

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 W. Ocean Boulevard, 9th Floor  
Long Beach, CA 90802

ORDINANCE NO. ORD-19-0030

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2  
3 AN ORDINANCE OF THE CITY COUNCIL OF THE  
4 CITY OF LONG BEACH APPROVING, CONFIRMING AND  
5 RATIFYING ORDINANCE NO. HD- 2314 OF THE BOARD  
6 OF HARBOR COMMISSIONERS OF THE CITY OF LONG  
7 BEACH, WHICH AUTHORIZES THE EXECUTION AND  
8 DELIVERY BY THE EXECUTIVE DIRECTOR OF AN  
9 AGREEMENT AND MASTER AGREEMENT, BOTH WITH  
10 THE CITY OF LOS ANGELES, AS WELL AS DOCUMENTS  
11 REFERENCED THEREIN, AND MAKING CERTAIN  
12 FINDINGS AND DETERMINATIONS RELATING THERETO  
13

14 WHEREAS, the Board of Harbor Commissioners of the City of Long Beach  
15 has adopted Ordinance No. HD 2314 on October 14, 2019, a complete copy of which  
16 is attached hereto as Exhibit "A" and incorporated herein by this reference.

17 WHEREAS, Ordinance No. HD 2314 of the Board of Harbor  
18 Commissioners of the City of Long Beach authorizes, subject to ratification by the City  
19 Council, the execution and delivery by the Executive Director of the Harbor Department  
20 of the City of Long Beach of an Agreement and Master Agreement, both with the City of  
21 Los Angeles, as well as documents referenced therein, and making certain findings and  
22 determinations relating thereto; and

23 WHEREAS, this City Council concurs in the findings of, and wishes to  
24 approve, confirm and ratify the actions taken by, the Board of Harbor Commissioners of  
25 Ordinance No. HD 2314; and

26 WHEREAS, the Board has found and ordained that the Agreement and  
27 Master Agreement are subsequent approvals contemplated and within the scope of the  
28 Final Environmental Impact Report for the Pier B On-Dock Rail Support Project (FEIR)

1 (Project) certified as complete by the Board on January 22, 2018.

2 NOW, THEREFORE, the City Council of the City of Long Beach finds,  
3 determines and ordains as follows:

4 Section 1. The City Council of the City of Long Beach hereby finds and  
5 determines, in accordance with the provisions of CEQA, that the Agreement and Master  
6 Agreement and the documents referenced therein are subsequent approvals  
7 contemplated by and within the scope of the FEIR.

8 Sec 2. The City Council of the City of Long Beach hereby concurs in the  
9 findings of, and approves, confirms and ratifies the actions taken by, the Board of Harbor  
10 Commissioners of the City of Long Beach in Ordinance No. HD- 2314.

11 Sec. 3. The City Clerk shall certify to the passage of this ordinance by the  
12 City Council and shall cause the same to be posted in three (3) conspicuous places in the  
13 City of Long Beach. This ordinance shall take effect on the later of 31<sup>st</sup> day after its  
14 approval by the Mayor of the City of Long Beach.

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of November 12, 2019, by the following vote:

Ayes: Councilmembers: Pearce, Price, Supernaw, Mungo,  
Uranga, Austin.

Noes: Councilmembers: None.

Absent: Councilmembers: Andrews, Richardson.

  
City Clerk

  
Mayor

Approved: 11/19/19  
(Date)

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AN ORDINANCE OF THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY BY THE EXECUTIVE DIRECTOR OF AN AGREEMENT AND MASTER AGREEMENT, BOTH WITH THE CITY OF LOS ANGELES, AS WELL AS DOCUMENTS REFERENCED THEREIN, MAKING CERTAIN FINDINGS AND DETERMINATIONS RELATING THERETO; DECLARING URGENCY THEREOF AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

WHEREAS, the Board of Harbor Commissioners of the City of Long Beach (Board) desires to enter into an Agreement Between the City of Long Beach and the City of Los Angeles ("Agreement") as well as documents referenced therein with the City of Los Angeles;

WHEREAS, the Board desires to enter into a Master Agreement as well as documents referenced therein with the City of Los Angeles, acting by and through its Board of Harbor Commissioners; and

WHEREAS, the Board on January 22, 2018 certified the Final Environmental Impact Report for the Pier B On-Dock Rail Support Project (FEIR) (Project) as complete in accordance with the California Environmental Quality Act (CEQA), adopted a statement of overriding considerations and a mitigation monitoring and reporting program, approved the project, and approved a harbor development permit.

NOW, THEREFORE, the Board of Harbor Commissioners of the City of Long Beach finds, determines and ordains as follows:

Section 1. The Board hereby finds and determines, in accordance with

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1 the provisions of CEQA, that:

2                   1.1 The execution of the Agreement and Master Agreement, as  
3 well as documents referenced therein, copies of which in substantially the form  
4 presented to the Board, are available for inspection in the office of the  
5 Administrative Officer of the Board and by this reference made a part hereof, are  
6 subsequent approvals contemplated by and within the scope of the FEIR for the  
7 Project.

8                   1.2 None of the conditions described in California Public  
9 Resources Code Section 21166 or Title 14 of the California Code of Regulations,  
10 Section 15162, that call for the preparation of a subsequent or supplemental  
11 environmental impact report have occurred:

12                   1.2.1 There are no substantial changes in the Project, which  
13 will or would require major revisions of the FEIR, due to the involvement of new  
14 significant environmental effects or a substantial increase in the severity of  
15 significant effects previously identified in the FEIR.

16                   1.2.2 No substantial changes have occurred with respect to  
17 the circumstances under which the Project will be undertaken, which will or would  
18 require major revisions of the FEIR, due to the involvement of new significant  
19 environmental effects or a substantial increase in the severity of the significant  
20 effects previously identified in the FEIR.

21                   1.2.3 No new information of substantial importance which  
22 was not known and could not have been known with the exercise of reasonable  
23 diligence, at the time the FEIR was certified as complete, has become available  
24 which shows any of the following:

25                   1.2.3.1 that the Project will have one or more  
26 significant effects not discussed in the FEIR;

27                   1.2.3.2 that significant effects previously examined will  
28 be substantially more severe than shown in the FEIR;

1 1.2.3.3 that mitigation measures or alternatives  
2 previously found not to be feasible would in fact be feasible, and would  
3 substantially reduce one or more significant effects of the Project, but the Board  
4 declines to adopt the mitigation measures or alternatives; or

5 1.2.3.4 that mitigation measures or alternatives which  
6 are considerably different from those analyzed in the FEIR would substantially  
7 reduce one or more significant effects on the environment, but the Board declines  
8 to adopt the mitigation measures or alternatives.

9 Sec. 2. Subject to ratification by the Long Beach City Council, the  
10 Executive Director of the Harbor Department of the City of Long Beach is hereby  
11 authorized to execute the Agreement and Master Agreement as well as documents  
12 referenced therein referred to in Section 1, as long as such documents are substantially  
13 in the form presented to the Board all of which are hereby approved.

14 Sec. 3. The Director of Environmental Planning of the Long Beach Harbor  
15 Department, whose office is located at 415 West Ocean Boulevard, Long Beach,  
16 California 90802, is hereby designated as the custodian of the documents and other  
17 materials which constitute the record of proceedings upon which the Board's decision is  
18 based, which documents and materials shall be available for public inspection and  
19 copying in accordance with the provisions of the California Public Records Act  
20 (Government Code Sections 6250 and following).


21 Sec. 4. The Director of Environmental Planning shall file a notice of  
22 determination with the County Clerk of the County of Los Angeles and with the state  
23 Office of Planning and Research within five (5) working days after ratification by the Long  
24 Beach City Council of the Agreement and Master Agreement.

25 Sec. 5. This ordinance is an emergency measure which shall take effect  
26 immediately. This ordinance is urgently required because the City of Long Beach, a  
27 municipal corporation, acting by and through its Board of Harbor Commissioners, needs  
28 to expedite ratification by the City Council of this transaction in order to effectuate timely

1 development of the Project and facilitate the transaction with the City of Los Angeles who  
2 is attempting to timely develop its properties.

3 Sec. 6. This ordinance is an emergency ordinance duly adopted by the  
4 Board on October 14, 2019 by a vote of at least three (3) of its members and shall take  
5 effect immediately.

6 Sec. 7. This ordinance shall also be adopted by the Board as a regular  
7 ordinance, to the end that in the event of any defect or invalidity in connection with the  
8 adoption of this ordinance as an emergency ordinance, the same shall, nevertheless, be  
9 and become effective on the thirty-first day after its final passage.

  
\_\_\_\_\_  
President

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11  
12 ATTEST:   
13 \_\_\_\_\_  
Secretary

14  
15 I hereby certify that on a separate roll call and vote which was taken by the  
16 Board of Harbor Commissioners of the City of Long Beach upon the question of the  
17 emergency of this ordinance at its meeting of October 14, 2019 the ordinance was  
18 declared to be an emergency by the following vote:

19  
20 Ayes: Commissioners: Colonna, Bynum, Egoscue  
\_\_\_\_\_  
\_\_\_\_\_  
21  
22 Noes: Commissioners: \_\_\_\_\_  
\_\_\_\_\_  
23 Absent: Commissioners: Lowenthal, Neal  
\_\_\_\_\_  
24 Not Voting: Commissioners: \_\_\_\_\_  
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I further certify that thereafter, at the same meeting, upon a roll call and vote on adoption of the ordinance, it was adopted by the Board of Harbor Commissioners of the City of Long Beach by the following vote:

Ayes: Commissioners: Colonna, Bynum, Egoscue  
\_\_\_\_\_  
Noes: Commissioners: \_\_\_\_\_  
Absent: Commissioners: Lowenthal, Neal  
Not Voting: Commissioners: \_\_\_\_\_

I further certify that the foregoing ordinance was adopted by the Board of Harbor Commissioners of the City of Long Beach at its meeting of \_\_\_\_\_, 2019 by the following vote:

Ayes: Commissioners: \_\_\_\_\_  
\_\_\_\_\_  
Noes: Commissioners: \_\_\_\_\_  
Absent: Commissioners: \_\_\_\_\_  
Not Voting: Commissioners: \_\_\_\_\_  
\_\_\_\_\_  
Secretary



AFFIDAVIT OF POSTING

STATE OF CALIFORNIA        ) ss  
COUNTY OF LOS ANGELES    )  
CITY OF LONG BEACH         )

Tamela Austin being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 14<sup>th</sup> day of November 2019, I posted three true and correct copies of Ordinance No. ORD-19-0030 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the lobby of Civic Chambers; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.

  
\_\_\_\_\_

Subscribed and sworn to before me  
This 14<sup>th</sup> day of November 2019.

  
\_\_\_\_\_  
CITY CLERK