

RESOLUTION NO. RES-08-0140

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH ADOPTING MITIGATED NEGATIVE
DECLARATION ND-11-08 FOR THE SENIOR COMMUNITY
HOUSING PROJECT AT 3635 ELM AVENUE, LONG BEACH

WHEREAS, the City prepared a Draft Initial Study/Mitigated Negative Declaration (MND) dated July 30, 2008, which reflected the independent judgment of the City as to the potential environmental impacts of the Project. The Draft Initial Study/Mitigated Negative Declaration was circulated for public review and comment from July 31, 2008 to August 19, 2008, for a 21-day comment period, and thereafter the Mitigated Negative Declaration was recirculated for an additional 20-day public comment period from October 22, 2008 to November 10, 2008; and

WHEREAS, on August 21, 2008, the Planning Commission held a properly noticed public hearing on the Project at which time all interested parties had the opportunity to present evidence and be heard. Thereafter, the Planning Commission certified and approved the Negative Declaration as being compliant with the California Environmental Quality Act (CEQA), and the Project was subsequently appealed to the City Council for its review and determination; and

WHEREAS, on November 11, 2008, the City Council held a properly noticed public hearing on the Project at which time all interested parties had the opportunity to present evidence and be heard; and

WHEREAS, the City has incorporated public comments and revisions, if any, to the Initial Study/Mitigated Negative Declaration as recirculated; and

WHEREAS, additional information and analysis added to the revised MND (prior to the second public comment period) pertaining to land use and planning, aesthetics, and transportation/parking further support the conclusions of the original MND

1 published by the City on July 30, 2008; and

2 WHEREAS, the revisions incorporated into the recirculated MND regarding
3 air quality reflect the City's response to issues raised prior to the second public comment
4 period by the South Coast Air Quality Management District ("SCAQMD"), as well as by
5 members of the public; and

6 WHEREAS, on or about November 6, 2008, the South Coast Air Quality
7 Management District ("SCAQMD") submitted further comments on the Project and the
8 recirculated MND and suggested that additional mitigation measures be incorporated to
9 further reduce the severity of potential air quality impacts related to short term
10 construction activities; and

11 WHEREAS, the revisions and additional measures suggested by the
12 SCAQMD to the recirculated Negative Declaration do not require a third public circulation
13 period because they do not constitute a substantial revision to the recirculated Negative
14 Declaration and are only designed to (i) further reduce the severity of already less than
15 significant impacts, and (ii) to clarify and amplify the analysis contained in the recirculated
16 Negative Declaration; and

17 WHEREAS, the revisions and additional analysis incorporated into the
18 recirculated MND regarding air quality do not identify any new significant environmental
19 effects that cannot be mitigated to a level of less than significant.

20 NOW, THEREFORE, the City Council of the City of Long Beach does
21 hereby find, determine and resolve:

22 Section 1. The City Council has reviewed and considered the Mitigated
23 Negative Declaration for the Project, together with any comments received during the
24 public review process and the City Council finds that the Mitigated Negative Declaration
25 as recirculated reflects the independent judgment of the City of Long Beach.

26 Section 2. The City Council finds that based on the whole record before
27 it, including the Mitigated Negative Declaration and any comments received, there is no
28 substantial evidence that the Project, as mitigated, will have a significant effect on the

1 environment, and that the Mitigated Negative Declaration reflects the City's independent
2 judgment and analysis. Therefore, the City Council hereby approves and adopts
3 Negative Declaration ND-11-08.

4 Section 3. That the mitigation measures and the Mitigation Monitoring
5 and Reporting Program ("MMRP") set forth in the MND will mitigate or avoid all significant
6 environmental effects that can feasibly be mitigated or avoided. The City Council hereby
7 adopts the MMRP attached hereto as Exhibit "A" and incorporated herein by this
8 reference as though set forth in full, word for word, which MMRP includes those certain
9 mitigation measures suggested by the SCAQMD in its comment letter to the City dated
10 November 6, 2008.

11 Section 4. Consistent with Public Resources Code Section
12 21081.6(a)(2), the documents which constitute the record of proceedings for approving
13 this project are located in the Developmental Services Department, Planning Bureau,
14 Advance Planning Division, 333 W. Ocean Blvd., 5th Floor, Long Beach, CA 90802. The
15 custodian of these records is Jill Griffiths, Advance Planning Officer, in the Advance
16 Planning Division of the Developmental Services Department.

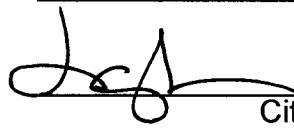
17 Section 5. This resolution shall take effect immediately upon its adoption
18 by the City Council, and the City Clerk shall certify the vote adopting this resolution.
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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of November 11, 2008 by the following vote:

Ayes: Councilmembers: S. Lowenthal, DeLong, O'Donnell,
Schipske, Andrews, Reyes Uranga,
Gabelich, Lerch.

Noes: Councilmembers: None.

Absent: Councilmembers: B. Lowenthal.


City Clerk

**MITIGATION MONITORING PLAN
RECIRCULATED MITIGATED NEGATIVE DECLARATION 11-08**

**Senior Community Housing
3635 Elm Avenue
Long Beach, CA 90807**

Application No. 0806-05

I. AESTHETICS

- I-1** Prior to the issuance of any demolition or building permits, the applicant shall prepare a "Construction Staging and Management Plan" to be approved by the Director of Development Services or their designee. The Plan shall indicate:

- Entry and exit points for construction employees
- Parking for construction employees
- Temporary construction office location
- Construction equipment staging area
- Demolition materials storage area
- Construction materials storage area
- Screening for the project site and all storage and staging areas (temporary fencing with opaque material)

Details of the Construction Staging and Management Plan shall be included on all final grading and construction plans.

TIMING: Prior to issuance of demolition permits
ENFORCEMENT: Development Services Department

- I-2** Prior to the issuance of any building permits, the applicant shall demonstrate on the final project plans that all exterior lighting fixtures and light standards shall be shielded and shall be located and installed to prevent spillover of light onto the surrounding properties and roadways.

TIMING: Prior to issuance of building permits
ENFORCEMENT: Development Services Department

- I-3** Prior to the issuance of any building permits, the applicant shall demonstrate on the final project plans that minimally reflective glass and other building materials will be incorporated on the building

exteriors in order to reduce reflective glare. The use of glass with over 25 percent reflectivity shall be prohibited.

TIMING: Prior to issuance of building permits
ENFORCEMENT: Development Services Department

III. AIR QUALITY

III-1 The following required measures, as recommended by the South Coast Air Quality Management District, shall be imposed on the project to minimize the impacts of NO_x to a level below the applicable threshold of significance during each phase of project development. The measures shall be printed on the final grading and construction plans.

- Prohibit vehicle and engine idling in excess of five minutes and ensure that all off-road equipment is compliant with the California Air Resources Board (CARB) in-use off-road diesel vehicular regulation and SCAQMD Rule 2449;
- Require construction equipment to meet or exceed Tier 3 standards with available CARB verified or certified technologies;
- Require the use of alternative fueled off-road construction equipment;
- Require the use of electricity from power poles to the extent feasible, rather than temporary diesel or gasoline power generators;
- Require construction parking to be configured such that traffic interference is minimized;
- Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow;
- Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site;
- Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the extent practicable;
- Reroute construction trucks away from congested streets or sensitive receptor areas;
- Improve traffic flow by signal synchronization, and
- Ensure that all vehicles and equipment will be properly tuned and maintained according to manufacturers' specifications.

TIMING: During all phases of construction of the project.
ENFORCEMENT: Development Services Department

III-2 The following required measures, as recommended by the South Coast Air Quality Management District for fugitive dust, shall be imposed on the project to minimize the impacts of PM₁₀ and PM_{2.5} and to reduce their levels to below the applicable thresholds of significance during each phase of project development. The measures shall be printed on the final grading and construction plans.

- Require the application of non-toxic soil stabilizers according to manufacturers' specifications to all inactive construction areas (i.e. previously graded areas inactive for ten days or more);
- Apply water every three (3) hours to disturbed areas within a construction site;
- Install wheel washers where vehicles enter and exit the construction site onto paved roads or wash off trucks and any equipment leaving the site;
- Require all trucks hauling dirt, sand, soil, or other loose materials are to be tarped with a fabric cover and maintain a freeboard height of 12 inches;
- Suspend all excavating and grading operations when wind gusts (as instantaneous gusts) exceed 25 mph;
- Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM₁₀ generation;
- When sweeping streets to remove visible soil materials. use SCAQMD Rule 1186 and 1186.1 certified street sweepers or roadway washing trucks; and
- Replace ground cover in disturbed areas as quickly as possible.

TIMING: During all phases of construction of the project.

ENFORCEMENT: Development Services Department

III-3 As recommended by the South Coast Air Quality Management District, the following voluntary measures, while not required to reduce any impacts below a threshold of significance, shall be imposed on the project to minimize the impacts of volatile organic compounds (VOCs):

- Use coatings and solvents with a VOC content lower than that required under SCAQMD Rule 1113;
- Construct or build with materials that do not require painting; and
- Require the use of pre-painted construction materials.

TIMING: During all phases of construction of the project.
ENFORCEMENT: Development Services Department

- III-4** As recommended by the South Coast Air Quality Management District, the applicant shall minimize the queuing of truck traffic in or near residential areas, and shall require haul trucks to adhere to the state law prohibiting heavy-duty trucks from idling five minutes or more.

TIMING: During all phases of construction of the project.
ENFORCEMENT: Development Services Department

- III-5** As recommended by the South Coast Air Quality Management District, the applicant shall provide outreach to nearby residents and schools as to when construction activity will occur. A written plan for the outreach effort shall be submitted to the City for review and approval by the Director of Development Services or their designee.

TIMING: During all phases of construction of the project.
ENFORCEMENT: Development Services Department

VIII. HYDROLOGY AND WATER QUALITY

- VIII-1** Prior to the release of the grading permit, the applicant shall prepare and submit a Storm Drain Master Plan to identify all storm run-off and methods of proposed discharge. The Plan shall be approved by all impacted agencies.

TIMING: Prior to issuance of the grading permit.
ENFORCEMENT: Development Services Department

- VIII-2** Prior to the release of any grading or building permit, the project plans shall include a narrative discussion of the rationale used for selecting or rejecting BMPs. The project architect or engineer of record, or authorized qualified designee, shall sign a statement on the plans to the effect: "As the architect/engineer of record, I have selected appropriate BMPs to effectively minimize the negative impacts of this project's construction activities on storm water quality. The project owner and contractor are aware that the selected BMPs must be installed, monitored and maintained to ensure their effectiveness. The BMPs not selected for

implementation are redundant or deemed not applicable to the proposed construction activities.”
(Source: Section 18.95.050 of the Long Beach Municipal Code).

TIMING: Prior to issuance of the grading permit.
ENFORCEMENT: Development Services Department

XI. NOISE

XI-1 Any person(s) associated with the proposed project shall only operate or permit the operation of any tools or equipment used for site preparation, construction or any other related building activity that produces loud or unusual noise which annoys or disturbs a reasonable person of normal sensitivity between the following hours:

Weekdays	7:00am to 7:00pm	Sundays	No work permitted
Saturdays	9:00am to 6:00pm	Holidays	No work permitted.

The only exception shall be if the Building Official gives authorization for emergency work at the project site.

TIMING: During all phases of construction of the project.
ENFORCEMENT: Development Services Department