

September 3, 2024

Honorable Mayor and City Council
City of Long Beach
California

RECOMMENDATION:

Recommendation to adopt a Resolution certifying and adopting the 5910 Cherry Avenue Industrial Building Project Environmental Impact Report (EIR-03-23, SCH# 2023100342), making Findings of Fact related thereto and approving a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program (MMRP); and,

Adopt an Ordinance and findings approving a Zone Change (23-002) from IG, (General Industrial) to IL (Light Industrial), in order to facilitate better consistency with the General Plan Land Use Element NI (Neo Industrial) PlaceType Designation. (District 9)

DISCUSSION

On July 18, 2024, the Planning Commission held a public hearing, considered public testimony, approved a Site Plan Review (SPR) and recommended by a 3-1 vote (with three Commissioners Absent) that the City Council take the above listed actions to facilitate approval of a proposed industrial development project (Attachment A).

The applicant proposes to construct a 304,344-square foot industrial building with approximately 10,066-square feet of office space, 336 parking stalls and 44 south facing truck dock doors on a 14.16-acre site along the east side of Cherry Avenue. The proposed Zone Change would bring consistency between the existing General Plan PlaceType and the site's zoning designation by changing the zoning from an existing heavier industrial General Industrial (IG) zoning designation to a more consistent Light Industrial (IL) zoning designation for the site.

Project Site

The overall project site is semi-rectangular in shape and includes one parcel which is currently developed with a 32,815-square foot office building, several outbuildings, and outdoor storage (Attachment B). All existing structures and landscaping on the site would be removed under the development project recently approved by the Planning Commission.

The surrounding area is developed with a range of uses, including a tank farm to the north, railroad access to the east, Los Angeles County Animal Control, McDonalds, self-storage and vacant former grocery store to the South and residential uses, beauty/barber salons and restaurant to the west.

The subject site and surrounding properties recently were changed in General Plan designation from Industrial to Neo-Industrial (NI), in order to facilitate a transition over time from heavy industrial uses to lighter, less polluting industrial uses.

Project Proposal

The overall project (Attachment C) requires two different entitlements, both a SPR and a Zone Change. The Planning Commission was the decision-making body on the SPR; however, the proposed Zone Change requires legislative action by the City Council. Approval of the SPR is now final, as the Commission's decision was not appealed to the City Council. However, by way of background, the proposed project would construct a 304,344-square foot, 51-foot high industrial building with 338 vehicular parking spaces, 79 truck parking spaces, 44 south facing truck dock doors, 10,066-square feet of office space, and over ninety 24 and 36-inch box trees.

Although the project calls for the removal of 23 mature trees on site between the sidewalk and the existing building, trees must be replaced at least at a 2:1 ratio, and pursuant to the conditions of approval which includes a tree replacement ratio of approximately 5:1 throughout the site. In fact, the new project shows a landscaped planter buffer between the parking area from the sidewalk, public right of way along Cherry Avenue. This buffer/setback is approximately ten feet wide along the entire Cherry Avenue frontage. The conceptual landscaping plan shows approximately 36 trees sized between 24-inch and 36-inch box planted within the 10-foot Cherry Avenue setback and the adjacent planters in the parking area alone. Adjacent to the building, opposite the setback, more 24-inch box and 36-inch box trees are proposed. Statement trees are shown, planted along each side of the drive approaches on site. Vertical landscaping in the form of 24-inch box trees are proposed along the northern boundary of the project and will be required per the conditions of approval along both the Cherry Avenue elevation and the northern property line to break up the façade. In total, 98 24-inch box and seven 36-inch box trees are provided throughout the project.

Zone Change Request

The applicant's Zone Change request is to rezone the property from its existing IG designation to IL, which is a lighter industrial district (Attachment D). The proposed zone change would not only support the proposed development, but the change would also make the zoning more consistent with the existing General Plan Land Use Element NI PlaceType designation for the properties that comprise the site.

Existing zoning on the site is IG, General Industrial, which is a heavier industrial zoning district, and is inconsistent with the current General Plan PlaceType NI. This inconsistency exists because the citywide rezoning effort to update zoning to be consistent with the General Plan is not yet complete. The NI PlaceType is generally adjacent or nearby to zoning districts that support more sensitive uses such as lower density residential districts. However, since this property is part of an older heavier industrial area, adjacent to residential areas, a change to a lighter industrial zoning designation achieves the local planning objectives and meets goals and policies in the General Plan.

According to the Land Use Element Table LU-6: PlaceTypes and Zoning Districts Consistency Matrix, the IL zone is the only adopted zone which is consistent with and implements the NI PlaceType. Conversely, the existing IG zoning designation for the site is not consistent with the NI PlaceType. This inconsistency exists because the property has not yet been rezoned as the City of Long Beach (City) is still completing its citywide rezoning program to create consistency with the updated 2019 Land Use Element. The proposed project will facilitate the cleanup of the zoning designation for the site and the entire site will be rezoned IL which pursuant to LU-6 is consistent with the NI PlaceType and allows the construction of the proposed industrial building by right.

Public testimony during the Planning Commission meeting raised questions as to why the property could not be rezoned to the proposed NI-1 or NI-2 zones that have been developed to implement the NI PlaceType as part of the citywide rezoning. From a regulatory standpoint, it is important to understand that this project has been in process for multiple years and the applicant is subject to the rules that existed at the time of application. Additionally, although these draft zones are anticipated to be adopted later this year, they are not yet adopted and therefore are not yet available for properties to be rezoned. Regardless, City staff analyzed the project proposal against the draft zoning regulations of the new zones and found the project would still be allowable under the draft zones.

City staff supports the Zone Change request, as it is bringing consistency between the General Plan PlaceType and zoning and allows for the redevelopment of a property with an industrial use that could increase the property tax base and create jobs for the north Long Beach area. Justification for the Zone Change is discussed in detail in the Zone Change findings (Attachment E). The Zone Change must be adopted by ordinance, which requires City Council approval.

Public Hearing Notice

A notice of public hearing was mailed on August 20, 2024, and posted at the property in accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code (LBMC). Twenty-eight verbal public comments were received during the Planning Commission hearing on July 18, 2024, including both support and opposition for the project. As described above, one commenter made comment related to the proposed zone change, questioning why the property could not be rezoned to the proposed but not yet adopted NI-

1 and NI-2 zones. No additional comments have been received since the Planning Commission hearing.

Environmental Review

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, an Environmental Impact Report (EIR) (EIR-03-23) was prepared for the approved industrial building at 5910 Cherry Avenue (SCH# 2023100342) and the proposed zone change pursuant to Public Resources Code Section 21100 and 21100.1, and CEQA Guidelines Section 15161 (Attachment F). A Notice of Preparation (NOP) for this EIR was distributed to public agencies and made available for public review and comment for a NOP review period that started on October 12, 2023, and ended on November 13, 2023. The City received seven written comments during this NOP review period. On November 1, 2023, a Scoping Meeting was held during this review period, to further solicit public comment on the scope and content of the EIR.

No significant impacts of approving the zone change were found. Although the project has already been approved by the Planning Commission which certified the EIR as part of the project approval, the same EIR includes and covers the zone change, therefore a summary of the document is being provided for consideration. Only one significant and unavoidable impact was identified through the EIR for the approved project. The Transportation Section of the Draft EIR (DEIR) shows that the project would have significant and unavoidable impact regarding the second threshold titled, "Would the project conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?" Which reads:

Qualitative Analysis. If existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively. Such a qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations, etc. For many projects, a qualitative analysis of construction traffic may be appropriate.

For this threshold, seven different potential future tenant options were qualitatively analyzed using four different Vehicle Miles Traveled (VMT) Scenarios. The Tenant Use Option Total VMT per Service Population model was run for each of the tenant options utilizing a formula that included the service population and the Total VMT for each of the seven Tenant Use Option Scenarios. The maximum Regional VMT per Service Population is 30.6 for each of the Tenant Use Options, and each Tenant Use Option exceeds the maximum allowable 30.6 Regional VMT per Population between 29.7 percent and 106.9 percent (Page 4.18-10 of the DEIR). Since the VMT exceeds the maximum allowable Total VMT per Service Population, there is a significant and unavoidable impact. Therefore, even with the implementation of mitigation measures TRA-1 and TRA-2, which include commute reduction and employer paid transit passes, transportation impacts would remain significant and unavoidable.

Since there are significant and unavoidable impacts, a Statement of Overriding Considerations is required which documents that the environmental impacts are outweighed by the following benefits:

1. Replacing underutilized buildings with a new state of the art building that meets the current building code and California Green Building Code;
2. Redeveloping an underutilized parcel with a new industrial building that will attract increased business, contributing to the City's taxbase;
3. Encouraging high quality development that derives benefit from the local transportation network and the close proximity to the Ports of Long Beach and Los Angeles;
4. Aligns with the City General Plan PlaceType and Policies;
5. Generates property tax and new employment opportunities; and,
6. New and improved infrastructure improvements which include but are not limited to
 - a. Restriping for turn lanes;
 - b. Installation of stop controls; and,
 - c. Construction of new sidewalks, curb-and-gutter and installation of new landscaping in the public right of way.

The project is beneficial as part of a larger investment and redevelopment trend in North Long Beach whereby older properties with polluting industries or potential polluting uses are being transformed into cleaner uses such as fulfillment centers, light manufacturing, flexible space and like uses. In this case, a blighted site that contained open storage and facilitated the petroleum industry in the past will be replaced with a Class-A flexible warehouse, fulfillment or office/manufacturing building with a low-emissions profile. This results in one-time and ongoing employment, in contrast with the negative impacts of prior uses and very negative impacts of potential development under the old Medium Industrial zoning. For these reasons, the statement of overriding considerations is well supported by evidence in the record and consistent with the overall vision and related activities improving land use and employment throughout North Long Beach.

The DEIR was distributed to public agencies and made available for public review and comment for a 45-day EIR review period that started on March 15, 2024, and ended on April 29, 2024. The City received six written comments on the DEIR during this review period. These comments and the City's responses to these comments are provided in the Final EIR. The Final EIR also includes edits and clarifications to the DEIR text based on public comments including but not limited to, routes to schools and State Route 91 and VMT analysis, expert advice, and the Mitigation Monitoring and Reporting Program (MMRP) (Attachment G). Text edits provided in the Final EIR did not substantially alter the DEIR environmental analysis or change the conclusions of the Draft EIR regarding potential project environmental impacts. The Final EIR maintained the determination that the project, even in compliance with all recommended mitigation measures, would result in one significant and unavoidable impact which is Impact TRA-2: Would the project conflict or be

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inconsistent with CEQA Guidelines § 15064.3, subdivision (b) relating to VMT per Service Population for each of the seven different tenant options.

The project will be subject to the MMRP prepared for the EIR, which establishes mitigation measures that apply to the project (Attachment H). These mitigation measures pertain to air quality, cultural resources, noise, 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. City staff therefore recommends that the Planning Commission recommend that the City Council certify EIR-03-23.

This matter was reviewed by Deputy City Attorney Erin Weesner McKinley on August 19, 2024, and by Revenue Management Officer Geraldine Alejo on August 7, 2024.

TIMING CONSIDERATIONS

City Council action is requested on September 3, 2024. Pursuant to LBMC, in the case of a Planning Commission's positive recommendation to the City Council transmittal to the Council is supposed to be within 60 days. September 3, 2024, is the first available City Council date to consider this item.

LEVINE ACT

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

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

FISCAL IMPACT

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

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,


Christopher Koontz
Community Development Director

APPROVED:



THOMAS B. MODICA
CITY MANAGER

ATTACHMENTS: RESOLUTION
ORDINANCE
A – PLANNING COMMISSION STAFF REPORT
B – VICINITY MAP
C – PROJECT PLANS
D – ZONE CHANGE MAP
E – ZONE CHANGE FINDINGS
F – PROJECT EIR AND APPENDICES
G – FINAL EIR
H – MITIGATION MONITORING AND REPORTING PROGRAM