



Legislation Text

File #: 22-1349, **Version:** 1

Recommendation to adopt resolution certifying the River Park Residential Project Environmental Impact Report (EIR-07-20, SCH#2021020492);

On September 1, 2022, the Planning Commission held a duly noticed public hearing on this project, and recommended (4-1, with two commissioners absent) that the City Council take the above-listed actions to approve the project (Attachment A).

The applicant proposes building a new residential Planned Unit Development (PUD) consisting of 226 dwelling units and a park, located on a 20.4-acre site. The project site will be divided into a 15.53-acre residential component, which will contain 74 two-story detached single-family homes, 99 two-story row townhouses, and 53 three-story carriage townhouses, with each unit to have an individual condominium airspace for ownership. A park is to be developed on the remaining 4.81 acres of the property. Primary access to the PUD would be provided from a private gated drive on Wardlow Road. An emergency access point is proposed at the northeast corner of the complex, at the intersection of Baker Street and Golden Avenue. The proposed circulation system within the PUD consists of a private drive loop to the residential units and amenity features, with on-street guest parking inside the PUD. Vacation of the unimproved Baker Street right-of-way west of Golden Avenue is proposed as part of the project since this street bisects the PUD and its proposed park. The project will include a provision of five percent of the total number of dwelling units as affordable housing units at the very-low Area Median Income (AMI) level.

Project Site

The project site is located on the former Oil Operators, Inc., property at 712 Baker Street, bounded by Wardlow Road on the south, Golden Avenue on the east, the San Diego Freeway (I-405) on the north, and the Los Angeles County flood control channel parcels and the Los Angeles River (LA River) on the west (Attachment B). Baker Street bisects the project site from east to west, and this segment of Baker Street is proposed to be vacated and incorporated into the PUD. Baker Street currently functions as a maintenance access road to the Los Angeles County-owned parcels to the west. The pedestrian, cycling, and equestrian trails to the west of the project site are located on the Los Angeles County-owned parcels and would be unaffected by the project. The project site itself contains no trails or through access to the Los Angeles River trail system. The City of Long Beach (City) Baker Street Park is adjacent to the east of the park proposed by the developer, and the design of the proposed park would be integrated with the existing City Park to function as a single larger park. The City's Wrigley Heights Dog Park is adjacent to the southeast of the proposed residential portion of the PUD. Access to the project site is taken from a driveway directly on Wardlow

Road, and from Baker Street west of Golden Avenue (Attachment C). The current land use, general plan PlaceType, and zoning of the site and its surroundings are described in the table below.

Location	Existing Land Use	General Plan PlaceType	Zoning	Overlay
Project site: north and west portion	Vacant	FCN / 2-story (Founding and Contemporary Neighborhood)	CS (Commercial Storage)	None
Project site: east portion	Vacant	FCN / 2-story	CS	H (Horse)
Project site: southwest portion	Vacant	FCN / 2-story	R-1-N (Single-family Residential, standard lot)	None
East of project site	Residential small-lot development	FCN / 2-story	R-1-S (Single-family Residential, small lot)	None
North of project site	Freeway	OS (Open Space)	PR (Public right-of-way)	None
West of project site	Flood control channel, Los Angeles River, trails and recreation	OS	Not zoned	None
South of project site (south of Wardlow Road)	Multifamily residential	MFR-L Multiple Family Residential Low Density	R-4-R	None
Baker Street Park	City Park	OS	CS, R-1-N	None
Wrigley Heights Dog Park	City Park	OS	CS	H

Project Proposal and Design

The developer proposes to build a 226-unit residential PUD on the 15.53-acre portion of the project site between Wardlow Road and Baker Street, and a park on the 4.81-acre portion of the site north of Baker Street. The residential portion of the PUD also will contain an amenity

facility and building for residents, consisting of a multi-purpose community room, restrooms, and swimming pool. The PUD unit mix and characteristics are shown in the following table:

Unit Type	Single-Family Detached	Row Townhouses	Carriage Townhouses
Unit Count	74	99	53
Bedroom Count	3-5	3	2-3
Unit Size (sq. ft.)	1,924-2,244	1,464-1,800	1,414-1,653
Building Height	2 stories	2 stories	3 stories
Unit Parking	2 garage stalls	2 garage stalls	2 garage stalls
Affordable Unit Count	0	0	12
4-unit buildings	n/a	6	1
5-unit buildings	n/a	3	3
6-unit buildings	n/a	10	0
8-unit buildings	n/a	0	3
10-unit buildings	n/a	0	1

The 74 detached single-family homes have three different proposed unit plans; with each unit plan having four variations. The 99 row townhomes will comprise a total of 19 buildings, split between four-, five-, and six-unit buildings, with three different unit plans for the row townhome units, and each unit in each building differentiated using architectural details and colors. The 53 carriage townhomes are found in eight buildings on the project site, split between four-, five, eight-, and 10-unit buildings, with two different unit plans for the carriage townhome units, and again with each unit within each building differentiated using architectural details and colors (Attachment D). A total of five percent of the dwelling units (12 units) will be provided as affordable housing units at the very-low AMI level. All 12 of these units will be provided as carriage townhouses, although they are evenly distributed throughout the carriage townhouse buildings in the PUD.

The single-family homes will be located on the east, north, and west perimeter of the residential portion of the PUD site, fronting on Golden Avenue, the vacated Baker Street right-of-way, and the Los Angeles County Flood Control District property, with a double-row of single-family homes through the center of the site connecting the rows of single-family homes on the east and west edges. The carriage townhouses are located toward the front of the PUD, with a 30-foot setback from Wardlow Road, with the project drive on the east and the Los Angeles County Flood Control District property on the west, and the row townhouses behind. The row townhouses are located in two groups in the center of the PUD: a front group between the carriage townhomes and the double-row of single-family homes, and a rear group surrounded by the single-family homes on all sides.

The single-family homes, row townhouses, carriage townhouses, and the recreation and amenity buildings are designed in Spanish Colonial, Italian, or Santa Barbara architectural styles, each complementary to the other and all broadly reflective of 20th-century architectural traditions in Southern California. The materials selected for the architecture are high-quality, durable components and finishes, with no rough stucco or low-quality foam details or trims, and high-quality Milgard vinyl windows are used, with no white vinyl windows permitted.

Each dwelling unit in the PUD will be connected to a pedestrian path providing continuous pedestrian circulation throughout the PUD; where these pedestrian paths must cross the private streets or drive aisles, they will be paved with decorative pavers to ensure the pedestrian path is clearly marked. Continuous pedestrian connection will be provided for each unit directly to the public right-of-way. Each unit is also provided with a two-car garage accessed from the private street network within the PUD. Required guest parking is provided on the private streets as well. Landscaping will be provided at all site perimeter areas and stormwater containment and filtration swales, and in each residential front yard for the single-family dwellings, including a broad-canopy leafy tree in each front yard to function as a street tree.

Each dwelling unit will be located on a condominium airspace to allow individual ownership, with one master ground lot containing all common areas and amenities owned by the Homeowners' Association (HOA). All streets, sidewalks, and driveways within the development, as well as all common facilities and amenities, will be privately owned and maintained. This includes the recreation center, park, perimeter walls, fences, and gates, as well as utility connections and stormwater systems. The HOA will be responsible for managing the ongoing maintenance of all common improvements and facilities, enforcing the maintenance and appearance standards for each dwelling, enforcing parking restrictions (including use of the guest parking spaces), and managing the placement of trash carts for refuse collection. Additionally, the HOA will be responsible for the maintenance of the public sidewalk, parkways, and street trees on public streets adjacent to the PUD. Through the inclusion of Covenants, Conditions, and Restrictions, adequate provision will be made for the long-term maintenance and upkeep of the common areas, community amenities, utilities, and both style of townhome buildings in the development by the HOA; while individual homeowners will be responsible for exterior maintenance of the detached single-family homes under HOA supervision.

North of Baker Street, the developer proposes to improve the 4.81 acres of vacant land as a park. This will include the installation of typical park amenities and landscaping, and active recreation uses including sports facilities and a jogging path and exercise stations and a 2-5-year-old play area. Passive recreation uses will include Native American history interpretive signs and path, a butterfly garden, a wildflower meadow, and a picnic area. California native drought-tolerant landscaping will be provided on the park perimeter. Additional park improvements and programming will be developed under guidance of the Parks, Recreation, and Marine Department with the goal of providing recreation area while reducing turf usage

due to the ongoing drought. The eastern edge of this park will abut the western edge of the City's Baker Street Park, and the new park will be developed to seamlessly integrate with the City's park to give the appearance of one single larger park. The new park will be open to the public in the same manner as a City park, and the HOA will be required to maintain the new park in perpetuity. Additionally, the developer will be required to make improvements to Baker Street and Wrigley Heights Dog Parks, both of which are adjacent to the PUD. These improvements will include a new self-cleaning restroom and a shade structure over the existing playground at the Baker Street Park, and amenity improvements to the Wrigley Heights Dog Park including benches, trash cans, drinking fountains, message boards, and fence replacement.

Development Standards Compliance

The developer proposes this project as a PUD under Division III of Chapter 21.31 of the Zoning Regulations (PUD Ordinance), which specifies development standards for any new PUD. The PUD Ordinance was established to allow development of PUDs with greater flexibility while achieving a greater level of community amenities than would otherwise be built by individual development of dwelling units or projects. The PUD development standards include minimum site area, internal site planning integration requirements, setbacks, building height, private open space, minimum lot sizes and width, and floor area ratio standards.

The proposed development complies with all of the applicable development standards in the PUD Ordinance, although several standards, such as minimum lot size, lot width, lot coverage, and floor area ratio, are not applicable because the development is proposed as one master ground lot with condominium airspaces, rather than individual fee simple ownership of the lots. Notably, the PUD Ordinance requires 15 percent of the total site (approximately three acres) to be developed as common open space amenity area, and compliance with this requirement is achieved through construction of the proposed 4.81-acre park.

Additionally, while the proposed development complies with the building height limits allowed by the PUD Ordinance, the General Plan Land Use Element (LUE) PlaceType designation for the project site is Founding and Contemporary Neighborhood, two stories (FCN / 2-St). In order to exceed the two-story height limit imposed by the General Plan, the developer is utilizing a development standards waiver under the State's affordable housing regulations (California Government Code Section 65915), which grants development standards waivers if a specified level of affordable housing is provided in the project. In this case, the developer meets the requirement for one development standards waiver by providing five percent of the dwellings as very-low AMI affordable housing units. The Planning Commission concurs with this development standards waiver claim. This portion of the project related to the affordable units and standards waiver is a ministerial act. The City's Inclusionary Housing Ordinance does not apply to this project since it is not located within either the Downtown or Midtown submarkets.

Requested Entitlements and Recommended Actions

This project requires approval of the following entitlements. Each entitlement and the Planning Commission's recommendation is discussed below.

1. Zone Change: A Zone Change request must accompany any PUD proposal, and as such the developer requests a Zone Change to RP-15, which is a Residential PUD zone with a maximum density of 15 dwelling units per acre (Attachment E).

Existing zoning on the site is a combination of CS (Commercial Storage), CS (H) (Commercial Storage with Horse Overlay), and R-1-N (Single-family Residential, standard lot). The CS zone is a highly restrictive zone that allows a very limited range of land uses consisting mainly of commercial storage facilities (mini-warehouse or self-storage uses). Development of the proposed project would not be possible under the CS zone, and development of a project consistent with the CS zone would provide no community benefits, achieve no local planning objectives, and would generally create a negative, low-activity and non-beneficial land use. Further, the CS zoning at this site is not consistent with the LUE of the General Plan, which designates the subject site as FCN, a moderate-density residential PlaceType, and development of a commercial storage facility would not be permitted under the General Plan. The R-1-N zone, while consistent with the General Plan, would also preclude development of the proposed project, and instead would allow a very limited number of dwellings to be developed in the small area of the site that is under the R-1-N zone (approximately 60,000-65,000 square feet or 1.5-acre, allowing possibly 6-10 dwellings). This zoning also would fail to achieve local planning objectives, especially related to housing production, and would provide no community benefits either. The existing H Overlay zone on a portion of the CS zone on the subject site is not relevant to the project, since there are no existing equestrian uses or improvements on the site, and none are proposed. The H Overlay is not proposed to be removed from the project site's zoning as part of the requested Zone Change. Nearby equestrian trails and facilities and other nearby areas under the H Overlay zone would remain unaffected by the project development and the rezoning action.

The majority of the Planning Commission supported the Zone Change request, finding it consistent with the General Plan and that it would achieve local planning objectives by allowing significant housing production, and would provide the significant community benefit of the development of a 4.81-acre park, improvements to City parks, and significant public realm improvements to surrounding streets and sidewalks, among other benefits. Justification for the Zone Change is discussed in detail in the Zone Change findings (Attachment F). The Zone Change must be adopted by Ordinance, which requires City Council approval.

2. Site Plan Review and Planned Unit Development: For a PUD project, a PUD approval is required in tandem with the Site Plan Review approval for the project design. Site Plan Review considers general design objectives and guidelines and consistency with the General Plan and zoning, while the PUD approval considers standards specific to a PUD.

The Planning Commission supported the Site Plan Review and PUD requests, as all of these applicable objectives and requirements are met by the proposed project design. These are discussed in detail in the Site Plan Review and Planned Unit Development findings.

Significant off-site improvements are required in conjunction with this approval, including street, sidewalk, and parkway improvements, improvements to Baker Street and Wrigley Heights Dog Parks, and installation of a fully signalized intersection at the project driveway. These and other required improvements are detailed in the Conditions of Approval (Attachment G).

3. Vesting Tentative Tract Map (VTTM): The developer requests approval of VTTM No. 82712 to subdivide the project site into one master ground lot and individual condominium airspaces for each dwelling unit (Attachment H). This will allow each unit to be sold for individual ownership, while the HOA will own the master ground lot. The Planning Commission supported the VTTM request, as it is consistent with the General Plan and zoning development standards for the PUD, as discussed in detail in the VTTM findings.

4. Development Agreement: The developer requests approval of a Development Agreement for this project, which will assure the developer of the development rights to the project as approved and will assure the City that the off-site improvements and community benefits (such as the park, public realm improvements, and improvements to City parks) will be completed if development is commenced (Attachment I). The Development Agreement ties issuance of building permits and certificates of occupancy to the achievement of certain milestones by the developer, to ensure that necessary on-site and off-site improvements are carried out and completed prior to the time at which these improvements will be needed by residents and the community. The Planning Commission supported the Development Agreement request, as it provides additional community benefits through on- and off-site improvements related to the project, including development of the on-site park and improvements to the off-site City parks adjacent to the PUD. The Development Agreement must be adopted by Ordinance, which requires City Council approval.

5. General Plan Conformity Certification: The developer requests vacation of the segment of Baker Street between Golden Avenue and the Los Angeles County Flood Control District property, and vacation of unused right-of-way adjacent to Wardlow Road. Vacation of Baker Street is a requirement for project approval, since the PUD Ordinance specifies that a PUD cannot be divided by a public street. When vacated, the full width of the Baker Street right-of-way will become part of the PUD site, and a maintenance access easement will be provided to Los Angeles County and the City of Long Beach for access to the Los Angeles County Flood Control District parcel to the west.

General Plan Conformity Findings

Before the City Council can approve an application for the vacation of public right-of-way, a finding of conformity with the maps and policies of the General Plan must be made by the Planning Commission. The Planning Commission made these findings in the positive on

September 1, 2022. These findings are presented below for the record of proceedings.

The General Plan consists of 13 elements; each element carries the same authority concerning land use issues. The Planning Commission reviewed this project's conformance with all elements of the General Plan, and the proposed vacation was found to be in conformance with all applicable elements. A review of the relevant elements of the General Plan pertaining to the vacation of Baker Street and unused portions of right-of-way on Wardlow Road adjacent to the project site, and General Plan consistency findings for the same, are presented below.

Land Use Element Consistency

The 2019 LUE divides the City into 14 land use districts, which provide general guidance as to the appropriate type and density of land uses. Baker Street is located within the FCN PlaceType, while the unused Wardlow Road right-of-way adjacent to the project site is located within the OS (Open Space) PlaceType. The development site itself is located within the FCN PlaceType as well. Baker Street would be vacated to become a pedestrian path and maintenance access road to the Los Angeles County Flood Control District parcel to the west of the project site; this would be consistent with the FCN PlaceType, which permits low-to-moderate-density residential development and associated accessory uses of land. The unused public right-of-way on Wardlow Road consists of several stair-step-shaped slivers of land varying in width from approximately 25 feet to approximately 59 feet, with a length equal to the project's frontage on Wardlow Road of approximately 675 feet. This area would become part of the required 30-foot setback between Wardlow Road and the PUD's buildings, and would be improved from its vacant dirt state to landscaped open space. The City will retain a slope easement over the portion of this area that comprises the foot of the embankment of the Wardlow Road bridge over the LA River.

According to the LUE, a subdivision approval (which category would include the proposed vacations) is considered consistent with the LUE when the density of the proposed subdivision meets the PlaceType's residential density. In this case, the vacation of the Baker Street and unused right-of-way portions of Wardlow Road to become part of the development site would be consistent, as the intensity of the proposed development is consistent with the LUE. Further, the LUE states that a development project is considered consistent when the proposed development carries out the policies of the LUE and fulfills the intent of the PlaceType density and intensity levels. The overall development project is consistent with the PlaceType, and therefore approval of the street vacations is consistent with the LUE of the General Plan.

Mobility Element Consistency

The City's Mobility Element is aimed at transforming Long Beach into a city of flexible, convenient, affordable, and energy-efficient transportation options for residents and visitors alike. The public street to be vacated, consisting of Baker Street between Golden Avenue and

the Los Angeles County parcel to the west, and portions of unused right-of-way on Wardlow Road, have been found by the Public Works Department as no longer necessary for present or prospective public use or convenience. Existing rights-of-way (Wardlow Road, Golden Avenue, and Baker Street east of Golden) provide adequate vehicular and pedestrian access to the development site. The proposed vacations therefore would not prove detrimental to the movement of people and goods to the subject site, and Baker Street provides no through traffic or connectivity to any other property except the Los Angeles County Flood Control District property to the west, for which a maintenance access easement will be reserved for the County and the City. The proposed vacations are consistent with the Mobility Element.

Site History

A brief history of the development site is discussed below for inclusion in the record of proceedings. More detail can be found in the Environmental Impact Report (EIR) prepared for the project, which is discussed below in the Environmental Review section of this report.

From 1926 to 1998, the project site was used for the treatment of oil field production brines, water, and wastewater, and other fluid by-products generated by oil production activities in the area. Initially, the water treatment process occurred in settling basins designed and constructed to remove oil and sediment from the production water. The treated water was discharged to the Sanitation Districts of Los Angeles County (LACSD) sewer system under a permit issued by LACSD. Crude oil was recovered in the treatment process for recycling as a by-product. A water treatment facility was constructed on site in 1959, consisting of five circular concrete-walled skimming basins and associated pumps, above ground storage tanks (ASTs), pipelines, and related small buildings and facilities. The treatment plant was located north of the two rectangular-shaped, clay-lined settling basins in the southern portion of the site, south of Baker Street. A settling pond was located north of Baker Street. The facility ceased operations in 1998.

In October 2000, the Long Beach Fire Department (LBFD) directed that liquid hydrocarbon products, wastewater, and sludge be removed from the site and that hydrocarbon impacted soils and groundwater be remediated. Buildings, ASTs, and related aboveground structures were cleaned, demolished, and disposed of offsite in 2000 and 2001. In 2002, the LBFD directed that liquid hydrocarbon products, wastewater, and sludge be removed from the site under a Site Remediation Permit issued by the City, coordinated with the LBFD, and the City's Department of Health and Human Services (LBDHHS). Soil and groundwater impacted by hydrocarbons were required to be remediated under the oversight of the LBDHHS and Los Angeles Regional Water Quality Control Board (LARWQCB). A Consent Decree directed that remediation of Basin 1 take place in accordance with the standards specified by LBDHHS in 2002. These standards were described in a series of workplans prepared by the site owner and approved by the regulatory agencies. These workplans identified requirements for boring, soil sampling, monitoring wells, and soil remediation through a bioremediation filtration process. The process of bioremediation involves incorporating microorganisms into hydrocarbon contaminated soil to convert the hydrocarbon

compounds into harmless products. Regular tilling of the soil to incorporate and activate microorganisms is ongoing. Other ongoing activities include groundwater monitoring for hydrocarbon plume and arsenic presence in the groundwater.

Additional efforts were made to reduce vapor phase benzene concentrations adjacent to Golden Avenue from 2012 to 2014, with the installation of a vapor extraction system (VES). A soil VES uses vacuum pressure to remove volatile and some semi-volatile contaminants (VOCs and SVOCs) from the soil by installing vapor extraction wells underground to capture VOCs. Once the VOCs and SVOCs are removed from the soil, they are delivered to an aboveground treatment system where the treated emissions are released. In April 2015, additional VES units were employed in the northeastern part of the Project site. LARWQCB further approved the implementation of Tesoro Expanded Remedial Action Plan for additional VES wells on February 8, 2017, and further amended the plan on December 27, 2018. The amended Tesoro Expanded Remedial Action Plan involves the installation of 12 horizontal VES wells and four angled VES wells to extend beneath Golden Avenue from the east side of the project site and five vertical VES wells beneath the project site. Continuous environmental testing and investigations were conducted from the early 1980s to 2019, alongside bioremediation efforts on site from the 1980s under permits issued by the City. The test data from these investigations were used to develop the Remedial Action Plan (RAP).

The RAP defines the scope of the remediation activities and develops a plan of action to achieve cleanup goals. The RAP needs to be completed to allow the issuance of a No Further Action determination by the lead enforcement agencies, which in this case are both the LBDHHS and LARWQCB. Approval and implementation of the RAP will be required prior to development of the proposed residential uses. Site conditions, the RAP, and cleanup history and requirements are described in greater detail in the EIR and appendices.

There has been significant public interest in the potential development of this private property site as a public park, to be acquired, remediated, and developed by the City. However, due to the cost of property acquisition, the cost of site remediation, and the cost of park development, such an undertaking is beyond the City's fiscal abilities. On September 15, 2016, the City Manager presented a memo to the City Council evaluating funding for City acquisition, cleanup, park development, and other funding sources for this specific property, including potential grant funding sources from outside agencies and organizations (Attachment J). The memo reported that most of the available grant funding opportunities would not be likely funding sources for acquisition, cleanup, and development of this site as a park, due to the large size and significant remediation hurdles this property presents, as well as the low funding amounts typically available through such grants.

Additionally, this site was again evaluated and dismissed from consideration in the Park Acquisition Feasibility Report provided to the City Council by the City Manager on April 5, 2021 (Attachment K). The report details how the property was not identified as one of nine opportunity sites due to the significant remediation required, and describes the 2003-2004 City effort to acquire this property, which ultimately failed because there was not a willing

seller and the City was not willing to use eminent domain to take the property. The report goes on to describe the continuing conditions (cost of acquisition, unlikeliness of a willing seller, high remediation costs, and need for use of eminent domain) that make it infeasible for the City to acquire, remediate, and develop this property as a park today.

Public Hearing Notice

A notice of public hearing was mailed on October 31, 2022, in accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code. A notice of public hearing also was published in the Long Beach Press-Telegram on October 31, 2022, also in accordance with the requirements of Chapter 21.21. Approximately 23 public comments were received at the time of the Planning Commission hearing on September 1, 2022, and additional comments have been received since that date. These comments generally are in opposition to the project and raise the following areas of concern: the need for park space in west Long Beach; the need for access to the LA River and development of the LA River master plans; traffic and parking concerns; concerns over the site contamination and remediation process; the site's proximity to freeways for residential development; and concerns over building height (Attachment L). City staff prepared written responses by topic to the verbal and written comments received up to the Planning Commission hearing in memorandum form, which was provided to the Planning Commission prior to the hearing; additionally, City staff has since prepared further responses to verbal and written public comments received at and after the Planning Commission hearing (Attachment M).

Environmental Review

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, an Environmental Impact Report (EIR-07-20) was prepared for the River Park Residential Development Project (SCH#202120492) pursuant to Public Resources Code Section 21100 and 21100.1, and CEQA Guidelines Section 15161 (Attachment N). A Notice of Preparation (NOP) for this EIR was distributed to public agencies and made available for public review and comment for a CEQA-required 30-day NOP review period that started on February 25, 2021 and ended on March 29, 2021. The City received 26 written comments during this NOP review period. A Scoping Meeting was held during this review period, on March 24, 2021, to further solicit public comment on the scope and content of the EIR.

The Draft EIR was distributed to public agencies and made available for public review and comment for a 60-day EIR review period that started on January 18, 2022 and ended on March 21, 2022. The City received 15 separate written comments on the Draft EIR during this review period. These written comments and the City's expert's written responses to these comments are provided in the Final EIR. This Final EIR also includes edits and clarifications to the Draft EIR text based on public comments, expert advice, and the Mitigation Monitoring and Reporting Program (MMRP). Text edits provided in the Final EIR did not substantially alter the Draft EIR environmental analysis or change the conclusions of the Draft EIR regarding potential project environmental impacts. The Final EIR determined that the project,

in compliance with all recommended mitigation measures, would not result in any significant adverse environmental impacts.

The project will be subject to the MMRP prepared for the EIR, which establishes mitigation measures that apply to the project. These mitigation measures pertain to air quality, biology, geology and seismicity, hazards and hazardous materials, noise, traffic and circulation, and tribal cultural resources.

The preparation and public availability of this EIR has been carried out in compliance with the provisions of CEQA and the CEQA Guidelines. The Planning Commission recommended that the City Council certify EIR-07-20.

This matter was reviewed by Assistant City Attorney Dawn McIntosh and Revenue Management Officer Geraldine Alejo on September 21, 2022.

The Development Services Department is required to transmit the Planning Commission's recommendation to the City Council within 60 days of positive action by the Planning Commission, per Section 21.25.103 of the Zoning Regulations. The Planning Commission made a positive recommendation on this project's requested actions on September 1, 2022. However, due to extenuating circumstances, the applicant agreed to defer transmittal of this application to the City Council until the scheduled hearing date of November 15, 2022. Timely conclusion of this matter is now required under both 21.25.103 and the California Housing Accountability Act.

There will be no cost to the City associated with the recommendation. The Development Agreement specifies that any cost related to improvements and enhancements within the right-of-way will be paid for by the developer and includes a traffic signal, enhancements to the Wrigley Heights Dog Park, and development and maintenance of a publicly accessible park on private land adjacent to Baker Street Park. 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.

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CHRISTOPHER KOONTZ
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APPROVED:

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