

February 7, 2023

R-17

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

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

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

Declare an Ordinance repealing Ordinance Number ORD-21-0013 related to the approval of Zone Change ZCHG20-004 from Light Industrial (IL) to the Commercial Storage (CS) zoning district on four lots at 3701 Pacific Place (APN 7140-014-019, 7140-014-032, 7140-014-033, and 7140-014-025), read the first time and laid over to the next regular meeting of the City Council for final reading. (District 5)

DISCUSSION

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

On December 17, 2020, the Planning Commission approved the Pacific Place Project, a three-story, 152,745-square-foot self-storage building consisting of 1,132 storage units, approximately 6,200 square feet of office space, a 2,153-square-foot accessory car wash

to service onsite (patron) vehicles only, and a paved Recreational Vehicle parking lot consisting of 578 parking stalls. Entitlements for the approval included Site Plan Review, Standards Variance, Conditional Use Permit (CUP), and Lot Merger (collectively, the "Project Approvals"). The Planning Commission also recommended that the City Council approve a zone change from IL to Commercial Storage to facilitate the proposed development in the IL Zoning District.

For the environmental review under the California Environmental Quality Act (CEQA), an Initial Study/Mitigated Negative Declaration (IS/MND-07-20) for the project was prepared and found that by implementing identified mitigation measures, the project would not result in significant effects to the environment. The IS/MND was circulated for a 30-day public review and comment period between October 19, 2020, through November 16, 2020. The Planning Commission accepted the IS/MND. Six appeals of the Planning Commission's recommendation to the City Council and decision to approve the project and accept the IS/MND were submitted by the appeal deadline.

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

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

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

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

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

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

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

TIMING CONSIDERATIONS

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

FISCAL IMPACT

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

SUGGESTED ACTION:

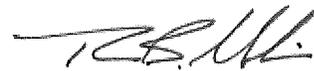
Approve recommendation.

Respectfully submitted,



CHRISTOPHER KOONTZ
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:



THOMAS B. MODICA
CITY MANAGER

ATTACHMENTS: ORDINANCE
RESOLUTION

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH VOIDING, VACATING AND SETTING ASIDE RESOLUTION NO. RES-21-0034 IN ITS ENTIRETY RELATED TO THE ADOPTION AND CERTIFICATION OF MITIGATED NEGATIVE DECLARATION (MND07-20), ADOPTION OF A MITIGATION MONITORING REPORT PROGRAM (MMRP) AND APPROVAL OF THE PACIFIC PLACE PROJECT LOCATED AT 3701 PACIFIC PLACE, LONG BEACH, INCLUDING ALL FINDINGS ADOPTED BY THE PLANNING COMMISSION AND COUNCIL AS PART OF THE PROJECT APPROVALS

WHEREAS, on December 17, 2020, the Planning Commission of the city of Long Beach ("City") held a public hearing and conditionally approved a Site Plan Review (SPR20-015), Standards Variance (SV20-006), Conditional Use Permit (CUP20-010), and Lot Merger (LMG20-009) (collectively, the "Project Approvals"), and also accepted the Initial Study/Mitigated Negative Declaration ("MND") associated with the construction and operation of the Pacific Place Project at 3701 Pacific Place (the "Project"); and

WHEREAS, on April 13, 2021, the City Council held a do novo appeal hearing on the Project and following the public hearing Council upheld the Planning Commission's Project Approvals and adopted Resolution No. 21-0034 certifying the MND (State Clearinghouse No. 2020100290) and adopting the Mitigated Monitoring and Reporting Program ("MMRP") for the Project; and

WHEREAS, on May 12, 2021, the Riverpark Coalition and Los Angeles Waterkeeper (collectively, "Petitioners") filed a Petition for Writ of Mandate in the Los Angeles Superior Court (Case No. 21STCP01537), challenging the City's April 13, 2021

1 decision approving the Project, Project Approvals, MND, and MMRP; and

2 WHEREAS, on October 19, 2022, after a full briefing and hearing, the Court
3 granted the Judgment for Petitioners, and ordered the City to set aside its approvals
4 related to the Project ; and

5 WHEREAS, on December 13, 2022, a judgement on the Peremptory Writ of
6 Mandate was entered by the Court in which it specifically ordered the City to void, vacate,
7 and set aside (a) its approvals of the Project Approvals; (b) its adoption and certification
8 of the MND and MMRP; and (c) Resolution 21-0034 related to the same; and

9 WHEREAS, the Peremptory Writ of Mandate further stated that no more
10 than ninety (90) days after service of the Writ, the City must set aside and vacate in its
11 entirety the aforementioned approvals and Resolution in relation to the Project and file a
12 return to the writ of mandate confirming that the City has taken such action; and

13 WHEREAS, the City was served with the Peremptory Writ of Mandate on
14 December 16, 2022;

15 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
16 follows:

17 Section 1. The City finds and determines that the foregoing recitals are
18 true and correct.

19 Section 2. Pursuant to Court Judgment in Case No. 21STCP01537, the
20 City Council hereby sets aside and vacates in their entirety Resolution No. RES-21-0034,
21 including the City Council's certification of the MND, its findings, conditions, and the
22 MMRP, and its decision to uphold the Planning Commission's approval of the Project
23 Approvals.

24 Section 3. Approval of this Resolution does not constitute a "project"
25 under the California Environmental Quality Act ("CEQA") pursuant to Public Resources
26 Code Section 21080(a) and State CEQA Guidelines section 15378 since approval of this
27 Resolution does not have the potential to result in either a direct physical change in the
28 environment or a reasonably foreseeable indirect physical change in the environment.

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1 Moreover, pursuant to State CEQA Guidelines section 15061(b)(3), the approval of this
2 Resolution is exempt from CEQA because there is no possibility that it may have a
3 significant effect on the environment.

4 Section 4. This resolution shall take effect immediately upon its adoption
5 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

6 I hereby certify that the foregoing resolution was adopted by the City
7 Council of the City of Long Beach at its meeting of _____, 2023, by the following
8 vote:

9
10 Ayes: Councilmembers: _____

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14 Noes: Councilmembers: _____

15 _____

16 Absent: Councilmembers: _____

17 _____

18 Recusal(s): Councilmembers: _____

19 _____

20 _____

21 _____
City Clerk

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH REPEALING ORDINANCE NO.
ORD-21-0013

WHEREAS, on December 17, 2020, the Planning Commission of the City of Long Beach (“City”) held a public hearing and recommended that the City Council approve a zone change from Light Industrial (IL) to Commercial Storage (CS) to facilitate the proposed development in the IL Zoning District associated with the construction and operation of the Pacific Place Project at 3701 Pacific Place (the “Project”); and

WHEREAS, on April 13, 2021, the City Council held a do novo appeal hearing on the Project and following the public hearing Council upheld the Planning Commission’s Project Approvals and adopted Ordinance No. 21-0013 approving the proposed zone change; and

WHEREAS, on May 12, 2021, the Riverpark Coalition and Los Angeles Waterkeeper (collectively, “Petitioners”) filed a Petition for Writ of Mandate in the Los Angeles Superior Court (Case 21STCP01537), challenging the City’s April 13, 2021 decision approving the Project; and

WHEREAS, on October 19, 2022, after a full briefing and hearing, the Court granted the Judgment for Petitioners, and ordered the City to set aside its approvals related to the Project; and

WHEREAS, on December 13, 2022, a judgment on the Peremptory Writ of Mandate was entered by the Court in which it specifically ordered the City to void, vacate and set aside its Project Approvals, including the Zone Change Ordinance (Ordinance No. 21-0013; and

WHEREAS, the Peremptory Writ of Mandate further stated that no more than ninety(90) days after service of the Writ, the City must set aside and vacate in its

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1 entirety the aforementioned approvals and Ordinance in relation to the Project and file a
2 return to the writ of mandate confirming that the City has taken such action; and

3 WHEREAS, the City was served with the Peremptory Writ of Mandate on
4 December 16, 2022;

5 NOW, THEREFORE, the City Council of the City of Long Beach ordains as
6 follows:

7 Section 1. Ordinance No. ORD-21-0013, adopted on April 20, 2021 is
8 hereby repealed.

9 Section 2. The City Clerk shall certify to the passage of this ordinance by
10 the City Council and cause it to be posted in three (3) conspicuous places in the City of
11 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
12 Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2023, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

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