of the Coastal Commission, staff recommends action of the LCP/SEADIP amendment as a condition precedent for final approval of the site specific entitlements. As such, the Planning Commission's actions to approve the site plan and other project-specific entitlements, including the Local Coastal Development Permit, are subject to final approval of the LCP/SEADIP amendments.

As stated above, the LCP amendment must be approved by both the City Council and California Coastal Commission. The project entitlements do not require Coastal Commission approval since the site is under the City's permit approval jurisdiction. In addition to the LCP amendment, one element of the project will require Coastal Commission approval. The applicant is requesting improvements to Marina Drive, which is under the permit jurisdiction of the Coastal Commission. Those specific improvements will be subject to Coastal Commission approval.

The Final EIR for this project determined that all project impacts can be mitigated to a level below significance with the exception of construction impacts to the Studebaker/Second Street intersection; operational and cumulative impacts to the Studebaker/Second Street and PCH/Second Street intersections; construction, operational and cumulative air quality and climate change impacts; and land use impacts related to consistency with the Urban Design Component of the General Plan Land Use Element, the Local Coastal Program, and the SEADIP standards for residential uses and building height.

The Statement of Overriding Considerations (SOC) is required due to the unavoidable adverse significant impacts identified in the Final EIR (air quality/greenhouse gas emissions, land use and planning, and transportation/circulation) that would be reduced under Alternative 3 (Reduced Intensity Alternative A) but would still be significant and unavoidable. Whenever a project would result in unavoidable significant impacts, the lead agency must state in writing the specific reasons to support its action. If the economic, legal, social, technological or other benefits of a project outweigh the unavoidable adverse environmental impacts, the adverse effects may be considered to be acceptable. The specific project benefits are listed on pages 43 and 44 of the Findings/SOC, which include furthering City goals for provision of multi-family housing, revitalization of an underutilized site with a mixed-use development, enhanced pedestrian, bicycle and mass transit access to the adjacent marina and project site, enhanced job and home ownership opportunities, efficient use of land and energy conservation, and enhanced economic vitality of the project site.

The City received four additional appeals on the Planning Commission's November 17, 2011 actions, which all came from appellants for the October 12, 2011 hearing actions and, therefore, have been combined with these earlier appeals for a total of five appeals (Exhibit E - Appeals). General issues cited in these appeals include traffic impacts, building height, development intensity, and land use compatibility. Additionally, some appeals question the inconsistency of the approved entitlements with the existing standards in the LCP and SEADIP Subarea 17. As discussed above, City approvals of the site plan and other project-specific entitlements are subject to final approval of the LCP/SEADIP amendments by the Coastal Commission.

For the October 12, 2001 Planning Commission hearing, public hearing notices were distributed on September 28, 2011, as required by the Long Beach Municipal Code. Notices were provided to all

property owners and tenants within a 1,000-foot radius of the project site, as well as to all persons and entities that submitted written comments on the Recirculated Draft EIR during the public comment period. Notices were posted on the project site on September 28, 2011. The public hearing notice was also published in the Press Telegram on September 28, 2011 (required for the LCP/SEADIP text amendment action).

For the November 17, 2011 Planning Commission hearing, public hearing notices were distributed on November 3, 2011, as required by the Long Beach Municipal Code. Notices were provided to all property owners and tenants within a 1,000-foot radius of the project site, as well as to all persons and entities that submitted written comments on the Recirculated Draft EIR during the public comment period. Notices were posted on the project site on November 3, 2011. No notice was published in the Press Telegram since action had already been taken on the LCP/SEADIP amendment at the October 12, 2011 hearing and the entitlement requests do not require notice publication in a local newspaper.

For this December 20, 2011 Council hearing, public hearing notices were distributed on December 6, 2011, as required by the Long Beach Municipal Code. Notices were provided to all property owners and tenants within a 1,000-foot radius of the project site, as well as to all persons and entities that submitted written comments on the Recirculated Draft EIR during the public comment period. Notices were posted on the project site on December 6, 2011. This public hearing notice was also published in the Press Telegram on December 6, 2011 (required for the LCP/SEADIP text amendment action).

This matter was reviewed by Assistant City Attorney Michael Mais on November 29, 2011 and by Budget Management Officer Victoria Bell on November 22, 2011.

The Municipal Code requires City Council action within 60 days of appeals filed on actions taken by the Planning Commission. This appeal period ended on November 28, 2011.

There is no fiscal impact as a result of the recommended action. Project construction would generate a varying number of temporary jobs throughout the estimated 30-month construction period. Project operations are anticipated to result in 613 employment positions for a net increase of 447 employees over the existing 166 project site employees.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH RECERTIFYING THAT THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE SECOND + PCH DEVELOPMENT (STATE CLEARINGHOUSE NO. 2009101014) 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 A MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

PATRICK H. WEST  
CITY MANAGER