

July 18, 2023

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record, conclude the public hearing and consider third-party appeals from Lozeau Drury, on behalf of Supporters Alliance for Environmental Responsibility (SAFER) (APL23-006); Joan Palango, on behalf of the Long Beach Marina Boat Owners Association (APL23-008); and Elizabeth Lambe, on behalf of the Los Cerritos Wetlands Land Trust (APL23-007);

Adopt a Resolution determining that the project is consistent with and within the scope of the project previously analyzed as part of the Southeast Area Specific Plan Program Environmental Impact report (State Clearinghouse No. 2015101075) and subject to the Southeast Area Specific Plan Mitigation Monitoring and Reporting Program and making certain findings and determinations related thereto and warrants no further environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15162; and,

Deny the appeals and uphold the decision of the Planning Commission to approve the Site Plan Review (SPR 22-093) and a Local Coastal Development Permit (LCDP 2208-36) and adopt certain findings and determinations related thereto for a project within the appealable area of the Coastal Zone consisting of the demolition of all existing structures on the site, and construction of a new mixed-use project consisting of 281 residential dwelling units (thirteen of which are affordable (very low income)), 3,100 square feet of commercial/retail space in a building with 592,100 square feet of area including a minimum of 507 vehicular parking spaces, 142 bicycle parking spaces and 27,534 square feet of common and private open space area within the Southeast Area Specific Plan (SEASP) Mixed Use Community Core (SP-2 MUCC) Zoning District located at 6700 East Pacific Coast Highway. (District 3)

DISCUSSION

On April 20, 2023, the Planning Commission held a duly noticed public hearing and acted to approve the requested entitlement for a proposed 281-unit development including 13 affordable housing units (very low-income level) located at 6700 East Pacific Coast Highway in the Southeast Area Specific Plan (SEASP) Mixed Use Community Commercial (MU-CC) Zoning District. The Planning Commission found the project to be consistent with and within the scope of the previously certified SEASP Program Environmental Impact Report (SEASP PEIR) and approved the Compliance Checklist (PECC 08-22) and also approved the Site Plan Review (SPR) application. On May 1,

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2023, the approvals were appealed by (1) Lozeau Drury representing Supporters Alliance for Environmental Responsibility (SAFER), (2) Joan Palango, representing the Long Beach Marina Boat Owners Association, and (3) Elizabeth Lambe, Executive Director, representing the Los Cerritos Wetlands Land Trust (LCWLT). On June 15, 2023, the Planning Commission reaffirmed its determination that the project is consistent with and within the scope of the previously certified SEASP PEIR, reaffirmed approval of the Compliance Checklist (PECC 08-22), reaffirmed approval of the SPR application and approved a Local Coastal Development Permit (LCDP 2208-36). The appeal period was reopened for this project. No additional appeals, aside from the three previously filed third party appeals were received. After communicating with appellants, the appeals were determined to include the Planning Commission's decision to approve the LCDP (LCDP 2208-36).

The project site is a large single lot, located along the eastside of Pacific Coast Highway at the southeast boundary of Long Beach. Studebaker Road borders the northeast boundary of the project, Marina Way is to the southwest and the San Gabriel River is located to the southeast. The subject property is located within the SEASP Mixed Use Community Core (SP-2 MU-CC) Zoning District, and General Plan Land Use District (LUD) No. 7, Mixed Use District, in the City of Long Beach's (City) 1989 General Plan. The 2019 Land Use Element has yet to be approved by the California Coastal Commission (CCC) for the coastal areas, therefore the 1989 General Plan designation still applies. 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 uses; visitor-serving facilities; personal and professional services; and recreational facilities. The project site encompasses two Assessor's Parcel Numbers: Parcel 7242-012-006 with 110,484 square feet (sf) of area and Parcel 7242-012-007 which includes 3,390 sf of area for a total of 113,874 sf (2.61 acres) (Attachment A). The surrounding area is developed with a range of uses detailed in Table 1.

Table 1: Adjacent Uses

Direction	Address	Zoning District	Land Use
Northeast	APN: 7237-020-043	SP-2 MUCC	Pumpkin Patch
Northwest	6500 E Pacific Coast Hwy	SP-2 Ind	Commercial/Retail Center (Marina Shores Shopping Center) and Vacant Lot
Southeast	N/A	Open Space (OS)/2 stories	San Gabriel River
Southwest	215 Marina Drive	Planned Development District (PD-4)	Commercial/Retail and Parking Lot

The project site is currently developed with a two-story office building, with vehicular parking tucked under the building as well as adjacent surface vehicular parking. According to the Los Angeles County Assessor's Records, the buildings on the property were constructed in 1983, approximately 40 years ago. The site has a grade differential of approximately seven feet between the line of the property adjacent to the San Gabriel River and the property line adjacent to Studebaker Road.

The proposed project would create one of the first mixed use residential projects within the SEASP. The project will replace the existing development with a single building, six stories in height. The proposed building is 'm' shaped with the openings facing Marina Drive to the southwest. The project proposes 281 units, including 13 affordable units at the very low-income level. Units range from studio units to three-bedroom units, 507 vehicular parking spaces, 143 bicycle parking spaces and 27,534 sf of common open space area and 4,990 sf of private open space (Attachment B).

Density Bonus, Affordable Units, Concessions/Waivers

The proposed project incorporates a proportion of affordable housing units that makes the project eligible for the State's Density Bonus program and would provide the first covenanted affordable housing units in this high resource area of the City. The portion of the project related to density bonus and incentives, or concessions are ministerial acts pursuant to State law. The applicant has requested that the City approve the project in accordance with the State's Density Bonus Law (Government Code Section 65915 through 65918). In addition to additional density, applicants who provide the required amount of affordable housing qualify for various "exceptions" from zoning standards (known as "incentives and concessions" or "waivers") and also for reduced parking standards. The applicant is proposing 13 very low-income affordable units across all unit types in the project, which qualifies the project for a 20 percent increase in the number of market rate units within the project. The 13 affordable units will be provided at the very low-income level, restricted as affordable through a covenant for a minimum of 55 years. The density bonus is calculated using SEASP's baseline allocation methodology which allows for 252 base units. Following State Law, should an applicant provide five percent of the base units for very low-income (families/individuals), the project receives a 20 percent increase in their base density which is 51 units ($252 \text{ base units} \times 20 \text{ percent} = 51$). Based upon the calculations, the applicant could build up to a maximum of 303 dwelling units, however, the project only proposes 281 units, which is 22 units less than the maximum number of units allowed.

By providing affordable units at the very low-income level per State Density Bonus law, the applicant is entitled to one concession(s), incentive(s) and/or waiver(s). Based on the percentage of affordable units provided, the project is eligible for one concession. The concession granted per State Density Bonus law is for Floor Area Ratio (FAR). Currently, SEASP allows a maximum FAR of 2.0, however the applicant is requesting as its Density Bonus concession an increase of 40 percent to accommodate the additional number of market rate units in addition to the 13 affordable units and their bedroom counts. Based on the maximum FAR of 2.0 allowed within the SEASP a site area of 113,874 sf of area calculates to an allowable building area of 227,748 sf. The State Density Bonus concession to increase the FAR by 40 percent translates to an overall floor area of 318,847 sf.

California Density Bonus Law provides for, and the proposed project also includes, "waivers" which are modifications or reductions to development standards and other regulations where those requirements could make the construction of the proposed project with the contemplated incentive physically infeasible if not approved. In order to

implement the required concession of an increase in FAR, the SPR Committee granted two: (1) an increase in building height by one story to allow for six stories and (2) the ability to have tandem vehicular parking within the vehicular parking areas.

With additional floor area necessitated by the additional number of units (density bonus and affordable units), an additional story of building height is necessary to accommodate the units. SEASP allows for a maximum building height of five-stories and the applicant is requesting one additional story for a total of six stories (overall building height 85'-6").

Per State Law, because five percent of the residential units provided in this project are affordable the project is eligible for reduced parking. Under these reduced parking requirements for the project, only 333 parking spaces are required for the residential uses and 12 spaces are required for the commercial component of the project, for a total of 345 spaces overall. However, because the project is within the appealable area of the Coastal Zone and does not supersede the Local Coastal Program or Coastal Act, the applicant is proposing 507 spaces which is a 46.9 percent increase or 162 stalls over the minimum required 333 parking stalls required under the State Density Bonus Law. The number of spaces allows for 1.8 spaces per unit, and in order to accommodate the number of spaces within the two levels of parking, tandem parking is required. The parking areas include a combination of stalls measured at standard size, electric vehicle (EV) size, and compact size in a configuration tucked under the building.

City staff did not find that there is a basis for contesting the requested concessions or waivers. The basis for denial of a concession is established by the State Density Bonus Law. The concession may be denied based on: 1) making a finding that it does not result in "identifiable, and actual cost reductions to provide for affordable housing"; or 2) that any of the three findings can be made: a) it is not required for affordability; b) there is an adverse impact on health, safety, physical environment, or historic resources with no feasible mitigation; or c) that is contrary to State or Federal law. As discussed above, the State Density Bonus Law State Density Bonus L also does not override the Local Coastal Program (LCP) or Coastal Act and waivers and concessions must be implemented in a way that does not conflict with the Coastal Act. This consistency of the project with the LCP will be discussed below.

Architecture and Building Function

The building consists primarily of smooth plaster in dark gray and white tones, wood-like cement board system in varying brown and copper tones, aluminum guard railing system for private open space balconies, recessed windows along all of the elevations and a glass storefront system along a portion of the Marina Drive elevation and the Studebaker Road elevation which would showcase activity (the facilities in-building gym and the retail/commercial area) within the first level of the building. The larger outdoor common open space areas on the third level also have visibility toward the southwest. A large mural is proposed along that area of the first two levels of the building elevation which face Pacific Coast Highway to provide visual interest at the pedestrian and vehicular level. A step back of the building corner at the fourth level at Studebaker Road and Pacific Coast Highway is also contemplated. The Project developer is seeking Leadership in Energy and Environmental Design (LEED) Silver certification.

The Project was reviewed by the SPR Committee, which found that the proposed mixed-use building along with the concessions/waivers from floor area ratio, building height and to allow tandem parking for the affordable units is consistent with the General Plan Place-Type and appropriate based on the building form, intended use and the relationship to the surrounding uses. The proposed new high-quality rental housing opportunity which has been proposed through the implementation of objective design standards, and architectural and green building standards, is in alignment with the Urban Design Element of the General Plan (Attachment C).

As previously mentioned, the proposed building is 'm' shaped and consists of levels B-1 which is semi-subterranean and then levels 1-6.

Table 2: Unit Affordability

Unit Type	Market Rate Units	Affordable Units	Total Number of Units
Studio	16	1	17
1-bedroom	153	8	161
2-bedroom	81	4	85
3-bedroom	17	1	18
TOTAL	267	14	281

The average size of the residential units are as follows: studio units are 553 sf; one-bedroom units are 758 sf; two-bedroom units are 1,252 sf; and three-bedroom units are 1,529 sf. The units designated as affordable are located throughout the Project and reflect the range of units available. The affordable units are comprised of one studio unit; eight one-bedroom units; three two-bedroom units; and one three-bedroom unit. This unit mix provides a variety of housing types and sizes which is compliant with General Plan Housing Element Policy 1.3 which seeks to accommodate a range of unit sizes and the housing needs of all socioeconomic segments of the community, including large families.

Open Space

SEASP (Table 6-9) requires a minimum of 20 percent of the Project area to be open space. In this instance, the Project area is defined as the site area which is 99,816 sf (excluding the required setbacks). Twenty percent of the overall site area is 19,963.2 sf. A maximum of 25 percent, or 4,990 sf of the 20 percent (19,963.2 sf) open space requirement for the Project of the site area sf; can be satisfied through private open space. This private open space area is shown to include some unit balconies which are interspersed among all elevations of the building. The outdoor common open space areas are shown on level three and the roof.

The remaining 75 percent, or 14,972 sf, of the required open space is provided as common open space, available both for residents of the Project and the public. The areas for public access are shown along the west side of the building opposite from Marina Drive via a pedestrian path which links Studebaker Road to the San Gabriel River bicycle and pedestrian path. There is also common area along the south side of the building

adjacent to the San Gabriel River. This area is landscaped with shade trees and has seating areas as well as a dog run.

As summarized in Table 3, common (indoor and outdoor) and private open spaces for the tenants of the residential uses are mostly proposed on the upper floors and include a variety of amenities. There are active common outdoor open space areas which include pool and spa areas, BBQ areas with bar seating, fire pit/place areas with tables and seating (Attachment D). The passive common outdoor open space areas have lush landscaping with shade trees, ample tables and seating, and a water feature. The two indoor common area amenity rooms have a catering kitchen, TV/media lounge, and game rooms.

Table 3: Common Open Space Areas

Area	Size	Amenities
Level B-1	3,688sf	Fitness Room
Level 2	1,265sf	Amenity Room, TV/Media lounge, game room
Level 3	1,775sf	Amenity room, catering kitchen, clubroom, indoor/outdoor deck
Level 3 – Area 1	1,257sf above Pacific Coast Highway	Fire pit, tables with seating, and raised planters
Level 3 – Area 2	17,980sf	Pool, spa, multi-purpose lawn, fireplace with lounge seating, BBQ with a bar countertop, raised planters, dining tables and chairs, shade structures
Level 3 – Area 3	4,444sf	Planters, enhanced paving, water feature, shade structure, fire pit and multi-purpose lawn
Rooftop	3,820sf	Shade trees, enhanced pavers, fire pit, BBQ with seating and umbrellas
Total Resident Common Open Space Area	34,229sf	
Public Areas – along Studebaker Road, Marina Drive, and adjacent to the San Gabriel River	Approximately 13,000sf	Landscaping, raised planters, trees, seating, tables and chairs, dog run area, water feature and public walkway access to the San Gabriel River trail.

All residents of the project, including those occupying the affordable units, will have access to all of the common area amenities throughout the Project. The public has access to those public areas along: (1) Studebaker Road, which has seating, tables/chairs, raised planters; (2) Marina Drive, which is a wide public walkway from Studebaker Road to the San Gabriel River Trail; and (3) an area adjacent to the San Gabriel River where the river pathway and the public pathway from Studebaker Road converge. The area along the south elevation of the building has trail access, a dog area, seating and lush landscaping. Street-side, along East Pacific Coast Highway, the property

grade slopes downward, which results in the building being setback approximately 25 feet from the Pacific Coast Highway right-of-way, although the required setback is only 10 feet. The SPR Committee determined that the area provided above and beyond the required setback is considered public open space, provided that it is lushly landscaped in accordance with the SEASP Plant Palette. Furthermore, given the site's configuration and slope away from East Pacific Coast Highway, the applicant has creatively provided public open space where the public would naturally congregate and access, adjacent to the San Gabriel River.

Vehicular Access and Parking

Vehicular ingress and egress to the parking area is provided by one drive approach from Studebaker Road. Twelve vehicular parking spaces are allocated toward the retail space and four spaces for potential future tenants of the residential units. Residential unit parking is behind a secure gate and includes tandem spaces. Per Senate Bill 1818 density bonus requirements, only 333 parking stalls are required for the residential component of the project; only 12 parking stalls are required for the commercial component for a total parking requirement of 345 parking stalls. The table below shows the breakdown.

Table 4: Required Parking Under State Density Bonus Law

Unit Type	Parking Ratio*	Number of Units	Stalls Required
Studio	1 space per unit	17	17
1-bedroom	1 space per unit	161	161
2-bedroom	1.5 spaces per unit	85	128
3-bedroom	1.5 spaces per unit	18	27
Subtotal of Residential Spaces			333
Commercial/Retail Spaces	4 spaces per each 1,000sf of floor area	3,000sf of floor area	12
Total Spaces Required			345

*Government Code Sections 65915 through 65918

If the Project did not utilize the state density bonus provisions and was developed at the base density as calculated per SEASP, which is 252 units, a minimum of 580 parking spaces would be required. This breaks down as: Residential Unit Parking 504 spaces; Guest Parking 63 spaces; and Commercial/Retail Parking 13 spaces. This calculation assumes that all residential units would have a floor area greater than 451 sf.

The Project proposes to provide 162 more parking stalls than required under the State Density Bonus law as a minimum total of 507 parking spaces would be provided. Table 5 below shows a breakdown of the proposed parking provided and includes both EV and EV Charging Stalls:

Table 5: Proposed Parking

Level	Standard Stalls	Compact Stalls	Total
B-1	138*	52	190
1	108	61	169

2	96	52	148
Total Spaces Provided			507

*Includes retail parking stalls

Bicycle parking, also required by SEASP, is located inside the building, on Level B-1 toward the rear of the parking garage near an exit from the building closest to the San Gabriel River Bike Path. The bicycle parking information for the project is shown in the table below:

Table 6: Bicycle Parking

Use	Rate	Number of Units	Spaces Required
Multi-Family Residential	1 space for each 2 units	281	141
Commercial/Retail	1 space for each 5,000 sf of floor area	3,100 sf	1
Total Provided			142

Housing Element Site Inventory

One of the required findings the City Council is being asked to make relates to consistency with the City's General Plan. The larger parcel of the subject development site is on the site inventory contained in the City's 6th Cycle Housing Element of the General Plan, certified by the State of California's Department of Housing and Community Development in April 2022. Pursuant to Government Code Section 65863, cities must maintain, at all times during the planning period, adequate sites to meet their unmet share of Regional Housing Needs Assessment (RHNA). Under this law, cities generally may not take any action that would allow or cause the sites identified in its Site Inventory to be insufficient to meet its remaining unmet share of the City's RHNA for lower and moderate-income households. This concept from the above-cited government code section is known as "housing element no-net loss" and requires an analysis to be prepared by the City to ensure that future development of the proposed Project site does not preclude the City's ability to meet its RHNA obligations.

Sites on the site inventory were analyzed and selected to demonstrate that the City has land use and zoning capacity to facilitate the 2021-2029 RHNA figure of 26,502 housing units in accordance with Housing State Law. Sites were selected for the inventory based on a set of objective criteria for analyzing the likelihood of housing being developed on the site, including based on lot size, improvement-to-land ratio (with a higher ratio indicating lower feasibility for dwelling unit potential), and whether the underlying zoning or PlaceType allows residential uses. In this case, the property is zoned MU-CC, meets the criteria and was included in the Housing Element site inventory. The parcel, which has an existing 40-year-old commercial/office building, has been contemplated for a total of 95 potential low-income units.

Even though the proposed project is a residential development project, it does not include 95 low-income units as projected in the site inventory. Therefore, the City must demonstrate that its plans, policies and zoning will facilitate the production of the 26,502-unit RHNA allocation. Although the site inventory is the most well-known method for

meeting this obligation, the City may meet its RHNA obligation through a combination of available avenues, including: (1) the projected number of Accessory Dwelling Units (ADU) anticipated to be permitted based on recent trends; (2) approved and proposed residential development projects in the pipeline; and (3) an inventory of sites with demonstrated zoning capacity to accommodate the RHNA allocation. The below analysis demonstrates consistency with the requirements of housing element no-net loss through the documentation of additional units through pathways 1 and 2 above. That is, through additional production of ADUs and through additional pipeline projects which were not included as part of the City's 2021-2029 Housing Element Update. These additional ADU and pipeline units demonstrate the City's ongoing ability to meet the RHNA obligation despite the deficiency in moderate-income units compared to what was contemplated for the project site through the site inventory that was adopted as part of the Housing Element in 2022.

ADU Production

Since 2018, as a result of substantial relaxation of development standards and procedures by the State to facilitate ADU construction, the City has seen significant increases in applications and permits for ADUs across Long Beach. Production of ADUs has more than quadrupled between 2018 and 2020, as shown below:

- 2018: 59 units
- 2019: 151 units
- 2020: 268 units
- 2021: 445 units
- 2022: 508 units

The above three-year period (2018, 2019 and 2020) yielded an annual average of 159 units. To be conservative and based on the observed development trends in the city, the 6th Cycle Housing Element assumed an annual average of 159 ADUs between 2021 and 2029, for a total of 1,275 units, representing nearly five percent (4.8 percent) of the City's 6th Cycle RHNA. Around two-thirds of those units were designated in the affordable categories of the RHNA based on guidance from the Southern California Association of Governments.

Given the progressively upward trend and an emerging trend of Junior ADUs, which are attached accessory units that occupy the existing square footage of a housing unit and therefore, are typically smaller in size, less expensive to construct, and a more affordable housing option, the City anticipates that the construction of ADUs will continue to increase. ADU production in 2021 totaled 445 units and in 2022, 508 ADUs were permitted. Based on the more recent data, using a five-year average (2018-2022), the City now estimates 2,290 ADUs will be developed during the Housing Element period, which is a net increase of 1,015 units. Given that 45 percent of ADUs for the City's RHNA were allocated within the "low-income" category, the revised projection represents additional capacity for 452 additional units in the "low-income" RHNA category. This again

is a conservative approach given the upward ADU trend over time. This increase alone more than accounts for the lost potential of low-income units for the proposed Project.

Approved and Proposed Residential Development Projects in the Pipeline

In Appendix C Site Inventory of the Adopted 2021-2029 Housing Element, the project site was identified as potentially accommodating 95 low-income affordable residential units on the site. Because the project entails market rate and very low-income units, and no low-income units, the project represents a short fall of 95 low-income units from the very low-income unit category that was envisioned for the site in the 2021-2029 Housing Element. However, the project is not entirely void of countable units toward the City's RHNA and contributes 13 units toward the very low-income category and 266 units toward the market rate category. Consistent with Government Code Section 65863(b), the City finds that there is sufficient vacant land that is either not identified in the 2021-2029 Housing Element Sites Inventory or that is identified in the site inventory but is proposed with an excess number of affordable units to meet the 95 low-income unit RHNA need despite the proposed residential capacity at the project site. The project identified below in Table 7, shows additional capacity for RHNA units, serves to offset some of the deficit that would be created by the approval of the current project.

Table 7: Additional Capacity for RHNA Units

Application Number	Address	Zoning District	Description	Status	Site Inventory	Net Affordable Units
2210-12	4151 Fountain St. and 4220 Wehrle Ct.	R-2-N	SPR for a new multi-family project including affordable 72 affordable units and one manager's unit in two, 3 and 4-story buildings for families and disabled persons	Approved by the SPR Committee March 2023	No	A mixture of 39 low-income units and 33 very low-income units.
Total			72 Affordable Units			

In summary, while the project does not meet the 95 low-income units allocated for the site, in compliance with State law, the City has identified that it has the additional capacity, capability, and feasibility based on projects currently in process by the Development Services Department's Planning Bureau on sites not previously included on the Sites Inventory List. The remainder of needed capacity has been identified through the revised ADU projections. This information is further detailed in the SPR Findings (Attachment C) in order to demonstrate the City's continued ability to meet its RHNA obligations despite the deficit in potential moderate income for the proposed project.

Local Coastal Development Permit

In accordance with the Zoning Ordinance, a LCDP is required when a proposed development exceeds what is required for a Coastal Permit Categorical Exclusion within the Coastal Zone (LPMC 21.25.903). The purpose of the LCDP is to ensure that all public and private development in the Long Beach Coastal Zone is developed consistent with the City's certified LCP (Attachment E).

The LCP identifies the project site within the SEASP area of the Coastal Zone. This sub-area where the project site is located encompasses the entire southeast corner of Long Beach. Although principally a residential community, it also contains wetlands, considerable commercial development and two very large electric generating plants. Some land in SEASP is used for oil production. When this resource is depleted, the land will be available for other uses.

The operation of the mixed-use building, including the 3,100 sf of commercial/retail area and outdoor gathering space areas, is consistent with the applicable development standards contained in the SP-2 MU-CC Zoning District within the SEASP. This property is currently developed with a 40+ year old office building which will be demolished to facilitate the newly proposed building. The other properties in this extreme southeast corner of the City are currently developed with commercial uses and retail shopping centers, many of which are also undergoing review for possible conversion to larger scale residential projects.

The proposed mixed-use building includes concessions/waivers from certain development standards as allowed under California's Density Bonus laws. The incorporation of affordable units is consistent with the certified LCP and Coastal Act, which encourages a mix of housing opportunities to meet the public access goals of the Coastal Act. Maximizing public access "for all the people," is part of the Environmental Justice policies adopted by the CCC. Without the concessions for height, floor area, and parking the project would be developed with market rate units only, which would not help to fully realize the robust public access policies and broad concern for equitable access to the Coast by all. The Project conditions of approval ensure that the affordable units are distributed throughout the various residential levels, including the upper floors, and shall be generally reflective of the mix of unit sizes and number of bedrooms in the overall project. The SEASP area is designated as a high resource area under State law and as reflected in the City's Housing Element; therefore, the development of affordable units within SEASP helps meet the goals not only of the Coastal Act but also of the City's Housing Element Goal 6 of ensuring Fair and Equal Housing opportunities including in high resource areas where there has historically been a lack of affordable housing. The specific concession/waivers requested to support the project are not incongruent with the certified LCP and Coastal Act. The increased height by one-story to six-stories does not obstruct an established view corridor. Furthermore, this concession in height is not unlike the waiver process allowed under the SEASP for additional height granted to low-cost overnight visitor serving accommodations. The concessions/waivers include increased floor area and alternative parking and parking reduction to support the additional density for the affordable dwelling units. Increased density is known to reduce both Vehicle Miles

Traveled and energy consumed, consistent with Coastal Act and the City's climate goals and policies.

The project incorporates new coastal access on the site with outdoor seating areas along Marina Drive and Studebaker Road as well as direct, new and improved access for pedestrians and bicyclists to the San Gabriel River Bike Trail consistent with LCP and Coastal Act goals for the Coastal Zone. Those policies (5.1 through 5.32) contained in Chapter 5 of the SEASP Document, shall be included as project design features implemented at the time noted in the SEASP Policies or through the project conditions of approval (Attachments F and G, respectively).

Environmental Review

As described above, pursuant to California Environmental Quality Act (CEQA) and the State CEQA Guidelines, this project was analyzed as part of the previously certified SEASP Plan PEIR. A Compliance Checklist was prepared for the project (Attachment H). The Compliance Checklist analyzed the proposed project in accordance with the SEASP PEIR (SCH No. 2015101075) and determined that the project will not result in any new significant impacts that exceed those analyzed in the SEASP PEIR, with mitigation measures included (Attachment I). Additionally, the development is subject to the SEASP PEIR Mitigation Monitoring and Reporting Program (MMRP). The MMRP is designed to ensure compliance with adopted mitigation measures during the project implementation. For each mitigation measure recommended in the PEIR that applies to the applicant's proposal, specifications are made that identify the action required and the monitoring that must occur. In addition, the MMRP identifies the party responsible for carrying out and for verifying compliance with each individual mitigation measure.

Appeals

The Planning Commission's April 20, 2023, approval of this project was appealed by three (3) individuals/groups, (1) Lozeau Drury, on behalf of SAFER; (2) Joan Palango, on behalf of the Long Beach Marina Boat Owners Association; and (3) Elizabeth Lambe, on behalf of the Los Cerritos Wetlands Land Trust (Attachment J). As noted above, no additional appeals were received after the Planning Commission's affirmation of the project approval and approval of the LCDP for this project on June 15, 2023. Table 8 summarizes the appeal requests.

Table 8 – Appeal Summaries

Appellant	General Description of Appeal
Lozeau / Drury - SAFER	Reliance on a program EIR for a project. Claims there is a need for a project specific EIR
J. Palango – Marina Boat Owners Association	Expressed concerns over lack of transparency, recreation impacts (marina is not noted), bundle parking with the rent, entrance on Studebaker

E. Lambe – Los Cerritos Wetlands Land Trust	Believes there are inconsistencies between the SEASP document and the project on topics including setback Pacific Coast Highway/Studebaker/scale/height/open space/biological resource protection/affordable housing/lack of clarity of mitigation measures and conditions for bird safe landscaping/project specific impacts and cumulative impacts to wetlands, river and marina, insufficiently analyzed and mitigated from population increases
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Lozeau Drury - SAFER - Appeal

This appeal claims that a project specific EIR is needed, however there is no legal basis to back this claim. Consistent with CEQA Guidelines Section 15164, a Compliance Checklist was prepared to evaluate and document that the project is consistent with the assumptions contained within the previously analyzed and adopted SEASP Program EIR. Consistent with CEQA, the checklist documents that none of the criteria requiring the preparation of a new EIR or an Addendum occurred. Therefore, no further environmental study is necessary.

J. Palango - Marina Boat Owners Association - Appeal

This appeal is concerned with Marina parking and access. The SEASP PEIR addressed the potential traffic impacts of all development contemplated by the SEASP which contemplated and environmentally cleared a net increase of 2,547 dwelling units and 307,071 sf of retail/commercial space within the mixed-use planning area. A traffic impact analysis was completed for the project to confirm that the project is consistent with the SEASP PEIR and it will comply with all of the mitigation measures contained in the SEASP PEIR including traffic impact fees. Therefore, there is no basis to assume that the project will result in additional significant circulation impacts not already analyzed and addressed by the SEASP PEIR.

There is also a concern by the Marina Boat Owners Association about potential conflict between residential traffic and boat owner traffic. Typically, boat owner traffic to and from the marina is on the weekends; however, residential traffic is primarily concentrated during peak hours during the weekdays. These traffic patterns would be complimentary, not conflicting. No evidence has been provided that the mostly residential project which is replacing an office building will result in a significant circulation conflict.

Bundled parking with rental of apartments units is also a request by the Marina Boat Owners Association so that spill over parking would be discouraged in the adjacent parking lots. However, this request conflicts with planning best practices for separating the cost of housing and parking so that housing is more available and affordable. Additionally, Project Design Feature 3 of the SEASP PEIR recommends “unbundled parking (parking spaces are rented or sold separately rather than automatically included with the rent or purchase price of a residential or commercial unit)” as part of the City’s adopted Transportation Demand Strategy for the SEASP. Although not a condition of

approval, the applicant has indicated to City staff they are willing to include language in their lease agreements prohibiting residents from parking in the marina parking lots.

E. Lambe - LCWLT Appeal

The LCWLT appeal asserts that City staff has not reviewed the project in accordance with the SEASP requirements relating to: setbacks (at Pacific Coast Highway and Studebaker Road); building scale; building height; and open space. Per City staff's and the SPR Committee's review of the project, the project met all of the development standards contained in the SEASP except those areas for which a waiver/incentive/concession was requested (FARF, building height, and tandem parking) for the density bonus to provide 13 affordable units at the very low level. Furthermore, there was not a reasoned basis by which City staff's review was erroneous. The open space requirement refers to private and public open space, and the SPR Committee made the interpretation that the public open space includes some common open space for residents. The LCWLT's assertion that 75 percent of open space should be made available to the general public would render the project infeasible and therefore cannot be imposed on a density bonus project under state law as the City cannot impose a condition on a density bonus project that would reduce the number of units that can be developed. This argument by the LCWLT should be rejected.

The biological impacts LCWLT claims are also without merit as the project area contains no marine, sensitive plant or river resources. The project is proposed on property that is already developed and will replace an existing office building built in the early 1980's and surrounding surface parking lot. The surface parking lots are illuminated at night and the existing office building is partially clad with highly reflective glass which can be fatal to flying birds. The entire existing development and surface lot will be removed and replaced with the proposed six story building that is designed and conditioned to comply with the SEASP biological resource protection requirements (including bird-safe glass and landscaping in compliance with SEASP criteria and associated mitigation measures contained in the SEASP PEIR). This argument should likewise be rejected as unsupported by the facts.

Any contention from the LCWLT that the City's reliance on the SEASP PEIR is insufficient is baseless. The Planning Commission, City staff and the City's CEQA expert for this project (consulting firm PlaceWorks, who also prepared the SEASP Specific Plan and related PEIR) all determined that these contentions are without merit. The Planning Commission and City staff have evaluated the Compliance Checklist for this project and found that: it is appropriate and adequate; the project will not create new or more significant impacts than those previously analyzed in the SEASP PEIR; all potential impacts were adequately accounted for; and the mitigations measures of the SEASP PEIR as applicable to the project are adequate, appropriate and enforceable. The position of City staff and the Planning Commission is supported by the law, as none of the conditions requiring a new or subsequent or supplemental environmental impact report as stated in section 21155 of the Public Resources Code or in Sections 15162 or 15163 of the CEQA Guidelines are present here. The Compliance Checklist was prepared pursuant to CEQA Guidelines Section 15164. The Planning Commission and City staff's determination is supported by substantial evidence in the record. Lastly under the

Housing Accountability Act and the Housing Crisis Act, the City is required to process residential projects fairly, objectively and on a timely basis, limiting any unnecessary environmental review or excess requirements.

Based on the foregoing, City staff requests that the City Council deny the appeals and uphold the decision of the Planning Commission to approve the SPR (SPR 22-093) and a LCDP (LCDP 2208-36) and adopt the findings and determinations related to both the SPR and LCDP approvals (Attachments C and E).

Public Hearing Notice

A notice of public hearing for this City Council appeal hearing was mailed on June 30, 2023, in accordance with the requirements of Chapter 21.21 of the LBMC. This notice was also provided to the appellants and to other parties who had commented or specifically requested notice for this project.

This matter was reviewed by Deputy City Attorney Erin Weesner-McKinley on June 30, 2023 and by Revenue Management Officer Geraldine Alejo on May 26, 2023.

LEVINE ACT

This item is subject to the Levine Act. The Mayor, Councilmembers, and Commissioners who have received a contribution of more than \$250 within 12 months prior from a party, participant, or their representatives involved in this proceeding may do either of the following: (1) disclose the contribution on the record and recuse themselves from this proceeding; or (2) return the portion of the contribution that exceeds \$250 within 30 days from the time the elected official knew or should have known about the contribution and participate in the proceeding.

All parties, participants, and their representatives must disclose on the record of this proceeding any contribution of more than \$250 made to the Mayor or any councilmembers within 12 months prior to the date of the proceeding. The Mayor, Councilmembers, and Commissioners are prohibited from accepting, soliciting, or directing a contribution of more than \$250 from a party, participant, or their representatives during a proceeding and for 12 months following the date a final decision is rendered.

TIMING CONSIDERATIONS

Per Section 21.21.504 of the Zoning regulations, a public hearing on the appeal is required to be held within 60 days of receipt of the appeal by the City Clerk from the Development Services Department. The appeals were filed and received on May 1, 2023, and the 60-day period expires on June 30, 2023. Timely conclusion of this matter is required under both LBMC Section 21.21.604 and the State Housing Accountability Act.

FISCAL IMPACT

HONORABLE MAYOR AND CITY COUNCIL

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There is no fiscal impact associated with the recommendation or the proposed project. The conditions of approval specify that any cost related to improvements and enhancements within the right-of-way will be paid for by the developer and includes street and sidewalk improvements, bus stop improvements and enhancements. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



CHRISTOPHER KOONTZ
DIRECTOR
DEVELOPMENT SERVICES

APPROVED:



THOMAS B. MODICA
CITY MANAGER

ATTACHMENTS: RESOLUTION
 A – VICINITY MAP
 B – PLANS
 C – SITE PLAN REVIEW FINDINGS
 D – PRELIMINARY LANDSCAPE PLANS
 E - LCDP FINDINGS
 F – SEASP PLAN POLICIES
 G – CONDITIONS OF APPROVAL
 H – COMPLIANCE CHECKLIST
 I – MITIGATION MEASURES
 J - APPEALS

July 18, 2023

Attachments – Resolution, A - J

**A SCANNED IMAGE OF THE AGENDA ITEM
ATTACHMENTS ARE AVAILABLE IN LEGISTAR INSITE 2.0 AT
<http://longbeach.legistar.com/Calendar.aspx>**

OR

PLEASE CONTACT

THE LONG BEACH CITY CLERK DEPARTMENT AT

**(562) 570-6101
(562) 570-6789 (FAX)
cityclerk@longbeach.gov**



LEVINE ACT DISCLOSURE STATEMENT

California Government Code Section 84308, commonly referred to as the "Levine Act," prohibits any Long Beach City Councilmember, City Officer, and Commissioner ("City Officer") from participating in any action related to a proceeding if they receive any political contributions totaling more than \$250 within the previous twelve months, while a proceeding is pending, and for 12 months following the date a final decision in a proceeding concerning a license, permit, entitlement, franchise or, contract (collectively "license, permit, or contract") has been made, from the person or company awarded the said license or contract. The Levine Act also requires a City Officer that has received such a contribution to disclose the contribution on the record of the proceeding.

City Officers are listed at the following sites:

- Councilmembers - <https://www.longbeach.gov/officials/>
- Harbor Commissioners - <https://polb.com/commission>
- Water Commissioners - <https://lbwater.org/about-us/current-water-commissioners/>
- Planning Commissioners - <https://www.longbeach.gov/mayor/action/commissions/>
- Parks and Recreation Commissioners - <https://www.longbeach.gov/mayor/action/commissions/>
- Board of Examiners, Appeals, and Condemnation - <https://www.longbeach.gov/mayor/action/commissions/>
- Cultural Heritage Commission - <https://www.longbeach.gov/mayor/action/commissions/>
- Long Beach Community Investment Company - <https://www.longbeach.gov/lbds/hn/lbcic/>

Proposers are responsible for accessing these links to review the names prior to answering the following questions.

1. Have you or your company, or any agent on behalf of you or your company, made any political contributions of more than \$250 to any City Officer in the 12 months preceding the date of the submission of your proposals or the anticipated date of any City Council, Board, or Commission action related to this license, permit, or contract?

YES

NO

If yes, please identify the City Officer(s):

[Mayor Rex Richardson](#)

2. Do you or your company, or any agency on behalf of you or your company, anticipate or plan to make any political contribution of more than \$250 to any City Officer in the 12 months following any City Council, Board, or Commission action related to this license, permit, or contract?

YES



NO

If yes, please identify the City Officer(s):

Answering yes to either of the two questions above does not preclude the City of Long Beach from awarding a license, permit, or contract to your firm or any taking any subsequent action related to the said license, permit, or contract. It does, however, preclude the identified City Officers from participating in any actions related to this license, permit, or contract.

Date

Signature of authorized individual

Type or write name of authorized individual

Type or write name of company