



## Legislation Text

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**File #:** 21-0309, **Version:** 2

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Recommendation to declare ordinance amending the Use District Map of the City of Long Beach as said Map has been established and amended by amending portions of Parts 15 and 22 of said Map from Light Industrial (IL) to Commercial Storage (CS), read and adopted as read. (District 8)

On December 17, 2020, the Planning Commission held a public hearing, adopted and certified a Mitigated Negative Declaration (MND 07-020), and conditionally approved (by a 6-1 vote) a Site Plan Review, Standards Variance, Conditional Use Permit, and Lot Merger request for the construction and operation of a three-story, 152,745-square-foot self-storage facility (also consisting of approximately 6,200 square-feet of office space on the third floor), in conjunction with an accessory recreational vehicle parking lot and 2,153-square-foot patron car wash (Project) (Attachment A - Planning Commission Staff Report and Exhibits). The Planning Commission also recommended that the City Council approve a zone change to rezone four parcels generally located at the northeast intersection of the I-405 Freeway and the Los Angeles River, from Light Industrial (IL) to the Commercial Storage (CS) zoning district (Attachment B - Location Map). The proposed zone change would limit the allowable uses on the subject parcels in comparison to the more intense industrial uses permitted by the current IL zoning district and would facilitate the development of the self-storage facility and recreational vehicle (RV) parking lot on properties that have limited physical access and have significant contamination due to historic uses on the site, which are outlined in more detail below.

### History and Background

The subject parcels, which currently comprise a vacant 13.95-acre dirt lot (Attachment C - Photos), are bounded by the Metro A Line (formerly Blue Line) light rail tracks to the north and east, the transition road leading from the I-405 Freeway to the 710 Freeway to the south, and a strip of vacant land and the Los Angeles River to the west (site). Beyond the Metro A Line to the north and east of the site is a predominantly single-family residential neighborhood, an elementary school (Los Cerritos Elementary School), and a public park (Los Cerritos Park). Access onto the site is available from a single-entry point at the southeast portion of the site, via Pacific Place (which is the road that also accesses the I-405 and 710 Freeways).

The majority of the site has been vacant since 2007, when its golf driving range operation ceased (established in 1997). The golf-related retail shop and equipment rental continued to operate after the closure of the driving range until 2015. Prior to the site's operation as a golf driving range, uses at the site included an oil brine water treatment facility for on- and off-site oil production activities and oil well drilling. The oil brine water treatment facility was

established in the 1920s and activities included the pumping of oil brine to oil sumps (evaporation and treatment ponds), with the majority of the Project site serving as a treatment sump. As a result of the treatment activities, water seepage into the subsurface below the sumps caused a sludge residue onsite. Operations for the treatment facility were discontinued in the 1950s and fill soil was imported to the site in the 1970s. The site's oil well drilling activities took place between the 1930s and 1980s, with 13 oil wells being drilled (11 of which produced oil). The oil wells were abandoned between 1961 and 2014, in accordance with the California Geologic Energy Management Division (CalGEM) standards.

The site is currently zoned Light Industrial (IL) and has a General Plan Land Use Element (GPLUE) PlaceType designation (as designated by the 2019 GPLUE Update) of Neo-Industrial (NI). The NI PlaceType encourages the location and retention of restricted light industrial activities associated with innovative start-up businesses and creative design offices. The Land Use Element (LUE) also states that this PlaceType promotes low-intensity uses adjacent to low-density residential uses. When new developments are proposed in the NI PlaceType, abutting residential neighbors, office and commercial uses are preferred rather than industrial and manufacturing operations. Based on the Project site's level of contamination due to previous activities, and to comply with the NI PlaceType goal of promoting low-intensity uses next to low-density residential uses, the applicant proposes to establish the self-storage facility with accessory RV parking and patron car wash. The IL zoning district currently prohibits the operation of self-storage facilities and parking lots as a business use; however, the proposed use is permitted with a Conditional Use Permit (CUP) in the proposed CS zoning district.

On December 17, 2020, the Planning Commission held a public hearing, received a staff report, took public testimony, and considered written correspondence that was received (Attachment D - PC Public Comments). The Planning Commission recommended that the City Council approve Zone Change ZCHG20-004 from IL to CS, and approved Site Plan Review SPR20-015, Standards Variance SV20-006, Conditional Use Permit CUP20-010, and Lot Merger LMG20-009 for the construction and operation of the Project at 3701 Pacific Place (Attachment E - Plans), subject to conditions of approval and based on positive findings (Attachment F - Findings and Conditions of Approval).

### **Zone Change**

The current IL zoning district designation is intended mainly for industrial, manufacturing, as well as small-scale office uses with some limited commercial uses. Pursuant to Section 21.33.080 of the Long Beach Municipal Code (LBMC), the IL zoning district prohibits the operation of self-storage facilities and parking lots as a business use. The CS zoning district is the most appropriate zone to support the establishment of the self-storage facility and RV parking lot. The established purpose of the CS zoning district is "to encourage storage uses in areas which are particularly difficult to use due to parcel shape, access, adverse environmental conditions, or in areas where parcels are needed to form a buffer from incompatible uses." The subject lot meets the aforementioned characteristics as it has limited street frontage and access and has contamination that requires significant environmental

remediation. The CS zone requires a CUP for self-storage facilities, car washes, and vehicle parking lots all of which are proposed on this property and will be discussed later.

The Planning Commission recommended approval of the requested zone change (Attachment G - Zone Change Map) as it would represent a less intense zone due to its more restrictive development standards and limited range of allowable uses, as compared to the current IL zoning district, which allows more noxious uses such as automobile repair, and the manufacture of products such as leather, furniture and fixtures, paper and allied products, rubber and plastics, lumber, miscellaneous chemicals, industrial and commercial machinery, asphalt paving, roofing materials, and transportation equipment. The manufacturing, warehousing, and light industrial uses allowed by right within the IL zoning district are prohibited within the CS zoning district. Also, the IL zoning district currently allows a maximum building height of 60'-0" by right, while the CS zoning district only allows a maximum building height of 28'-0".

Among the required findings for the approval of a zone change is the requirement that the proposed change is consistent with the goals, objectives and provisions of the General Plan. The 2019 GPLUE Update designates the Project site as the Neo-Industrial (NI) PlaceType.

One of the citywide goals identified in the LUE is to accommodate strategic growth and change (Goal No. 3 of the LUE). Under this goal, the City aims to encourage this growth within strategic locations while preserving existing neighborhoods. The LUE identifies the subject site as a target for one of the eight major areas of change that are the focus of the land use concept: "Convert targeted industrial edges and districts to Neo-Industrial uses." The parcels' NI PlaceType designation is a reflection of both the historic use (in this case oil well drilling and oil brine water treatment facility) of the subject parcels and other similar properties adjacent to the Los Angeles River for industrial purposes, a condition that is common to many segments of the Los Angeles River within and beyond the Long Beach city limits, and adopted goals to transition targeted industrial areas to clean, job- and tax-generating uses in Long Beach.

The proposed zone change to the CS zoning district and the associated self-storage and RV parking project, are consistent with the intent of the NI PlaceType which is to provide lower-intensity uses adjacent to the low-density single-family neighborhood to the east of the property. The NI PlaceType is generally characterized by innovative start-up businesses or creative design offices. The proposed Project incorporates 6,200 square feet of office space (of which a portion will house the corporate offices for the self-storage facility) within the self-storage facility, which offers an opportunity for such uses. Furthermore, redevelopment of the subject parcels is somewhat limited due to its environmental constraints (including elevated levels of petroleum hydrocarbon, arsenic, lead, perchloroethylene, trichloroethylene, benzene, methane, commercial pesticide and herbicide found in the soil, and general groundwater degradation).

Strategy No. 7 of the LUE is to "implement the major areas of change identified in this Land

Use Plan (Map LU-20).” In particular, LU Policy 7-4 encourages degraded and abandoned buildings and properties to transition to more productive uses through adaptive reuse or new development. The Project site as a whole has been abandoned for more than a decade (since 2007), contributing to the presence of a blighted vacant property that has been used for illegal activity such as the driving of off-road vehicles. As a result of the Project, the blighted site and its surrounding area will undergo several upgrades including landscaping, high-quality architecture, new paving, offsite roadway improvements, and bring a productive use to the site in comparison to the existing, long-standing fallow conditions found on the site currently. A policy change by the City Council that took effect on July 1, 2018, makes it harder to park RVs on Long Beach streets and increases the need and usefulness of the proposed facility. The site is a location where the proposed large-scale, self-storage and RV parking uses can exist and would be anticipated to have the least impact to surrounding uses. Additionally, given the subject parcels’ environmental contamination and isolated location, the proposed large-scale, self-storage and RV parking uses are among the most viable uses for the site.

## **Summary of Actions Taken by The Planning Commission**

### Site Plan Review

New commercial buildings exceeding 50,000 square feet require Planning Commission approval. Prior to Planning Commission approval for SPR20-015, the Site Plan Review (SPR) Committee reviewed and recommended that the Project move forward to the Planning Commission for consideration (on June 10, 2020). The Planning Commission’s approval was based on positive SPR findings that the proposed design is considered harmonious and consistent within itself and that it represents the most compatible use for the site, given the previous site contamination activities that took place at the subject location and the isolated location of the parcels.

The proposed Project site is oriented along the northeast intersection of the I-405 and 710 Freeways and directly to the east of the Los Angeles River channel. The site is only accessible from its southeastern most point, via Pacific Place, which dead-ends into the Project site and an adjacent Caltrans maintenance station to the south. Site orientation is designed to provide maximum visibility of the new building from its entrance along Pacific Place, which will be improved in accordance with the requirements of the City’s Public Works Department. The location of the building in the southeast portion of the site will provide a visual buffer between its entrance and the remainder of the property, which will consist largely of a newly paved RV parking lot. Some of the methods used to help mitigate the visual impacts of the substantial parking lot include in-ground landscaping (where feasible, in light of the contaminated site), potted landscaping, a solar carport structural system encompassing the perimeter of the site, masonry walls that incorporate “green-screening”, and the incorporation of a publicly accessible open space easement through the Project site to allow for future connection to the Los Angeles River. While the subject parcels are not directly adjacent to the river, the public easement and open space will ensure future connections to the river are maintained with the development of the site to an adjacent publicly-owned site

that is identified in the Los Angeles River Master Plan (LARMP). The easement and publicly accessible open space as proposed would be located in the southwest corner of the site (Attachment H - Conceptual Drawings for the LARMP Area).

Building architecture effectively minimizes massing and scale with the incorporation of a contemporary design that breaks up large expanses of blank walls. The use of building forms that offset and contrast in color and material helps to enhance the visual quality of the structure. The applicant has incorporated high-quality materials and features that include form liner concrete siding with different patterns and etched imagery, polycarbonate panels, dual-pane glazing with blackened steel storefront system, art walls with murals, and Swiss pearl panels, all meant to offer aesthetically pleasing elements typically not associated with typical self-storage facilities.

### Standards Variance

The applicant is proposing a building height of 43'-11" to its highest point, although the majority of the building's parapet line will be at 38'-4" in height. Portions of the building that have heights of 42'-10" and 43'-11" are to accommodate architectural features that will provide an aesthetic change in the roof plane. The property's current IL zoning district allows a maximum height of 60'-0" and the GPLUE allows a maximum height of 40'-0". However, the CS zoning district (predicated upon zone change approval) allows a maximum building height of 28'-0". Standards Variance approval allows the additional building height above the 28'-0" limit of the CS zoning district. As most of the proposed building height is set to 38'-4" (with the exterior polycarbonate panels reaching 42'-10" and 43'-11"), it is consistent with the height allowance set forth in the GPLUE. Approval of a Standards Variance is not expected to cause substantial adverse effects on the community since the site is completely isolated by the various rights-of-way that it is bound by and buffered from the neighboring school, park and residential community. Allowing a building height of 43'-11" on a site surrounded by freeways, a river and light rail tracks would not impact the surrounding character given its isolated location and distance from residential and other uses nor would it impede any significant views or create any issues related to shading and shadows.

### Conditional Use Permit

In accordance with the regulations of Section 21.32.130 of the LBMC, CUPs are required for self-storage, car wash and parking lot uses in the CS zoning district. The CUP findings include special conditions to which the proposed use must comply. CUPs can be approved when the proposed use will not be detrimental to the surrounding community. The site's location in terms of access and surrounding land uses (freeways, the river, metro light rail tracks) render it an auto-oriented property that prevents pedestrian compatibility by default. Self-storage facilities, RV parking lots and car washes are all characterized by significant reliance on vehicles for their operations.

Controlled access to the site will be limited to customers of the self-storage facility or RV parking lot. The proposed 2,153-square-foot car wash will be limited only to those patrons who utilize the primary uses. As conditioned, limits will be placed on hours of operation, from

7:00 a.m. to 7:00 p.m., Monday through Friday and 9:00 a.m. - 5:00 p.m., Saturday, Sunday, and holidays. Conditions of Approval will also be incorporated to reflect specific requirements related to self-storage facilities and parking lots as a business use such as hours of operation, security requirements, daily walkthroughs and monitoring, tenant communication, access hours, locking systems, collaboration with law enforcement if needed, and eviction protocol. The conditions also require the property owner to provide a publicly accessible open space and easement on the site to grant future access to the Los Angeles River.

### Lot Merger

The proposed zone change area consist of four separate parcels, which the property owner proposes to consolidate the parcels into a single property for the purposes of development. The consolidation of the individual parcels will result in a site area of approximately 608,000 square feet, which complies with the 10,000-square-foot minimum lot size requirements of the CS zoning district. Consolidation of the four existing parcels into one property will preclude the sale of individual parcels, an action that could result in zoning compliance issues in the future.

### **Appeals**

Between December 27, 2020 and December 28, 2020, within the 10-day appeal period, applications for appeal were filed by Ann Cantrell and Anna Christensen representing the Sierra Club Los Cerritos Wetlands Task Force; Corliss Lee representing Citizens About Responsible Planning; Juan E. Ovalle representing the Riverpark Coalition; Renee Lawler representing the Historic Equestrian Trail Association of So Cal; and Robert Gill representing the Los Cerritos Neighborhood Association (APL20-004, APL20-005, APL20-006, APL20-007) (Attachment I - Applications for Appeal). The following is a summary of the assertions made in the appeals, and brief responses to those assertions:

### *The Mitigated Negative Declaration for the Project is insufficient and requires a full Environmental Impact Report*

The City, in consultation with the California Department of Toxic Substance Control (DTSC), found the Mitigated Negative Declaration (MND) to be the appropriate level of environmental review under the California Environmental Quality Act (CEQA) Guidelines. The MND is based on detailed technical studies including special status plant studies, geotechnical studies, trip (traffic) generation studies, air quality modeling, biological studies, archeological studies, paleontological studies, energy use analysis, toxic substances analysis, and general CEQA review. In this case, the Project fully mitigates any impacts and greatly improves the environmental performance of the subject parcels compared to the existing condition, which is currently characterized by environmental contamination, physical blight, unimproved streets, and nuisance activities.

### *The Project is inconsistent with the vision of the Los Angeles River Master Plan*

The proposed Project will facilitate access to the Los Angeles River through a publicly owned parcel of land controlled by the Los Angeles County Flood Control District. The Los Angeles River Master Plan (LARMP) shows an option of parks and open space in the general vicinity

of the proposed storage facility; however, the Project site is private property and only one of many such opportunity sites identified in the Master Plan. No recent funds have been received or allocated for the acquisition of the private property for the purposes of developing a park. The Project site has consistently been privately owned and has never been designated by the City as a public park. An early draft version of the 2019 GPLUE Update showed the area as private open space, reflective of the prior golf driving range use. However, based on the private ownership of the property, the limited range of economically viable uses allowable in the Open Space PlaceType, and in recognition of the fact that the former golf driving range was no longer in operation, the later and ultimately the adopted versions of the LUE designated the site with a NI PlaceType consistent with the context and the longer standing, historic use of the parcels. The applicant has agreed to develop and maintain a section of the Native Plant Preserve located within the property boundaries at the northwest corner of the site, as well as an accessway to the larger LARMP site, proposed to be in the southwestern corner of the property.

Existing parks in the vicinity of the Project site include Los Cerritos Park, immediately to the east of the Project site across the Metro railway tracks and Del Mar Avenue, as well as Baker Street Park directly to the south of the Project sites across I-405. Baker Street Park is being considered for expansion as part of a separate and different development proposal to the south. Just to the north of the Project site are the Dominguez Gap Wetlands, which provide river-adjacent nature hiking and enjoyment. Further to the south is the river-adjacent Wrigley Greenbelt.

· *The Standards Variance for a building height of 43'-11" is not compatible with the surrounding neighborhood*

The Project site is currently located within the IL zoning district. The maximum building height allowed within the IL zoning district is 60'-0". Allowing a building that is largely 38'-4" in height and measures 43'-11" in height in limited areas to accommodate small architectural embellishments in a location that currently allows 60'-0" is not anticipated to cause substantial adverse effects on the surrounding neighborhood. Additionally, the adopted GPLUE Height Map permits a height of 40'-0" at the subject location. The Project site is isolated from surrounding land uses due to its limited access along a small road and its location amid the I-405 and 710 Freeways, the Los Angeles River, and the Metro light rail track. The most sensitive uses in the immediate area are located to the east of the Project site and include a public school and single-family residential community. Both land uses are completely buffered and screened from the Project site. The 43'-11" building height will not impact the surrounding character given its isolated location and distance from residential and other uses nor would it impede any significant views or create any issues related to shading and shadows.

· *The proposed zone change is spot zoning;*

In response, the proposed zone change represents rezoning to a less intense zone due to its more restrictive development standards and limited range of allowable uses, as compared to the current IL zoning district, which allows more uses that could result in greater impacts to

the surrounding community such as automobile repair, and the manufacture of products such as leather, furniture and fixtures, paper and allied products, rubber and plastics, lumber, miscellaneous chemicals, industrial and commercial machinery, asphalt paving, roofing materials, and transportation equipment. The proposed zone change would designate the Project site as Commercial Storage (CS). The rezoning would make the property's zoning consistent with that of properties directly to the south of the Project site (and separated by the I-405 Freeway) which are currently zoned for CS.

· *The Planning Commission's decision was made on false information that the Los Cerritos Neighborhood Association (LCNA) was in support of the Project and that there was no consideration for horse trails*

The Planning Commission's decision was not based on the LCNA's position on the Project. It was based on positive findings of facts presented at the December 17, 2020 Planning Commission hearing. The staff report given during this hearing made no mention of LCNA's stance on the Project.

Regarding the consideration for horse trails, no formal horse-riding trails or equestrian uses occur within, or immediately adjacent to, the Project site.

Supplemental response to the appeal applications are attached and demonstrate that the Project would not result in an adverse effect on the environment, and that the Project is consistent with all required findings (Attachment J - Appeal Responses).

An Initial Study/MND (IS/MND) was prepared for this Project in accordance with Section 15070 of the CEQA Guidelines (Attachment K - Mitigated Negative Declaration 07-20). The IS/MND analyzed the proposed Project in accordance with the CEQA Guidelines and determined that the Project will not result in any significant and unavoidable impacts, with mitigation measures included. Additionally, the development is subject to the Mitigation Monitoring and Reporting Program (MMRP), which is designed to ensure compliance with applicable mitigation measures during Project implementation. For each mitigation measure recommended in the IS/MND that applies to the proposed Project, specifications identify the action required, the monitoring that must occur, and the party responsible for verifying compliance. Some of the environmental issues causing the most concern relate to the hazardous materials and contamination of the soil onsite, as well as air quality (in relation to the contaminated soil). Mitigation Measure HAZ-1 requires the applicant to submit a Response Plan to DTSC for approval and certification, prior to the issuance of any building permits. Certification of the Response Plan is contingent on the following requirements:

· Excavation and consolidation of soils with localized risk-based thresholds for lead and arsenic;

· Preparation of a Soil Management Plan (SMP) to provide guidelines for the proper monitoring, handling, segregation, stockpiling, dust control, testing, transport, and disposal of potentially impacted soils;



- Design and construction of an engineered surface cap to prevent exposure to former oily sump materials and other contaminants of potential concern, and to prevent surface water infiltration;
- Design and construction of a gas containment system below the surface cap to capture and treat any volatile contaminants that may accumulate onsite and prevent their offsite migration;
- Vapor intrusion mitigation system below the future building foundations to include a vapor barrier that allows ventilation of soil vapor;
- Recording of a land use covenant that requires any changes in site conditions (new construction) to be communicated to DTSC; and,
- Preparation of an Operations and Maintenance Plan to facilitate inspection and maintenance of the mitigation systems and regular sampling of shallow monitoring soil vapor probes and groundwater monitoring wells.

The Planning Commission was presented with MND public comment letters that were submitted during the 30-day public comment period (Attachment L - MND Comment Letters). Staff responses to all comments were also presented to the Planning Commission for review (Attachment M - Responses to MND Comments and Edits). The Planning Commission analyzed the Project, in accordance with the required findings for each of the entitlements and finds that positive findings can be made for each approval.

Public Hearing notices were distributed on March 29, 2021, in accordance with the requirements of Chapter 21.21 of the LBMC. Several responses in support and opposition of the Project were received as of the date of preparation of this report (Attachment N - Responses of the Project).

This matter was reviewed by Assistant City Attorney Michael J. Mais on March 22, 2021 and by Budget Management Officer Rhutu Amin Gharib on March 15, 2021.

The LBMC requires this item to be transmitted to the City Council within 60 days of receiving an appeal, the first of which was filed on December 27, 2020. However, the Department of Development Services can provide an extension of up to 90 days for the appeal to be adjudicated pursuant to LBMC Section 21.21.504. City Council action is requested on April 13, 2021.

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

Approve recommendation.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE USE DISTRICT MAP OF THE CITY OF LONG BEACH AS SAID MAP HAS BEEN ESTABLISHED AND AMENDED BY AMENDING PORTIONS OF PARTS 15 AND 22 OF SAID MAP FROM LIGHT INDUSTRIAL (IL) TO COMMERCIAL STORAGE (CS)

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APPROVED:

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