



## Legislation Text

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**File #:** 22-0061, **Version:** 1

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Recommendation to receive supporting documentation into the record, conclude the public hearing, and consider a third-party appeal by Supporters Alliance for Environmental Responsibility (APL 21-006);

Adopt resolution approving and adopting an Addendum (EIRA-06-20) to the Program Environmental Impact Report (PEIR) for the City of Long Beach Downtown Plan (PEIR-SCH# 2009071006) relating to the 636 Locust Development (Project) in the Downtown Plan (PD-30) Area and the Downtown Plan Program EIR Land Use Equivalency Program (Equivalency Program), in accordance with the provisions of the California Environmental Quality Act (CEQA) Section 15164 of the CEQA Guidelines and making certain CEQA Findings and Determinations relative thereto, including a finding that the adopted Downtown Plan Mitigation Monitoring and Reporting Program mitigates, to the extent feasible, impacts associated with Equivalency Program projects, in accordance with those measures set forth in the Downtown Plan, and that no new or different mitigation measures are required; and

Deny the appeal and approve a Site Plan Review (SPR 20-011) for a new seven-story mixed-use building containing 108 dwelling units and 1,188 square feet of ground floor commercial uses at 636 Locust Avenue in the Downtown Plan (PD-30) Zoning District. (District 1)

On September 16, 2021, the Planning Commission held a public hearing and conditionally approved a Site Plan Review (SPR) request for a new seven-story mixed-use building containing 108 dwelling units with ground floor commercial space, located at 636 Locust Avenue (Project) in the Downtown Plan (PD-30) Height Incentive Area within the Downtown (DT) General Plan Land Use Element (LUE) PlaceType. The Planning Commission found the Project within the scope of the previously certified Downtown Plan Program Environmental Impact Report (PEIR) and approved and adopted the Downtown Plan Program EIR Land Use Equivalency Program (Equivalency Program) and the 7<sup>th</sup> and Locust Development - Downtown Plan EIR Addendum (Attachment A).

The subject property is 22,000-square-feet in size and located at the southeast corner of Locust Avenue and 7<sup>th</sup> Street (Attachment B). The Project is bounded by Locust Avenue to the west and 7<sup>th</sup> Street to the north. An existing north-south alley (Waite Court) borders the eastern property line and is 18-foot wide (Attachment B). The property is currently developed with a former auto repair facility. Adjacent uses include a middle school and high school to the north, a surface parking lot to the west, commercial uses to the east, and a two-story multi-family residential use to the south.

### Site Plan Review

The Project includes the demolition of the on-site structure and construction of a seven-story mixed-use building containing 108 dwelling units, 1,188 square feet of ground level commercial uses, and an integrated four-level, 135-stall parking garage at 636 Locust Avenue (Attachment C). Vehicle access to the parking garage will be taken from Waite Court. The existing alley (Waite Court) will be widened by two-feet, with an alley dedication, that will result in a 20-foot-wide right-of-way for two-way vehicular traffic.

The parking areas will be located in four levels: two subterranean, one at-grade, and one above-grade. The Project provides 135 parking spaces, which includes one parking space per unit (108 spaces) and guest parking at a rate of one space per four dwelling units (27 spaces). The proposed 1,188 square feet of ground level commercial use is exempt from parking because the size of the tenant space is less than 6,000 square feet. The site is located within a transit-rich environment in proximity to regional and local transit and active transportation infrastructure. The Project also includes 32 bicycle parking spaces located on the ground level.

The site is in the PD-30 Height Incentive Area, a subarea that allows high-rise development up to 240 feet. The Project will be 98 feet in height, which is less than half of the allowable base height limit for the area. The scale of the mid-rise building is compatible with the variable scale found in the surrounding area. In addition, the building design and setback on the upper floors provide buffering to the adjacent two-story residential building located to the south of the Project.

The PD-30 Zoning District encourages architectural design that promotes high-quality mixed-use development with pedestrian-oriented ground floors. The building's 7<sup>th</sup> Street frontage contains pedestrian entrances to the main lobby of the building and to the commercial space. Double-height retail and amenity spaces line 7<sup>th</sup> Street with a 15-foot high ground floor, creating high transparency with visual connection and interaction between the building's interior social spaces and exterior public sidewalk. Amenities include a ground floor fitness area, lounge, bike storage and community room. Ground floor units with sidewalk entries and second floor residential units line Locust Avenue, activating the street.

Residential units are located on the seven floors of the building. The Project includes 77 one-bedroom units, 11 one-bedroom units with a den, 17 two-bedroom units, and 3 three-bedroom units. All 108 market rate units would be larger than the PD-30 Zoning District minimum 600 square feet unit size. The application (App. No. 2004-11) to redevelop the site was filed on April 16, 2020, prior to March 6, 2021, the effective date of the Inclusionary Housing Ordinance (ORD-21-0006). Therefore, this Project is not subject to the provisions of the Inclusionary Housing Ordinance. The market rate units are essential to address the well-documented City of Long Beach (City) and state-wide housing shortages and are consistent with goals and policies of the General Plan.

The Project is designed to conform with all applicable development standards of PD-30 and

is consistent with the type and intensity of development intended by the Zoning District. The level of design quality and architectural expression of the building is consistent with the goals of the Downtown Plan for high-quality building design and architecture (Attachment D). The Project, as conditioned (Attachment E) does comply with all the provisions of the Downtown Plan.

## **Program Environmental Review Background**

The Project is within PD-30 Zoning District. Pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, the City certified the Downtown Plan Program Environmental Impact Report (PEIR) [SCH No. 2009071006] on January 17, 2012. The Downtown Plan PEIR analyzed the potential environmental impacts that may result from the implementation of PD-30. Specially, the PD-30 PEIR assessed the impact resulting from the implementation of the density and intensity of PD-30, which includes allowing up to: (1) approximately 5,000 new residential units; (2) 1.5 million square feet of new office, civic, cultural, and similar uses; (3) 384,000 square feet of new retail; (4) 96,000 square feet of restaurants; and (5) 800 new hotel rooms.

## **Downtown Plan EIR Addendum - Downtown Plan Program EIR Land Use Equivalency Program (Equivalency Program) and 7<sup>th</sup> and Locust Development (Project)**

The Downtown Plan PEIR analyzed the potential impacts of growth anticipated over the 25-year horizon of the Plan. The anticipated 5,000 residential units has been met due to the high demand and critical need for housing; however, the growth of other uses, such as office, commercial, and hotel uses has not materialized. Upon review of the housing needs and development in the Downtown area, the City determined that additional residential development in the PD-30 area is needed and can be accommodated within the same levels of development contemplated by the PD-30 and its PEIR by allowing additional residential units while reducing commensurate levels of office, commercial, and hotel development.

A Land Use Equivalency Program (Equivalency Program) was developed as part of the preparation of the Addendum to the EIR to provide development flexibility so that PD-30 could respond to market conditions over the build-out duration of the plan. Land uses to be developed would be allowed to be reallocated among the permitted land uses so long as the limitations of the Equivalency Program are satisfied and do not exceed the analyzed upper levels of environmental impacts that are identified in the PD-30 PEIR or exceed the Plan's maximum Floor Area Ratios. Increases in permitted land uses can be reallocated for corresponding decreases of other permitted land uses under the proposed Equivalency Program (Attachment F).

To determine the reallocation rates, a Downtown Plan Equivalency Calculator (DPEC) has been developed to allow the City to easily track the approved projects and to reduce available commercial, office, and/or hotel space, accordingly, to accommodate increased demand for residential housing units, while staying within the overall levels of development and impacts

analyzed in the PEIR. The DPEC has developed a conservative exchange rate to allow for the reallocation of commercial, office, and/or hotel space to residential units such that applicable regulations are satisfied, and no additional significant environmental impacts or substantially greater impacts would occur than previously identified in the Certified PEIR. The DPEC provides for the initial reallocation of non-residential land use to account for an additional 3,260 housing units to be developed within the Downtown Plan area (Attachment G). The 3,260 additional residential units can be accommodated by reducing office uses by 417,060 square feet, commercial uses by 135,320 square feet, and hotel uses by 177 rooms.

The Project site is located in the height incentive area of PD-30. Considering the development pending approval and/or already approved, as of this point in time, and when accounting for the proposed Project at 636 Locust Avenue, this leaves a balance of 3,008 dwelling units, 592,950 square feet of office space, 140,970 square feet of commercial space, and 400 hotel rooms in the PD-30. The Planning Commission found the Project within the scope of the previously certified PD-30 PEIR and approved and adopted the Downtown Plan EIR Addendum as the environmental clearance for the Downtown Plan Program EIR Land Use Equivalency Program and the 7<sup>th</sup> and Locust Development (Project), in accordance with CEQA.

## **Public Hearing Notice**

On September 16, 2021, the Planning Commission held a public hearing and considered public testimony. Two pieces of correspondence were received prior to the hearing (Attachment H). At the hearing, a representative of Supporters Alliance for Environmental Responsibility spoke in opposition to the environmental review process. The Planning Commission accepted and approved the EIR Addendum and conditionally approved (with a 5-0 vote) the SPR request.

## **Appeal**

Within the ten-day appeal period, one third-party appeal was filed by the Supporters Alliance for Environmental Responsibility (Attachment I). The appellant asserts that the Addendum is not the appropriate environmental review because the changes proposed by the Land Use Equivalency Program (Equivalency Program) are not within the scope of the 2012 Downtown Plan PEIR, and that a new EIR or negative declaration must be prepared. While the appeal raises various procedural objections to the Project and use of the Addendum and equivalency approach, the appeal fails to provide any detailed evidence that the Project will result in significant environmental impacts not previously contemplated in the program EIR.

An EIR Addendum (EIRA 06-20) was prepared in accordance with CEQA and specifically Section 15164 of the CEQA Guidelines to analyze the proposed Project to determine whether the Project would result in any new significant environmental impacts or a substantial increase in the severity of impacts identified in the PD-30 PEIR (Attachment J). The Equivalency Program analysis prepared as a part of this Addendum determined that the

Project will not result in any new significant impacts that exceed those analyzed in the PD-30 PEIR with mitigation measures included and that none of the conditions requiring a new 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. Thus, the Addendum was prepared pursuant to CEQA Guidelines Section 15164. In addition, the development is subject to the Downtown Plan PEIR Mitigation Monitoring and Reporting Program (MMRP) (Attachment K). The MMRP is designed to ensure compliance with adopted mitigation measures during Project implementation. Each mitigation measure recommended in the PEIR that applies to the Applicant's proposal is being imposed on the Project. Further, specifications are made that identify the action required by the Applicant and the monitoring that must occur. In addition, the party responsible for verifying compliance with individual mitigation measures is identified.

A detailed response to the appeal is attached (Attachment L) and demonstrates that the proposed Project would not result in an effect on the environment and would be consistent with all required findings. The Project would be consistent with the PD-30 development standards and the PEIR prepared for the Downtown Plan. The CEQA approach is consistent with best practices and law which focuses on streamlining development where previous review has occurred and on the adaptive use of program EIRs over time. Staff finds that the Project would not cause negative impacts upon the environment or surrounding areas that were not identified in the PEIR. The Project will not introduce new uses that are not already permitted by the Downtown Plan, but rather allows an expansion of already permitted uses, particularly new housing and associated retail space, furthering Plan goals by allowing new housing and associated retail space to meet the critical housing demand in the City and accommodate the needs of residents, tourists, employees, and business visitors in the greater downtown area. The Equivalency Program also reduces the amount of office and other uses that may be permitted downtown, resulting in reductions to uses with higher peak traffic generation and associational impacts than residential uses.

Staff has analyzed the Project in accordance with the required findings for SPR entitlement and finds that positive findings can be made for the Project and that the Addendum is an appropriate environmental clearance for the Equivalency Program and the proposed Project. As such, staff recommends the City Council uphold Planning Commission's approval of the Project and deny the appeal.

Public hearing notices were distributed on December 23, 2021, in accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code. Any comments received prior to the City Council hearing will be provided to the City Council.

This matter was reviewed by Assistant City Attorney Dawn McIntosh on December 8, 2021 and by Budget Operations and Development Officer Rhutu Amin Gharib on December 27, 2021.

City Council action is requested on January 18, 2022 to adopt a Resolution approving and

adopting an Addendum (EIRA-06-20) to the Program Environmental Impact Report (PEIR) for the City of Long Beach Downtown Plan (PEIR-SCH# 2009071006) relating to the 636 Locust Development (Project) and Deny the appeal and approve a Site Plan Review (SPR 20-011).

This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with City Council priorities. There is no fiscal or local job impact associated with this recommendation.

Approve recommendation.

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OSCAR W. ORCI  
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

THOMAS B. MODICA  
CITY MANAGER