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RESOLUTION NO. RES-06-0114

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH CERTIFYING THAT: (i) THE FINAL RE-CIRCULATED ENVIRONMENTAL IMPACT REPORT FOR THE HOME DEPOT PROJECT (STATE CLEARINGHOUSE NO. SCH2004031093) HAS BEEN COMPLETED IN ACCORDANCE WITH THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND STATE AND LOCAL GUIDELINES AND MAKING CERTAIN FINDINGS AND DETERMINATIONS RELATIVE THERETO; (ii) ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM (MMRP); AND (iii) STATEMENT OF OVERRIDING CONSIDERATIONS

WHEREAS, the Home Depot has proposed the construction of a design and garden center, additional commercial retail buildings, a restaurant, parking and associated site improvements to be located on approximately 1.37 acres at the southeast intersection of 7th Street and Silvera Avenue in the City of Long Beach, which project is more fully described in the Draft Environmental Impact Report (DEIR) and Re-Circulated Draft Environmental Impact Report (RDEIR), copies of which documents are incorporated herein by this reference as though set forth in full, word for word. ("Project");

WHEREAS, the Project includes a Site Plan Review, Conditional Use Permit, a Local Coastal Development Permit, Standards Variances, a Tentative Parcel Map, and construction or development of, among other things, approximately 155,156 square feet of commercial space, including approximately a 102,513 square foot home improvement store with a 34,643 square foot garden center, a 6,000 square foot sit

down restaurant with an approximately 2,050 square foot outdoor eating area, and 12,000 square feet of other retail uses, together with a total of 754 parking spaces;

WHEREAS, the City began an evaluation of the proposed project in March 2004 by issuing a Notice of Preparation (NOP) followed by a thirty (30) day comment period together with a public scoping meeting held on April 7, 2004, and Planning Commission Study Sessions held on May 19, 2005 and July 6, 2006;

WHEREAS, implementation and construction of the Project constitutes a "project" as defined by CEQA, Public Resources Code sections 21000 *et seq.*, and the City is the Lead Agency for the Project under CEQA;

WHEREAS, it was determined during the initial processing of the Project that it could have potentially significant effects on the environment, requiring the preparation of an EIR;

WHEREAS, the City prepared full and complete responses to the comments received on the DEIR and RDEIR, and distributed the responses in accordance with Public Resources Code section 21092.5;

WHEREAS, the Planning Commission reviewed and considered the information in, and the comments to, the DEIR and RDEIR and the responses thereto, and the Final Environmental Impact Report ("FEIR") at a duly noticed Planning Commission meeting held on August 17, 2006, at which time evidence, both written and oral, was presented to and considered by the Planning Commission;

WHEREAS, the Planning Commission and the City Council have read and considered all environmental documentation comprising the FEIR, including the DEIR, RDEIR, comments and the responses to comments and errata included in the FEIR, and have determined that the FEIR considers all potentially significant environmental impacts of the Project and is complete and adequate and fully complies with all requirements of CEQA;

WHEREAS, the Planning Commission and City Council have evaluated and considered all significant impacts, mitigation measures, and project alternatives

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identified in the FEIR;

WHEREAS, CEQA and the State CEQA Guidelines require that where the decision of a public agency allows the occurrence of significant environmental effects that are identified in the EIR, but are not mitigated to a level of insignificance, that the public agency state in writing the reasons to support its action based on the EIR and/or other information in the record; and

WHEREAS, it is the policy of the City, in accordance with the provisions of CEQA and the State CEQA Guidelines, not to approve a project unless (i) all significant environmental impacts have been avoided or substantially lessened to the extent feasible, and (ii) any remaining unavoidable significant impacts are outweighed by specific economic, legal, social, technological, or other benefits of the project, and therefore considered "acceptable" under State CEQA Guidelines section 15093.

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

Section 1. All of the above recitals are true and correct and are incorporated herein as though fully set forth.

Sec. 2. The FEIR has been completed in compliance with CEQA and the State CEQA Guidelines.

Sec. 3. The FEIR, which reflects the City Council's independent judgment and analysis, is hereby adopted, approved, and certified as complete and adequate under CEQA.

Sec. 4. Pursuant to Public Resources Code section 21081 and State CEQA Guidelines section 15091, the City Council, on appeal, has reviewed and hereby adopts the CEQA Findings and Facts in Support of Findings for the Home Depot Project as shown on the attached Exhibit "A", which document is incorporated herein by reference as though set forth in full, word for word.

Sec. 5. Although the FEIR identifies certain significant environmental effects that would result if the Project is approved, most environmental effects can

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feasibly be avoided or mitigated and will be avoided or mitigated by the imposition of mitigation measures included with the FEIR. Pursuant to Public Resources Code section 21081.6, the City Council, on appeal, has reviewed and hereby adopts the Mitigation Monitoring and Reporting Program ("MMRP") as shown on Exhibit B, which document is incorporated herein by reference as though set forth in full, word for word, together with any adopted corrections or modifications thereto, and further finds that the mitigation measures identified in the FEIR are feasible, and specifically makes each mitigation measure a condition of project approval.

Sec. 6. That the City Council, on appeal, hereby adopts that certain document, and the contents thereof, entitled Statement of Overriding Considerations for the Home Depot Project Final Environmental Impact Report (State Clearinghouse No. 2004031093), a copy of which is attached hereto as Exhibit "C" and incorporated herein by this reference as though set forth in full, word for word.

Sec. 7. Pursuant to State CEQA Guidelines section 15091(e), the record of proceedings relating to this matter has been made available to the public at, among other places, the Department of Planning and Building, 333 West Ocean Boulevard, 7th Floor, Long Beach, California, and is, and has been, available for review during normal business hours.

Sec. 8. The information provided in the various staff reports submitted in connection with the Project, the corrections and modifications to the DEIR, RDEIR, and FEIR made in response to comments which were not previously re-circulated, and the evidence presented in written and oral testimony at the public hearing, do not represent significant new information so as to require re-circulation of the DEIR or RDEIR pursuant to the Public Resources Code.

Sec. 9. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify to the vote adopting this resolution.

I hereby certify that the foregoing resolution was adopted by the City

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Council of the City of Long Beach at its meeting of October 3, 2006, by the following vote:

Ayes: Councilmembers: B. Lowenthal, S. Lowenthal, DeLong, Richardson, Reyes Uranga, Lerch.

Noes: Councilmembers: O'Donnell, Schipske, Gabelich.

Absent: Councilmembers: None.

City Clerk

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EXHIBIT A

FINDINGS AND FACTS IN SUPPORT OF FINDINGS FOR THE HOME DEPOT PROJECT

FINAL ENVIRONMENTAL IMPACT REPORT

CITY OF LONG BEACH

(STATE CLEARINGHOUSE # 2004031093)

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1.0 INTRODUCTION

1.1 Statutory Requirements for Findings

The California Environmental Quality Act (CEQA), Public Resources Code Section 21081, and the State CEQA Guidelines (14 Cal. Code of Regs. Section 15091) require that a public agency consider the environmental impacts of a project before a project is approved, and make specific findings. State CEQA Guidelines Section 15091 and Public Resources Code, Section 21081, provide that:

(a) No public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environment effect as identified in the Final Environmental Impact Report (EIR).

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final environmental impact report.

(b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

1.2 Record of Proceedings

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City of Long Beach Planning Commission's (Commission) and City Council's decision on the proposed project consists of: (1) matters of common knowledge to the Commission and City Council, including but not limited to federal, State, and local laws and regulations; and (2) the following documents that are in the custody of the City of Long Beach (City):

- Notice of Preparation, Notice of Availability, and Notice of Completion, which were issued by the City in conjunction with the proposed project (see the Final EIR for the Notice of Preparation, Notice of Availability, and Notice of Completion)
- The Final EIR, dated August 2006, which includes all written comments submitted by agencies or members of the public during the public comment period on the Draft EIR and responses to those comments and all of the documents referenced therein
- The Final EIR, dated August 2006, which includes the Draft EIR (2005) and the Recirculated Draft EIR (2006)
- The Mitigation Monitoring and Reporting Program
- The Home Depot Site Plan
- All findings, statements of overriding consideration, and resolutions adopted by the City in connection with the proposed project, and all documents cited or referred to therein
- All final reports, studies, memorandums, maps, correspondence, and all planning documents prepared by the City, or the consultants or responsible or trustee agencies, with respect to: (1) the City's compliance with CEQA; (2) development of the project site; or (3) the City's action on the proposed project
- All documents submitted to the City by agencies or members of the public in connection with development of the proposed project
- All documents compiled by the City in connection with the study of the proposed project and the alternatives
- The testimony and evidence presented at the public scoping meeting on April 7, 2004, the Long Beach Planning Commission Study Sessions on May 19, 2005, and July 6, 2006, the Long Beach Planning Commission public hearing on August 17, 2006, and the Long Beach City Council Meeting of October 3, 2006
- The record of proceeding

The Final EIR, and the administrative record concerning the project provide additional facts in support of the findings herein. The mitigation measures set forth in the Mitigation Monitoring and Reporting Program (Attachment 1) are incorporated by reference in these findings, and the findings in Sections 3.0 and 4.0 refer to individual mitigation measures as appropriate.

In accordance with CEQA Guidelines Section 15091(d), the City hereby adopts the Mitigation Monitoring and Reporting Program to report on and/or monitor the mitigation measures and project design features incorporated to avoid or substantially lessen significant environmental effects. Because some mitigation measures provide mitigation for more than one environmental effect, the text of some measures is repeated in more than one section.

The location and custodian of the documents and other materials, which constitute the record of proceedings, is the Department of Planning and Building, Environmental Planning, City of Long Beach 333 West Ocean Boulevard, Long Beach, CA 90802

1.3 Organization/Format of Findings

Section 2.0 of these findings contains a summary description of the proposed revised project (Home Depot), sets forth the objectives of the proposed project, and provides related background facts. Section 3.0 identifies the potentially significant effects of the proposed project that will be mitigated to a less than significant level. All mitigation measures referenced in this document can be found in the Final EIR. Section 4.0 identifies the significant impacts that cannot be mitigated to a less than significant level. Section 5.0 identifies the proposed project's potential environmental effects that were determined to be less than significant and therefore did not require mitigation measures. Section 6.0 discusses the feasibility of proposed project alternatives. Section 7.0 includes general findings.

2.0 HOME DEPOT

2.1 Project Objectives

The proposed project as evaluated in the EIR would result in the construction and operation of a commercial retail center that includes a Home Depot design center on a 16.7-acre development parcel, which is located within a larger 17.8-acre parcel in the City. The specific objectives of the proposed project are the following:

- Provide a conveniently located commercial retail center that includes a home improvement store as well as other retail center amenities that serve the needs of local residents, commercial and industrial developers, businesses, and employers in south Long Beach.
- Allow for the transition of the project site from brownfield to new uses that can provide jobs and economic activities that promote economic revitalization and growth in conjunction with the goals, programs, and policies included in the City's General Plan and PD-1 (SEADIP).
- Provide an economical reuse of the project site while minimizing adverse impacts to surrounding properties.
- Design and implement comprehensive site development standards that minimize adverse impacts to the environment through sensitive land use planning and design features.
- Enhance the economic vitality of the City and provide property tax, sales tax, and other revenue opportunities.

2.2 Project Description

The proposed project includes a Site Plan Review, a Conditional Use Permit, a Local Coastal Development Permit, Standards Variances (for open space and curb cuts), and a tentative parcel map to develop a Home Depot design and garden center, additional commercial retail buildings, a restaurant, parking, and associated site improvements. The project has a total of 155,156 square feet of commercial space, including a 102,513-square-foot home improvement store with a 34,643-square-foot garden center; a 6,000-square-foot sit-down restaurant with an approximately 2,050-square-foot outdoor eating area; and 12,000 square feet of other retail uses. A total of 754 parking spaces are proposed for the development consistent with City Zoning Code requirements. Table 2.A provides a breakdown of project square footage, and Figure 3.3 is a conceptual site plan for the proposed Home Depot site. The net development site is 16.7 acres. The proposed project includes landscaping of approximately 1.37 acres located southeast of the intersection of 7th Street and Silvera Avenue. Additional information about this open space area is included below (Landscaping and Open Space). The proposed project is intended to be consistent with "Green Building" principles, which promote energy conservation and environmentally sensitive design, and as provided for in project conditions of approval.

Table 2.A: Total Proposed Building Area

	Tentative Use	Square Footage
Home Depot	Store	102,513
	Garden Center	34,643
	Vestibules	2,373*
Pad A	Restaurant	6,000
	Outdoor Seating	2,050*
Pad B	Retail	4,800
Pad C	Retail	7,200
Total		155,156

* Outdoor seating area and vestibules not included in total building area

The entire Home Depot project site at the intersection of Studebaker Road and Loynes Drive will remain under one ownership, and 0.63 acre of the 1.37-acre open space area at the corner of 7th Street and Silvera Avenue will be deeded to the City for inclusion in its inventory of open space areas. Home Depot and other tenants will lease portions of the Home Depot project site from the landowner/applicant, Studebaker LB, LLC.

The Los Angeles Department of Water and Power (LADWP) above ground storage tank (AST) and associated equipment and pipelines, the former hazardous material storage area, the hose storage building, the pig launching area, Tanks 1–4, and associated aboveground and underground piping will be removed as part of the project. Utility lines serving the existing distribution facility that are affected by the proposed project will be removed and/or relocated.

The Pacific Energy receiving and pump station in the northern portion of the site will remain in place after construction of the project. This area will consist of a lined retention basin that contains the cutter stock oil AST, a heating unit, two cylindrical natural gas tanks, a lube oil tank, pumps, the equipment room, and associated piping. The facility occupies 1.1 acres of the 17.8-acre parcel. In addition, the existing aboveground pipelines connecting this area to the Pacific Energy tanks (via the central portion of the site) will be rerouted through the property.

The Pacific Energy distribution facility will be separated from the commercial portion of the project site by a 12-foot-high screening fence. New gates into the pump station will be constructed on the northwest and northeast side of the station for maintenance and operations access by Pacific Energy personnel. In addition, a 12-foot-high concrete containment wall will be installed around the existing cutter tank immediately south of the pump station.

Any soils encountered that are contaminated with substances determined to be at hazardous concentrations will be removed in accordance with local, State, and federal standards and will be transported to a State-approved facility.

A more detailed description of project facilities is presented below. Table 2.B provides a list of project components and a description of each.

Figure 2.1: Conceptual Site Plan

Table 2.B: Project Components

Project Component	Description
Local Coastal Development Permit	• City of Long Beach permit to allow for the construction of the proposed project in the Coastal Zone
Conditional Use Permit (CUP)	• Permit to allow retail trade in Subarea 19 of PD-1 (SEADIP)
Site Plan Review	• Review of project design, including the location and height of proposed fences and the type and amount of landscaping
Tentative Parcel Map	• Creation of parcel for existing tanks and equipment to remain
Variances	1. Exception from the Long Beach Municipal Code to permit the construction of the following curb cuts on Studebaker Road in lieu of the allowable 24-foot-0-inch-wide curb cuts. • A 68-foot-0-inch-wide curb cut at Loynes Drive • A 35-foot-0-inch-wide curb cut at the southern boundary of the site • A 30-foot-0-inch-wide curb cut at the northern boundary of the site 2. Exception from Long Beach Ordinance No. C-7827 to permit development in PD-1 (SEADIP) with less than 30 percent of the site to be retained for usable open space.
On-Site Circulation and Off-Site Street Improvements	• Three vehicular access driveways • 754 parking spaces • Streetscape improvements to the east side of Studebaker Road, including a 10-foot-wide sidewalk, parkway, and street right-of-way dedication • Design and construct pedestrian access across the Loynes Drive bridge just west of Studebaker Road

Project Component	Description
Site Demolition and Debris Removal	• Grading • Fill removal and recompaction • Removal of existing structures (e.g., tanks) and other property improvements
Construction of Home Depot facilities, including:	• 102,513-square-foot home improvement store • 34,643-square-foot garden center • 2,373 square foot vestibules • Loading area/loading dock
Construction of ancillary commercial retail facilities and restaurant, including:	• 4,800-square-foot commercial retail building • 7,200-square-foot commercial retail building • 6,000-square-foot sit-down restaurant with a 2,050-square-foot outdoor seating area or patio
Project Lighting	• Approximately fifty 40-foot-tall light poles in parking areas with metal halide lamps and appropriate shading to minimize light impacts. Additional lights will be mounted to buildings.
Project Signage Program	• The project includes a comprehensively planned master sign program.
Project Landscaping and Open Space	• Parkway landscaping • Perimeter landscaping • Parking lot landscaping • On-site landscaping • Landscaping of 1.37-acre site located southeast of the intersection of East 7th Street and Silvera Avenue, adjacent to the Channel View Park bike path

Project Component	Description
Sanitary Sewer Connection	• Construction and operation of a private lift station with grinder pumps and a lined concrete holding tank with odor control system • Two-inch low-pressure pipeline (force main) construction from project site to a connection near the intersection of Loynes Drive and Vista Street • Replacement of 265 feet of existing 8-inch public sewer with a 10-inch sewer in Vista Street between Daroca Street and Margo Street • Replacement of 261 feet of 8-inch sewer with a 10-inch-diameter sewer between the manhole at Daroca and Vista Street and the first manhole in the Golf Course
Gas Line Extension	• Four-inch gas line connecting to an existing 14-inch gas line at the intersection of Studebaker Road and Seventh Street or an existing 16-inch gas line in Studebaker Road
Pipeline Relocation	• All three Pacific Energy lines will be rerouted along planned roads and parking areas • AES pipelines will be demolished and communication lines rerouted to planned roads and parking areas • LADWP pipeline will remain in its current location; the pig receiving facilities will be relocated to the Haynes Station
Water Quality Improvements	• Treatment Best Management Practices (BMPs) such as trash and oily water separators and bioretention for treatment of runoff from the site

Operations. The Home Depot design and garden center would operate seven days a week. The proposed center would maintain hours of operation from 5:00 a.m. to 11:00 p.m. Monday through Friday, 6:00 a.m. to 10:00 p.m. on Saturday, and 7:00 a.m. to 10:00 p.m. on Sunday.

Project Facilities

Home Depot Building. The Home Depot design and garden center building would be located on the southern portion of the property and would face north. The proposed building would consist of a tilt-up concrete structure with approximately 102,513 square feet and exterior canopies and various architectural enhancements. The main portion of the building would have a height of 30 feet and would include an entry canopy extending above the building to a height of 35 feet. The proposed garden center would consist of approximately 34,643 square feet in a screen mesh enclosure on the east side of the main building. A customer pickup canopy is proposed on the northern facade of the

building. A loading area consisting of four roll-up doors and a depressed loading dock would be located in the rear of the building facing east. At-grade loading areas will be provided at the southeast, and west sides of the main building for lumber and garden center deliveries. Figure 3.4 in the Recirculated EIR shows proposed building elevations.

Restaurant. The project also includes a 6,000-square-foot sit-down restaurant with a 2,050-square-foot outdoor seating area or patio (Pad A). The restaurant will be located in the northwest corner of the project site adjacent to Studebaker Road. Figure 3.5 in the Recirculated EIR shows proposed building elevations.

Commercial Retail Buildings. The commercial retail buildings would consist of two separate structures. The first building would be located in the west-central portion of the project site adjacent to Studebaker Road and would include approximately 4,800 square feet (Pad B). The second commercial retail building would be located in the southwest portion of the project site, also adjacent to Studebaker Road, and would consist of approximately 7,200 square feet (Pad C). These buildings may be occupied by a variety of commercial retail uses, permitted or conditionally permitted, in Subarea 19 of PD-1, including building materials and hardware stores, garden supply stores, mobile home dealers, general merchandise stores, food stores, automotive dealers, gasoline service stations, apparel and accessory stores, home furniture, furnishings, and equipment stores, and miscellaneous retail stores. The composition of the tenants is related to market area in terms of size, location, and type of store. For the purposes of this environmental analysis, the commercial retail buildings (Home Depot and Pads A, B, and C) are assumed to be part of a shopping center,[1] as defined by the Institute of Transportation Engineers (7th Edition, Volume 3), that functions as a integrated group of commercial establishments that are planned, developed, owned, and managed as a unit. Figure 3.6 in the Recirculated EIR shows proposed building elevations for the commercial retail buildings.

Access, Parking, and Circulation. As shown in Figure 3.3 in the Recirculated EIR, access to the site will be provided by a new primary entry at the signalized intersection of Studebaker Road and Loynes Drive and by two new secondary entries providing right in/right out access from Studebaker Road. A four-lane drive aisle leading from the intersection of Studebaker Road and Loynes Drive to a two-lane drive aisle adjacent to the Home Depot building will facilitate on-site circulation. Delivery trucks will access the loading area via a 30-foot drive aisle that will run behind the Home Depot building along the southern project boundary. Parking will generally be located in the north portion of the project site and will consist of a paved lot with driveway access to Studebaker Road and Loynes Drive (see Figure 3.3 in the Recirculated EIR, Site Plan). The proposed project includes 754 parking stalls in adherence to City Zoning Code parking requirements.

The proposed project includes improvements to the streetscape along the east side of Studebaker Road. Curb, gutters, and a 10-foot-wide (minimum) sidewalk compliant with Americans with Disabilities Act (ADA) standards will be installed adjacent to the project site. To accommodate these

[1] Shopping centers include neighborhood centers, community centers, regional centers, and super regional centers.

improvements, the property line will be relocated to the inside edge of the sidewalk by dedication of street right-of-way or by granting an easement to the City.

Findings

The City is the Lead Agency for the proposed Home Depot project. The City has determined that the EIR identifies one or more significant environmental effect of the project, and that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. With regard to potential transportation improvements that would affect state routes, the City also finds that changes or alterations that would affect state routes and regional landfill capacity are within the responsibility and jurisdiction of another public agency, and not the agency making the finding (the City). With regard to potential transportation improvements that are constrained by the presence of existing infrastructure, such as the Los Cerritos Channel, these changes or alterations are infeasible.

The complete evaluation of potential environmental effects of the project is contained in Chapter 4.0 of the Draft EIR (2005) combined with those sections of Chapter 4.0 that are superseded in the Recirculated EIR.

3.0 EFFECTS DETERMINED TO BE MITIGATED TO LESS THAN SIGNIFICANT LEVELS

The Final EIR identified certain potentially significant effects that could result from the proposed project. However, the City finds for each of the significant or potentially significant impacts identified in this section, Section 3.0, based upon substantial evidence in the record, that changes or alterations have been required or incorporated into the proposed project that avoid or substantially lessen the significant effects as identified in the Final EIR.[1] As a result, adoption of the mitigation measures set forth below will reduce the identified significant effects to a less than significant level.

AESTHETICS

Impact: Light and Glare. The project area is presently characterized by a relatively low level of nighttime lighting used primarily for security purposes and street lights along Studebaker Road. The proposed project will involve nighttime operations, and lighting will be necessary. Photometric analysis of project lighting available for review at the City of Long Beach Department of Planning and Building shows that spill light is reduced to a maximum of 0.3 footcandle (fc) at 50 feet from the project boundary and a maximum of 0.1 fc at 100 feet from the project boundary.

Proposed lighting on the proposed 1.37-acre open space site at the intersection of 7th Street and Silvera Avenue will be consistent with existing nighttime light sources in the area, including street lights along 7th Street and Silvera Avenue and nighttime security lighting at Kettering Elementary School. Therefore, the lighting proposed in the open space area would result in a less than significant impact.

4.1.1 The preliminary lighting plan shall be finalized as part of subsequent refinements in the site master planning process. The plan shall be designed to prevent light spillage in excess of that which has been referenced and analyzed in this EIR. A qualified lighting engineer/consultant to the City of Long Beach Department of Planning and Building shall verify that the plan calls for energy-efficient luminaries that control light energy and for exterior lighting to be directed downward and away from adjacent streets and adjoining land uses in a manner designed to minimize off-site spillage. Prior to issuance of building permits, the lighting plan shall be reviewed and approved by a City of Long Beach Director of Planning and Building, demonstrating that project lighting is consistent with this EIR.

4.1.2 Prior to issuance of certificates of occupancy, the City of Long Beach Building Official shall verify that the lighting plan restricts operational hours as follows: 100 percent illumination from dusk to close of commercial activities; 50 percent illumination from the close of commercial activities until one hour after close time; and only security-level lighting from one hour after closure until dawn.

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[1] CEQA Guidelines, Section 15091.

Mitigation Measures 4.1.1 and 4.1.2 are precautionary measures intended to further prevent any potentially adverse impacts from spill light or glare. With incorporation of these measures, any potentially significant impacts from spill light and glare generated by the proposed project are reduced to below a level of significance.

Finding: The City hereby finds that impacts related to light and glare at the Home Depot site will be reduced to a less than significant level with implementation of Mitigation Measures 4.1.1 and 4.1.2.

AIR QUALITY

Impact: Construction Emissions. Air quality impacts would occur during construction of the proposed project from soil disturbance and equipment exhaust. Major sources of emissions during demolition, grading, and site preparation include: (1) exhaust emissions from construction vehicles; (2) equipment and fugitive dust generated by construction vehicles and equipment traveling over exposed surfaces; (3) demolition activities; and (4) soil disturbances from grading and backfilling. Construction impacts related to air quality include the following:

Architectural coatings contain volatile organic compounds (VOC) that are similar to reactive organic compounds (ROC) and are part of the O_3 precursors. Although no detailed architectural coatings information is available for the project, compliance with the South Coast Air Quality Management District (SCAQMD) Rules and Regulations on the use of architectural coatings is sufficient to reduce project impacts to a less than significant level.

With implementation of Mitigation Measure 4.2.2, fugitive dust and PM_{10} emissions from construction operations on the proposed open space site would be reduced below a level of significance.

4.2.2 The City of Long Beach shall ensure that the project complies with regional rules that assist in reducing short-term air pollutant emissions. SCAQMD Rule 403 requires that fugitive dust be controlled with best-available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off site. Applicable dust suppression techniques from Rule 403 are summarized below. The City of Long Beach Building Official shall ensure that notes are included on grading and construction plans and referenced in the Construction Contractor's Agreement stipulating that the construction contractor shall be responsible for compliance with SCAQMD Rules 402 and 403.

Applicable Rule 403 measures include the following requirements:

- Apply nontoxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 10 days or more).
- Water active sites at least twice daily. (Locations where grading is to occur will be thoroughly watered prior to earthmoving.)

- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard in accordance with the requirements of California Vehicle Code (CVC) Section 23114 (freeboard means vertical space between the top of the load and top of the trailer).
- Pave construction access roads at least 100 feet onto the site from the main road.
- Traffic speeds on all unpaved roads shall be reduced to 15 mph or less.

Finding: The City hereby finds that short-term air quality impacts related to the use of architectural coatings and fugitive dust and PM_{10} emissions on the proposed open space site will be reduced to a less than significant level with implementation of Mitigation Measure 4.2.2 .

BIOLOGICAL RESOURCES

Impact: Federally Protected Waters. The jurisdictional delineation identified the limits of both potential U.S. Army Corps of Engineers (Corps) nonwetland waters of the U.S. and California Department of Fish and Game (CDFG) streambed jurisdiction at the Los Cerritos Channel just north of the Loynes Drive bridge. Sewer line construction across the Los Cerritos Channel would occur above and outside potential jurisdictional limits, and the installation of the sewer line will not include any work within the channel itself. Therefore, the construction of the sewer line would not impact jurisdictional areas and would not be subject to agency jurisdiction. However, construction activity for the sewer line will be in very close proximity to the Los Cerritos Channel, and construction activity at the project site will come very close to the channel banks of the two artificial water supply channels located off site to the north and south of the project site, which are also potentially jurisdictional. Implementation of precautionary protective barriers as described in Mitigation Measure 4.3.1 would prevent any incidental discharge of fill, debris, or other material into the Los Cerritos Channel and the two adjacent water supply channels and would reduce potential impacts to jurisdictional waters to less than significant levels.

4.3.1 Prior to commencement of demolition or grading activities, the construction contractor shall install protective barriers (e.g., snow or silt fencing) between the project site and the adjacent water supply channels and along both banks of the Los Cerritos Channel north of the Loynes Drive bridge. Prior to issuance of demolition permits, the City of Long Beach Environmental Officer shall verify that a qualified biologist has been retained by the City of Long Beach to supervise the installation of the barriers and ensure that the barriers are installed in the proper location and are clearly visible to equipment operators and other construction personnel. The barriers shall be a bright color (e.g., fluorescent orange) to ensure clear visibility. No construction activity shall occur beyond the limits marked by the barriers, and the construction contractor shall ensure that no construction debris, trash, or other material passes beyond the barriers. The City-retained biologist shall monitor the site on a weekly basis throughout project construction and file written reports on the condition of the barriers to the City of Long Beach Environmental Officer on a monthly basis. The cost of the biologist shall be reimbursed by the applicant.

Finding: The City hereby finds that impacts related to federally protected waters will be reduced to a less than significant level with implementation of Mitigation Measure 4.3.1

CULTURAL AND PALEONTOLOGICAL RESOURCES

Impact: Paleontological Resources. The site is located within an area of recent Quaternary alluvial sediment brought to the area by the San Gabriel River and surrounded by bedrock exposures of Late Pleistocene sediments of the San Pedro and Palos Verde Sands deposits, known to produce limited vertebrate fossils. It is unlikely that *in situ* deposits of fossiliferous sediments will be encountered during project construction. However, there is a potential to encounter unknown paleontological resources during. No cultural resources have been recorded within the proposed open space site; the entire area is covered with asphalt. A paleontological monitor will be present during any construction-related ground-disturbing activities because other resources have been recorded within the vicinity of the extension area. Mitigation Measure 4.4.1 requires the presence of a Los Angeles County certified paleontologist at the pregrading meeting and during all grading activity on the proposed open space site. Mitigation Measure 4.4.1 will reduce project impacts related to unknown paleontological resources to a less than significant level.

4.4.1 In conjunction with the submittal of applications for rough grading permits for the proposed project, the City of Long Beach Director of Planning and Building shall verify that a paleontologist who is listed on the County of Los Angeles list of certified paleontologists has been retained and will be on site during all rough grading and other significant ground-disturbing activities in paleontologically sensitive sediments. In the event that fossil resources are noted within the project area, construction in the vicinity of the find will be halted until the discovery can be evaluated. If the discovery is determined to be important, the project proponent shall initiate a paleontological recovery program to collect the fossil specimens and all relevant lithologic and locality information about the specimen. This may include the collection and the washing and picking of up to 6,000 pounds per locality of mass samples to recover small invertebrate and vertebrate fossils. The results of the fossil recovery program will be documented in a technical report that will include an itemized inventory of specimens. Specimens recovered during grading activity shall be prepared to a point of identification and permanent preservation. All recovered fossils shall be placed within a museum repository that is capable of accepting the recovered fossils and that has a permanent retrievable storage. The project proponent shall be responsible for all costs associated with this recovery program and report preparation.

Finding: The City hereby finds that impacts related to paleontological resources will be reduced to a less than significant level with implementation of Mitigation Measure 4.4.1

ARCHAEOLOGICAL AND PREHISTORIC RESOURCES

Impact: Unknown Archaeological and Prehistoric Resources. During a cultural resources survey, marine shellfish were identified along the northern portion of the project area, which can be an indication of prehistoric use at the site. The shellfish were determined to be a result of dredging the intake channels to cool the electrical generating plant. This determination was made based on the

association of both valves of some of the bivalves observed in the deposits, indicating that the shells were not gathered by humans for food. No evidence of prehistoric use of the project area was found. Because the project area was originally tidal marshland, there is little potential for buried prehistoric resources, and no prehistoric resources have been previously recorded within 0.5 mile of the project area. However, since there is the possibility that human remains may be encountered during excavation activities, implementation of Mitigation Measure 4.4.2 is required to address this issue.

No cultural resources have been recorded within the proposed open space site the entire area is covered with asphalt. An archaeological monitor will be present during any construction-related ground-disturbing activities because other resources have been recorded within the vicinity of the extension area. Mitigation Measure 4.4.3 requires the presence of a Los Angeles County certified archaeologist at the pre-grading meeting and during all grading activity on the proposed open space site. Mitigation Measure 4.4.3 will reduce project impacts related to unknown archaeological and prehistoric resources to a less than significant level.

4.4.2 If human remains are encountered, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made a determination of the origin and disposition of the remains pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of the human remains and items associated with Native American burials.

4.4.3 In conjunction with the submittal of applications for rough grading permits, the Director, Department of Planning and Building, shall verify that a Los Angeles County certified archaeologist has been retained, shall be present at the pregrading conference and shall establish procedures for temporarily halting or redirecting work if unrecorded archaeological resources are discovered during grading to permit the sampling, identification, and evaluation of archaeological materials as appropriate. The cultural resource management program will include resource monitoring during project grading of archaeologically sensitive sediments to ensure that unidentified cultural resources are not affected by the proposed undertaking. If archaeological materials are identified during construction, standard professional archaeological practices shall be initiated to characterize the resources and mitigate any impacts to those resources. Included within this program will be the development of a curation agreement for the permanent care of materials collected from the project. This agreement would be negotiated with a suitable repository.

Finding: The City hereby finds that impacts related to archaeological and prehistoric resources will be reduced to a less than significant level with implementation of Mitigation Measures 4.4.2 and 4.4.3.

GEOLOGY AND SOILS

Impact: Seismic Considerations. Neither the Home Depot project site nor the proposed open space site is located within a currently designated Alquist-Priolo Earthquake Fault Zone, nor are they currently identified by the regulatory community as being located within zones of either primary or secondary co-seismic surface deformation (e.g., pressure ridges, escarpments, fissures). Thus, the sites are not expected to experience primary surface fault rupture or related ground deformation during the life of the proposed development. However, since the sites are only 0.6 mile northeast of the recognized surface traces of ground deformation within the Newport-Inglewood Structural Zone, which is the nearest Alquist-Priolo fault to the site, significant ground shaking or secondary seismic ground deformation effects may be anticipated should a major seismic event occur along the Newport-Inglewood Structural Zone or any active faults. Mitigation Measure 4.5.1 requires the City to review final design plans for structural engineering compliance and to approve the plans prior to issuance of grading permits. No structures are proposed for the open space site Therefore, potential seismic ground-shaking impacts will be less than significant with mitigation incorporated.

4.5.1 Prior to issuance of building permits, the City of Long Beach Building Official (or designee) and the City of Long Beach Director of Public Works are required to review and approve final design plans to ensure that earthquake-resistant design has been incorporated into final site drawings in accordance with the most current California Building Code and the recommended seismic design parameters of the Structural Engineers Association of California. Ultimate site seismic design acceleration shall be determined by the project structural engineer during the project design phase.

Finding: The City hereby finds that impacts related to seismic considerations will be reduced to a less than significant level with implementation of Mitigation Measure 4.5.1.

Impact: Erosion Potential. There is the potential for soil erosion to occur at the Home Depot site and the proposed open space site during site preparation and grading activities. Large areas of soil will be exposed to wind and water erosion. After construction of buildings and parking lots and establishment of the landscaped areas, erosion potential will be minimal. Mitigation measures are required to reduce fugitive dust and transport of soil into Los Cerritos Channel and the San Gabriel River (refer to Section 4.2, Air Quality, and Section 4.7, Hydrology and Water Quality, respectively). With implementation of these standard control measures, soil erosion potential will be reduced to less than significant levels.

Refer to Mitigation Measures 4.2.2 and 4.2.3.

Finding: The City hereby finds that impacts related to erosion potential will be reduced to a less than significant level with implementation of Mitigation Measures 4.2.2 and 4.2.3.

Impact: Liquefaction. One- to two-foot-thick sand layers at depths between 11 and 33 feet below grade exhibit marginal resistance to liquefaction (GPI 2003). Should liquefaction of these layers occur, the estimated magnitude of total dynamic settlement is expected to range between 0.5 and 0.75

inch. The main impact would be settlement of the ground surface. The projected settlement due to liquefaction is not considered significant. However, in order to design an adequate foundation to accommodate geotechnical constraints such as liquefaction, a detailed geotechnical investigation will be conducted during final design. Therefore, Mitigation Measure 4.5.2 will reduce potential liquefaction impacts to a less than significant level.

Most of the subsurface soils on the proposed open space site are either cohesive soils that do not satisfy the characteristics necessary for liquefaction or are dense to very dense granular soils. The main impact would be settlement of the ground surface. The projected settlement due to liquefaction is not considered significant because no buildings or foundations are proposed that would be affected by geotechnical constraints such as liquefaction. Therefore, the potential for impacts resulting from liquefaction is considered less than significant.

4.5.2 A detailed geotechnical investigation of the site shall be conducted prior to the project design phase. This investigation shall evaluate liquefaction potential, lateral spreading hazards, and soil expansiveness and shall determine appropriate design consistent with the most current California Building Code. A corrosion engineer shall design measures for corrosion protection. Site-specific final design evaluation and grading plan review shall be performed by the project geotechnical consultant prior to the start of grading to verify that recommendations developed during the geotechnical design process are appropriately incorporated in the project plan. Design and grading construction shall be performed in accordance with the requirements of the California Building Code applicable at the time of grading, appropriate local grading regulations, and the recommendations of the project geotechnical consultant as summarized in a final report, subject to review by the City of Long Beach Building Official prior to issuance of grading permits.

Finding: The City hereby finds that impacts related to liquefaction will be reduced to a less than significant level with implementation of Mitigation Measure 4.5.2

Impact: Lateral Spreading. A potential result of soil liquefaction on site is lateral spreading. Hypothetically, if there were soil failure at this site, the ground surface would move laterally downgradient toward the river along the southern site boundary. For lateral spreading to occur, the layers subject to liquefaction should be continuous across the site and have an overburden-normalized standard penetration test blowcount (sandy soils) of less than 15. At one cone penetration test location, two soil layers were found that exhibit a test blowcount of less than 15 (GPI 2003). Since these layers are not continuous across the site, lateral spreading is not considered likely. However, in order to ensure that the final foundation design has considered potential lateral spreading hazards, a detailed geotechnical investigation is necessary. Mitigation Measure 4.5.2 requires this investigation as well as plan review by the geotechnical consultant and the City. Therefore, potential impacts regarding lateral spreading will be less than significant with mitigation incorporated.

Lateral spreading is not considered likely on the proposed open space site because most of the subsurface soils on the proposed open space site are either cohesive soils or are dense to very dense granular soils. Mitigation Measure 4.5.2 requires a final geotechnical investigation as well as plan

review by the geotechnical consultant and the City. Therefore, potential impacts regarding lateral spreading will be less than significant with mitigation incorporated.

Refer to Mitigation Measure 4.5.2, above.

Finding: The City hereby finds that impacts related to lateral spreading will be reduced to a less than significant level with implementation of Mitigation Measure 4.5.2.

Impact: Expansive Soils. The on-site clayey soils have an expansion potential of medium to high and are considered to be severely corrosive to steel (GPI 2003; Mission 2004). Without protection, structural foundations on the Home Depot site could be affected, potentially leading to foundation failure. No structures that could be affected by expansive soils or corrosive soils are proposed for the open space site. Mitigation Measure 4.5.2 will ensure that recommendations would be provided in a comprehensive geotechnical report to mitigate these geotechnical constraints during the design and construction of the site.

Refer to Mitigation Measure 4.5.2, above.

Finding: The City hereby finds that impacts related to expansive soils will be reduced to a less than significant level with implementation of Mitigation Measure 4.5.2

Impact: Site Preparation. Site preparation on the Home Depot site includes removal of existing facilities, excavation, subgrade preparation, placement and compaction of fill, foundation preparation, floor slab preparation, positive surface gradient preparation, and pavement of other areas. The subgrade will require stabilization to facilitate fill placement and support earthmoving equipment. Fill material type, placement, and compaction will be inspected by the on-site geotechnical engineer, who will also perform soil tests as necessary. Mitigation Measure 4.5.3 will reduce potential impacts related to site preparation to a less than significant level.

Site preparation on the proposed open space site includes removal of existing facilities, excavation, subgrade preparation, placement and compaction of fill, positive surface gradient preparation, and pavement of other areas. Only surface soils on the proposed open space site will be graded. Subsurface facilities, including electrical and water equipment vaults, will not be removed. No buildings or structural foundations are proposed for the open space site; however, pump houses and electrical sheds will be relocated to the area within the Los Angeles County Flood Control easement. Therefore, impacts related to site preparation are considered less than significant for the proposed open space site. Mitigation Measure 4.5.3 will reduce potential impacts related to site preparation of the proposed open space site at the intersection of Studebaker and Loynes to a less than significant level.

4.5.3 Site preparation (removal of existing facilities, excavation, subgrade preparation, placement and compaction of fill, foundation preparation, floor slab preparation, positive surface gradient preparation, and pavement of other areas) shall be conducted consistent with the recommendations of the design-level detailed geotechnical investigation summarized in a

final report, subject to review and approval by a City of Long Beach Building Official prior to issuance of grading permits. The project geotechnical engineer shall observe all excavations, subgrade preparation, and fill activities and shall conduct soils testing as necessary, consistent with local, State, and federal regulations.

Finding: The City hereby finds that impacts related to site preparation will be reduced to a less than significant level with implementation of Mitigation Measure 4.5.3.

HAZARDOUS MATERIALS

Impact: Potential Soil Contamination. Operation of the ASTs and support facilities may have caused soil contamination. In addition, past activities at the AGS, a Resource Conservation and Recovery Act (RCRA) regulated facility with Department of Toxic Substances Control (DTSC) oversight, have impacted groundwater. Completion of a detailed soils investigation and removal/disposal of any contaminated soils and/or groundwater is required. Implementation of Mitigation Measures 4.6.1, 4.6.2, and 4.6.6 will reduce potential impacts from contaminated soil and groundwater.

4.6.1 Prior to project approval, the project applicant shall enter into a Consent Agreement with DTSC for remediation of the project site consistent with the Scope of Work for an RCRA RFI.

4.6.2 Prior to issuance of a grading permit, the project applicant shall provide evidence to the City that DTSC has issued a closure status for the project site and that no land use restrictions would prevent the site from being used for commercial/retail purposes.

4.6.6 Prior to issuance of a grading permit, the project site shall be remediated in accordance with the scope of work for an RCRA RFI. DTSC shall oversee and approve all phases of the investigation including the Current Conditions Report, RCRA RFI Workplan, RCRA RFI Report, Health and Safety Plan. Soils and groundwater shall be tested for VOCs, SVOCs, PAHs, metals, asbestos, and PCBs in accordance with the DTSC-approved workplan. Soil and groundwater removal, transport, and disposal shall be conducted in accordance with local, State and federal regulations; documentation shall be provided to DTSC. All remediation activity shall be completed to the satisfaction of DTSC, as well as RWQCB and CUPA as applicable.

Finding: The City hereby finds that impacts related to potential soil contamination will be reduced to a less than significant level with implementation of Mitigation Measures 4.6.1, 4.6.2, and 4.6.6.

Impact: Demolition of Hazardous Materials Structures. ASTs 1–3 are empty and Tank 4 contains approximately 30 inches of water and oil. Additionally, the soil beneath the tanks has been impacted by petroleum hydrocarbons (No. 6 fuel oil) and arsenic. Improper handling of the tanks and associated pipelines and equipment during demolition and removal could result in impacts to the on-

site and off-site environment. Mitigation Measures 4.6.3 and 4.6.6 will reduce potential impacts from hazardous materials structure removal to less than significant levels.

4.6.3 Prior to issuance of any demolition permits, the project applicant shall submit an application to the City of Long Beach Fire Department for approval to remove Tanks Nos. 1–4 and 6 and associated pipeline conveyance systems from the property. The application package shall include documentation of approval of the removal process by AES Alamitos and Pacific Energy. The City of Long Beach Fire Department shall review the application for compliance with local, State, and federal requirements with tank-handling procedures including sampling and disposal of tank contents, sampling of subsurface soils, and transport and disposal of tanks and soils/liquids. The City of Long Beach Fire Department and DTSC shall oversee and monitor the operation in accordance with local, State, and federal requirements.

4.6.6 Prior to issuance of a grading permit, the project site shall be remediated in accordance with the scope of work for an RCRA RFI. DTSC shall oversee and approve all phases of the investigation including the Current Conditions Report, RCRA RFI Workplan, RCRA RFI Report, Health and Safety Plan. Soils and groundwater shall be tested for VOCs, SVOCs, PAHs, metals, asbestos, and PCBs in accordance with the DTSC-approved workplan. Soil and groundwater removal, transport, and disposal shall be conducted in accordance with local, State and federal regulations; documentation shall be provided to DTSC. All remediation activity shall be completed to the satisfaction of DTSC, as well as RWQCB and CUPA as applicable.

Finding: The City hereby finds that impacts related to the demolition of hazardous materials structures will be reduced to a less than significant level with implementation of Mitigation Measures 4.6.3 and 4.6.6.

Impact: Handling and Disposal of Hazardous Substances. Potential hazardous substances in structures proposed for demolition may be present and include asbestos, lead-based paint, mercury, and polychlorinated biphenyls (PCBs). Implementation of Mitigation Measure 4.6.4 will reduce potential impacts to less than significant levels.

4.6.4 Prior to issuance of any demolition permits, predemolition surveys for ACMs and LBPs (including sampling and analysis of all suspected building materials) and inspections for mercury-containing fixtures, and PCB-containing electrical fixtures shall be performed. All inspections, surveys, and analyses shall be performed by appropriately licensed and qualified individuals in accordance with applicable regulations (i.e.: ASTM E 1527-00, and 40 CFR, Subchapter R, Toxic Substances Control Act [TSCA], Part 716). All identified ACMs, LBPs, and PCB-containing electrical fixtures shall be removed, handled, and properly disposed of by appropriately licensed contractors according to all applicable regulations during demolition of structures (40 CFR, Subchapter R, TSCA, Parts 745, 761, and 763). Air monitoring shall be completed by appropriately licensed and qualified individuals in accordance with applicable regulations both to ensure adherence to applicable regulations (e.g., SCAQMD) and to provide safety to workers and the adjacent community. The project applicant shall provide documentation (e.g., all required waste manifests, sampling, and air

monitoring analytical results) to the City of Long Beach Health Department showing that abatement of any ACMs, LBPs, or mercury-containing fixtures, or PCB-containing electrical fixtures identified in these structures has been completed in full compliance with all applicable regulations and approved by the appropriate regulatory agency(ies) (40 CFR, Subchapter R, TSCA, Parts 716, 745, 761, 763, and 795 and CCR Title 8, Article 2.6). An Operating & Maintenance Plan (O&M) shall be prepared for any ACM, LBP, or PCB-containing fixtures to remain in place and would be reviewed and approved by the City Health Department.

Finding: The City hereby finds that impacts related to the handling and disposal of hazardous substances will be reduced to a less than significant level with implementation of Mitigation Measure 4.6.4.

Impact: Remaining AST Facilities. AST No. 5 will remain in the northern portion of the site. Construction of a block wall and fence in this area and the relocation of existing pipelines to underground vaults has the potential to disturb these facilities and cause a spill. Implementation of Mitigation Measure 4.6.5 will reduce impacts to less than significant levels.

4.6.5 Prior to issuance of any demolition permits, the project applicant shall submit an Emergency Action Plan to the City of Long Beach Fire Department for review and approval. The plan shall include documentation of review and approval by Pacific Energy. The plan shall be consistent with local, State, and federal regulations and shall provide detailed procedures in the event of a hazardous substance leak or spill from on-site facilities, including Tank No. 5 and associated equipment.

Finding: The City hereby finds that impacts related to remaining aboveground storage tank facilities will be reduced to a less than significant level with implementation of Mitigation Measure 4.6.5.

Impact: Methane Soil Contamination. A preliminary methane soil gas investigation of the project site detected concentration levels exceeding current regulatory thresholds in shallow soils. To delineate methane concentrations, further investigation is necessary after rough grading and prior to building construction and utility installation. Implementation of Mitigation Measure 4.6.7 will reduce potential methane impacts to less than significant levels.

4.6.7 After rough grading and prior to building construction and utility installation, a detailed methane soil gas investigation workplan shall be prepared by the project applicant and submitted to the City of Long Beach Fire Department for review and approval. The methane soil gas investigation shall be performed in accordance with local industry standards. The results shall be presented in a formal report that includes recommendations to mitigate potential hazards from methane, if required. The report shall be reviewed and approved by the City of Long Beach Fire Department. Based on the results of this detailed investigation, additional mitigation design may be necessary, including providing conventional vapor barriers and venting systems beneath buildings and confined spaces. Methane mitigation design shall be approved by the City of Long Beach Fire Department.

Finding: The City hereby finds that impacts related to methane soil contamination will be reduced to a less than significant level with implementation of Mitigation Measure 4.6.7.

Impact: Additional Hazardous Materials. Due to methane occurrence, undocumented fill soils, and historical use of the site, there is the potential for additional hazards to be encountered during rough grading and excavation activities. A Soil and Air Monitoring Program, which includes a Health and Safety Plan, is required to prevent significant impacts to humans and the environment during soil disturbance activities. Implementation of Mitigation Measure 4.6.8 will reduce these potential impacts to less than significant levels.

4.6.8 Prior to issuance of a grading permit, the project applicant shall submit a Soil and Air Monitoring Program and associated Health and Safety Plan to the City of Long Beach Planning and Building Department and the SCAQMD for review and approval. The program shall be consistent with local, State, and federal regulations and shall encompass all soil-disturbance activities. The Health and Safety Plan shall include the following components:

- A summary of all potential risks to construction workers, monitoring programs, maximum exposure limits for all site chemicals, and emergency procedures
- The identification of a site health and safety officer
- Methods of contact, phone number, office location, and responsibilities of the site health and safety officer
- Specification that the site health and safety officer will be contacted immediately by the construction contractor should any potentially toxic chemical be detected above the exposure limits or if evidence of soil contamination is encountered during site preparation and construction
- Specification that DTSC will be notified if evidence of soil contamination is encountered
- Specification that DTSC will be notified if contaminated groundwater is encountered during excavation activities
- Specification that an on-site monitor will be present to perform monitoring and/or soil and air sampling during grading, trenching, or cut or fill operations

The Health and Safety Plan shall be provided to all contractors on site. The Health and Safety Plan is required to be amended as needed if different site conditions are encountered by the site health and safety officer.

Finding: The City hereby finds that impacts related to additional hazardous materials will be reduced to a less than significant level with implementation of Mitigation Measure 4.6.8.

Impact: Routine Use of Hazardous Materials during Construction. Project construction will involve the routine use of fuels, paints, and solvents. Mitigation Measures 4.6.1 through 4.6.6, and 4.7.1 and 4.7.2 will reduce potential significant hazardous substances impacts associated with demolition, grading, excavation, and construction to less than significant levels.

Potential hazardous materials impacts at the open space site would only relate to the use of routine materials such as fuels, paints, and solvents. As described above, compliance with Mitigation Measures 4.7.1 and 4.7.2 would reduce impacts associated with demolition, grading, excavation, and construction at the proposed open space site to less than significant levels.

Refer to Mitigation Measures 4.6.1 through 4.6.6, and 4.7.1 and 4.7.2.

Finding: The City hereby finds that impacts related to routine use of hazardous materials during construction will be reduced to a less than significant level with implementation of Mitigation Measures 4.6.1 through 4.6.6, and 4.7.1 and 4.7.2.

Impact: Operational Use of Hazardous Materials. The proposed Home Depot center would utilize, store, and sell hazardous materials such as solvents, paints, and pesticides. The other commercial/retail buildings and restaurant would use and store household hazardous materials of types and quantities typical of those types of businesses. Implementation of Mitigation Measures 4.6.9 and 4.6.4 will reduce potential impacts regarding use and storage of hazardous materials during operation to less than significant levels.

4.6.9 Prior to application for a business license and/or certificate of occupancy, the project applicant shall submit a Business Plan including a Hazardous Materials Release Response Plan and Inventory to the Long Beach CUPA for approval and permit. The Business Plan shall include a description of emergency response procedures and coordination with AGS with respect to alarms and public address systems.

See also Mitigation Measure 4.6.4, above.

Finding: The City hereby finds that impacts related to operational use of hazardous materials will be reduced to a less than significant level with implementation of Mitigation Measures 4.6.9 and 4.6.4.

Impact: Hazards Associated with AES Alamitos Electrical Generating Plant. The plant uses a 29 percent ammonium hydroxide solution in its units for air pollution control purposes as well as other hazardous materials in its day-to-day operations, such as lubricating oils, caustics, and oxidizers. Because the project would provide public receptors directly adjacent to the plant, Mitigation Measures 4.6.10 and 4.6.11 will reduce the potential impacts from operations or emergencies at the AES facility to less than significant levels.

4.6.10 Prior to issuance of certificates of occupancy, the City of Long Beach Health Department and the Long Beach CUPA shall review the existing Business Emergency Plan, Hazardous

Materials Release Response Plan and Inventory, and the Risk Management Plan for the AES Alamitos Plant and shall determine whether additional measures/revisions are necessary based on proposed project implementation, consistent with the California Health and Safety Code Section 25500, et seq. The City of Long Beach Police Department shall review the plans to determine whether security for the plant, tanks, and distribution system is in compliance with pertinent regulations.

4.6.11 Prior to application for a business license and/or certificate of occupancy, the project applicant shall submit an Emergency Response and Evacuation Employee Training Program to the Long Beach CUPA for review and approval. The business owner shall conduct drills as required by CUPA and shall submit training documentation as part of the annual review of the Business Plan.

Finding: The City hereby finds that impacts related to hazards associated with the AES Alamitos Electrical Generating Plant will be reduced to a less than significant level with implementation of Mitigation Measures 4.6.10 and 4.6.11.

Impact: Emergency Access to AST No. 5. Tank No. 5 and its associated equipment and pipelines would remain on site. There is the potential for the proposed project to inhibit access to these facilities in the event of an emergency. Additionally, pipelines for this distribution system will be relocated. Mitigation Measure 4.6.12 will reduce potential emergency response impacts related to these facilities to less than significant levels.

4.6.12 Prior to issuance of certificates of occupancy, the applicant shall submit the updated Hazardous Materials Release Response Plan and Inventory for the Pacific Energy tanks and distribution system to the Long Beach CUPA for review. The CUPA shall determine whether revisions are necessary due to proposed project implementation. The City of Long Beach Fire and Police Departments shall review and approve the proposed project plans, including the pipeline relocation for adequate emergency access and egress procedures.

Finding: The City hereby finds that impacts related to emergency access to AST No. 5.will be reduced to a less than significant level with implementation of Mitigation Measure 4.6.12.

Impact: Elevated Methane Levels During Operations. Methane could occur in elevated concentrations in subsurface soils at the site. The State has specified design features to prevent accumulation of methane in buildings. Implementation of Mitigation Measure 4.6.7 will reduce potential methane impacts with project operation to less than significant levels.

Refer to Mitigation Measure 4.6.7, above.

Finding: The City hereby finds that impacts related elevated to methane levels during operations will be reduced to a less than significant level with implementation of Mitigation Measure 4.6.7.

HYDROLOGY AND WATER QUALITY

Impact: Water Quality During Construction. During construction, the applicant is required to adhere to the General Construction Permit and utilize typical best management practices (BMPs) specifically identified in the Storm Water Pollution Prevention Plan (SWPPP) for the project in order to prevent construction pollutants from contacting storm water and to keep all products of erosion from moving off site into receiving waters. Construction BMPs act as physical barriers to prevent sediment and other construction-related pollutants from leaving a construction site. Implementation of Mitigation Measures 4.7.1 and 4.7.2 will reduce construction-related groundwater impacts to less than significant levels.

The open space site would be subjected to the same General Construction Permit and Municipal Code requirements as the proposed Home Depot site. The open space site would be included in the SWPPP for the project and construction BMPs would be implemented as required by Mitigation Measure 4.7.1. With implementation of Mitigation Measure 4.7.1, no significant impacts would occur.

4.7.1 Prior to issuance of a grading permit, the City of Long Beach shall ensure that construction plans for the project include features meeting the applicable construction activity best management practices (BMPs) and erosion and sediment control BMPs published in the *California Stormwater BMP Handbook—Construction Activity* or equivalent. The construction contractor shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the City that includes the BMP types listed in the handbook or equivalent. The SWPPP shall be prepared by a civil or environmental engineer and will be reviewed and approved by the City Building Official prior to the issuance of any grading or building permits. The SWPP shall reduce the discharge of pollutants to the maximum extent practicable using BMPs, control techniques and systems, design and engineering methods, and such other provisions as appropriate. A copy of the SWPPP shall be kept at the project site.

The construction contractor shall be responsible for performing and documenting the application of BMPs identified in the SWPPP. The construction contractor shall inspect BMP facilities before and after every rainfall event predicted to produce observable runoff and at 24-hour intervals during extended rainfall events, except on days when no ongoing site activity takes place. Prestorm activities will include inspection of the major storm drain grate inlets and examination of other on-site surface flow channels and swales, including the removal of any debris that blocks the flow path. Poststorm activities will include inspection of the grate inlets, for evidence of unpermitted discharges. The construction contractor shall implement corrective actions specified by the City of Long Beach Building Official, as necessary, at the direction of the City of Long Beach Director of Public Works. Inspection records and compliance certification reports shall be submitted to the City of Long Beach Director of Public Works on a monthly basis and shall be maintained for a period of three years. Inspections shall be scheduled monthly during the dry season and weekly during the wet season for the duration of project construction or until all lots and common areas are landscaped.

4.7.2 During demolition, grading, and construction, the construction contractor shall ensure that the project complies with the requirements of the State General Construction Activity National

Pollution Discharge Elimination System (NPDES) Permit. Prior to issuance of demolition and grading permits, the construction contractor shall demonstrate to the City of Long Beach that coverage has been obtained under the State General Construction Activity NPDES Permit by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board (SWRCB) and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) number or other proof of filing to the City of Long Beach Building Official.

Finding: The City hereby finds that impacts related to water quality during construction will be reduced to a less than significant level with implementation of Mitigation Measures 4.7.1 and 4.7.2.

Impact: Shallow Groundwater. Shallow groundwater has been encountered at the Home Depot site during geotechnical investigations and may need to be removed during construction. Discharge of groundwater into storm drains and receiving waters has the potential to significantly impact water quality. Dewatered groundwater from the site may need to be filtered prior to discharge into storm drains. Implementation of Mitigation Measure 4.7.3 will reduce potential shallow groundwater impacts and discharge to less than significant levels.

4.7.3 Prior to commencement of grading activities, the construction contractor shall determine whether dewatering of groundwater will be necessary during construction of the project. Any dewatering will require compliance with the State General Permit for discharges to land with a low threat to water quality or an individual permit from the Los Angeles RWQCB, consistent with NPDES requirements. Once it receives and reviews the NOI, the RWQCB will decide which permit is applicable and whether sampling is required. A copy of the permit shall be kept at the project site, available for City and/or RWQCB review upon request.

Finding: The City hereby finds that impacts related to shallow groundwater will be reduced to a less than significant level with implementation of Mitigation Measure 4.7.3.

Impact: Runoff During Construction. Construction activity has the potential to produce waste discharge and violate water quality standards. Implementation of Mitigation Measures 4.7.1, 4.7.2, and 4.7.3 will reduce potential runoff impacts to less than significant levels.

Refer to Mitigation Measures 4.7.1, 4.7.2, and 4.7.3, above.

Finding: The City hereby finds that impacts related to runoff during construction will be reduced to a less than significant level with implementation of Mitigation Measures 4.7.1, 4.7.2, and 4.7.3.

Impact: Water Quality During Operation. Water pollution prevention measures (BMPs) are necessary to prevent adverse impacts to water resources. Implementation of Mitigation Measure 4.7.4 will reduce potential impacts to less than significant levels.

With the project, the open space site would change from an area mostly covered by impervious asphalt to a landscaped area. The increase in pervious area would reduce the amount of runoff from the site and associated pollutant loading and would allow some percolation of water into the soil. The project-level Standard Urban Stormwater Management Plan (SUSMP) for the proposed project will include the BMPs required for the open space site and is subject to review and approval by the City Director of Public Works (Mitigation Measure 4.7.4). With implementation of Mitigation Measure 4.7.4, no significant impacts would occur.

4.7.4 Prior to issuance of a building permit, the City of Long Beach Director of Public Works shall review and approve a project Standard Urban Storm Water Mitigation Plan (SUSMP) The project SUSMP shall identify all of the nonstructural and structural BMPs that will be implemented as part of the project in order to reduce impacts to water quality to the maximum extent practicable by addressing typical land use pollutants and pollutants that have impaired Los Cerritos Channel and Reach 1 of the San Gabriel River.

Finding: The City hereby finds that impacts related to water quality during operation will be reduced to a less than significant level with implementation of Mitigation Measures 4.7.1, 4.7.2, and 4.7.3.

Impact: Maintenance of Structural BMPs. Buildup of trash, debris, and sediment may impact the function of structural pollution prevention devices such as vegetated swales and hydrodynamic separator systems. Implementation of Mitigation Measure 4.7.5 will reduce these impacts to less than significant levels.

4.7.5 Prior to issuance of a building permit, the City of Long Beach shall, under the direction of the City of Long Beach Director of Public Works, approve a plan to ensure ongoing maintenance for permanent BMPs. This plan shall include a statement from the applicant accepting responsibility for all Structural and Treatment Control BMP maintenance until the time the property is transferred. All future transfers of the property to a private or public owner shall have conditions requiring the recipient to assume responsibility for the maintenance of any structural or Treatment Control BMP. The condition of transfer shall include a provision requiring the property owner to conduct a maintenance inspection at least once a year and retain proof of inspection. In addition, educational materials indicating locations of storm water facilities and how maintenance can be performed shall accompany first deed transfers.

Finding: The City hereby finds that impacts related to the maintenance of structural BMPs will be reduced to a less than significant level with implementation of Mitigation Measure 4.7.5.

Impact: Drainage and Erosion. The project would increase peak flows for the 50-year storm from approximately 17 cubic feet per second (cfs) to 42 cfs. This is due to the increase of impervious area from 29 percent to 88 percent. Implementation of Mitigation Measure 4.7.6 will reduce impacts to drainage and erosion to less than significant levels.

The proposed project would reduce runoff from the open space site. The open space site currently drains to the southeast via an asphalt berm. With the project, the existing drainage pattern would be maintained via swales. The proposed project would not increase storm flows from the open space site, would not change the drainage pattern, and would not affect the capacity of existing drainage systems. No significant impacts would occur, and no mitigation is required.

4.7.6 Prior to issuance of a building permit, the City of Long Beach Director of Public Works/City Engineer shall review and approve a final Hydrology Plan. The Hydrology Plan shall include any on-site structures or modifications of existing drainage facilities necessary to accommodate increased runoff resulting from the proposed project and shall indicate project contributions to the regional storm water drainage system. The Hydrology Plan shall show all structural BMPs, consistent with the project SUSMP.

Finding: The City hereby finds that impacts related to drainage and erosion will be reduced to a less than significant level with implementation of Mitigation Measure 4.7.6.

LAND USE

Impact: Conflict with Applicable Land Use Plans, Policies, or Regulations.

Home Depot Project Site:

- **General Plan.** The proposed project, a commercial shopping center, is consistent with the current General Plan designation for the site (LUD No. 7), and a General Plan Amendment is not required for project implementation.
- **Local Coastal Program (LCP).** The proposed project site is located in the coastal zone and is therefore subject to the requirements and limitations of the LCP for the City of Long Beach. As such, the proposed project will require a Local Coastal Development Permit to allow construction and operation of the project.
- **Zoning Ordinance.** As previously stated, the proposed project would require a CUP and standards variances but would otherwise be consistent with the current zoning designation, Planned Development (PD-1).
- **Citywide Strategic Plan.** Long Beach 2010, the Citywide Strategic Plan, includes several goals specific to economic development and business development in the City of Long Beach. The proposed project will serve the needs of local residents, commercial and industrial developers, businesses, and employers in south Long Beach.

Open Space Project Site:

- **General Plan.** The proposed project, a commercial shopping center, is consistent with the current General Plan designation for the site (LUD No. 7), and a General Plan Amendment is not required for project implementation.
- **Local Coastal Plan (LCP).** The proposed open space site is not located in the coastal zone. However, the proposed project will (as a whole) require the issuance of a Local Coastal Development Permit (LCDP) because the project site at the intersection of Loynes and Studebaker is located in the coastal zone. Mitigation Measure 4.8.1 requires approval of an LCDP prior to project implementation.

Zoning Ordinance. The proposed open space site is located within Subarea 14 of PD-1 (SEADIP). At the time SEADIP was adopted, the project site was thought to be owned by the California Department of Transportation, and the Specific Plan called for Subarea 14 (i.e., the project site at the corner of 7th Street and Silvera Avenue) to be improved as landscaped open space. The proposed project will result in the conversion of the site at the corner of 7th Street and Silvera Avenue to public open space in accordance with SEADIP and the provisions of the City of Long Beach Zoning Ordinance. The proposed project does not require a zone change, and no mitigation is required.

Citywide Strategic Plan. Long Beach 2010, the Citywide Strategic Plan, includes several goals specific to economic development and business development in the City of Long Beach. Although the proposed open space area does not directly support economic development, it is part of a larger project that will allow commercial development of currently underutilized land.

4.8.1 City of Long Beach Planning Commission approvals of the proposed project shall include approval for the Site Plan Review, a Local Coastal Development Permit to allow construction and operation of a retail commercial development in the local coastal zone, a Conditional Use Permit to allow retail trade in Subarea 19 of the PD-1 zoning district (in accordance with the General Industrial Land Use Standards), and Standards Variances for those project-specific design features provided in Chapter 3.0, Project Description. The City of Long Beach Director of Planning and Building shall issue building permits consistent with the Planning Commission's Site Plan Review, Conditional Use Permit, Local Coastal Development Permit, and Standards Variance approvals.

Finding: The City hereby finds that impacts related to conflicts with applicable land use plans, policies, or regulations will be reduced to a less than significant level with implementation of Mitigation Measure 4.8.1.

Impact: Conflict with Existing On-Site and Adjacent Land Uses. Land use incompatibilities and conflicts are characterized by substantial nuisances such as significant unmitigated increases in traffic, noise, air pollution (including odor), or activity level, or substantial incongruity and conflict (physical and visual) with adjacent land uses. The incongruity between land uses adjoining the Home Depot project site does not lead to conflict. Significant setbacks and project design sensitive to the

industrial land uses adjacent to the site minimize potential land use conflicts. Project setbacks, landscaping, and design, as well as the distance between residential areas and the proposed project site (approximately 550 feet), also ensure that potential impacts to residential uses west of the Los Cerritos Channel are minimized. Specific impacts and mitigation measures are discussed in detail in the applicable sections of Chapter 4.0: Section 4.1, Aesthetics; Section 4.2, Air Quality; Section 4.9, Noise; and Section 4.11, Traffic and Circulation. No additional mitigation is required.

The proposed open space site is surrounded by residential uses, open space, and an educational facility. Landscaping of the 1.37-acre site at the corner of 7th Street and Silvera Avenue will not result in substantial incongruity or conflict with adjacent uses. The proposed project will landscape current vacant land, effectively extending Channel View Park in the area adjacent to Kettering Elementary. There are no odors, traffic increases, aesthetic features, or noise impacts related to the proposed open space area that would conflict with existing adjacent land uses.

Refer to Section 4.1, Aesthetics; Section 4.2, Air Quality; Section 4.9, Noise; and Section 4.11, Traffic and Circulation.

Finding: The City hereby finds that impacts related to conflicts with existing on-site and adjacent land uses will be reduced to a less than significant level with implementation of mitigation measures in Sections 4.1, Aesthetics; Section 4.2, Air Quality; Section 4.9, Noise; and Section 4.11, Traffic and Circulation.

NOISE

Impact: On-Site Traffic Noise. The only on-site sensitive outdoor area planned for the proposed project area would be an outdoor eating area associated with a proposed restaurant. This eating area would be approximately 200 feet from the centerline of Studebaker Road, with a noise level of approximately 65 dBA. This exceeds the City's thresholds and would be a significant impact if not mitigated. Implementation of Mitigation Measure 4.9.1 would reduce impacts to less than significant levels.

The proposed open space site would generate few additional daily vehicle trips and would not contain any noise-sensitive or noise-generating land uses such as playfields, playgrounds, or picnic areas. Therefore, no mitigation measures are required for long-term on-site and off-site uses.

4.9.1 At the time of Plan Check, the City of Long Beach Zoning Administrator shall verify that project plans include a six-foot concrete block or Plexiglas wall between Studebaker Road and any project outdoor eating areas (adjacent to Studebaker Road).

Finding: The City hereby finds that impacts related to on-site traffic noise will be reduced to a less than significant level with implementation of Mitigation Measure 4.9.1.

Impact: Construction Noise. Short-term noise impacts associated with construction activities include the transportation of construction equipment, materials, and construction crews to the site.

This would incrementally increase noise levels on access roads leading to the site. Additionally, short-term noise impacts related to excavation, grading, and construction will be generated on site. While the main construction on the Home Depot project will be concentrated approximately 800 feet from the nearest residences, implementation of Mitigation Measure 4.9.2 will reduce impacts to less than significant levels.

4.9.2 Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and on federal holidays; and 9:00 a.m. to 6:00 p.m. on Saturdays. In accordance with the City of Long Beach's standards, no construction activities are permitted outside of these hours, and no construction is permitted on Sundays without a special work permit. At the time of plan check, prior to issuance of grading and building permits, the City of Long Beach Zoning Administrator shall verify that construction hour limitations are noted on building and grading plans.

Finding: The City hereby finds that impacts related to construction noise will be reduced to a less than significant level with implementation of Mitigation Measure 4.9.2.

PUBLIC SERVICES AND UTILITIES

Impact: Service Ratios, Response Times, or Other Performance Objectives.

Fire Protection. The project will increase the number of on-site visitors and employees, which can result in an increase in calls for emergency fire and medical services. The project will comply with all Long Beach Fire Department (LBFD) and California Fire Code (CFC) requirements, including access, placement of fire hydrants, and the use of sprinkler and standpipe systems. Impacts to emergency response times are not anticipated. The LBFD already has response times that exceed Department goals, and project implementation will remain unchanged in terms of service delivery. The proposed open space area is not expected to significantly impact emergency response times or calls for service and will not result in a significant impact to fire protection services in the City. The proposed project will not require 10 or more additional personnel to maintain acceptable service ratios, response times, or other performance objectives. No significant impacts to fire protection are anticipated.

Law Enforcement. The proposed project does not include residential development that would generate additional population. However, the project may generate approximately 316 employees. The nature of the proposed project will also lead to an increase in the number of people visiting the site who may generate additional calls for police services, and there is some concern about increases in theft, burglaries, and other property-related crimes on site related to the additional patrons and increased opportunities for commercial patrons and employees to pose as targets. This increase may generate additional calls for police services. Although the Police Department does not expect existing response times to change with project implementation, the existing response time in the City is 5.2 minutes, which is 0.2 minute above the goal of 5 minutes. Mitigation Measure 4.10.3 requires the implementation of a Security Plan to reduce project impacts on police services to less than significant levels. The proposed open space site is not expected to significantly impact police response times or

calls for service and will not result in a significant impact to police protection services in the City of Long Beach.

4.10.3 The project applicant shall submit a Security Plan for the review and approval of the City of Long Beach Chief of Police and the City of Long Beach Director of Planning and Building prior to the issuance of any building permits. The Security Plan shall incorporate Crime Prevention Through Environmental Design (CPTED) principles and other crime-prevention features that shall include, but not be limited to, the following:

- Interior and exterior security lighting
- Alarm systems
- Locking doors for all employee locations
- Use of vines and other landscaping to discourage graffiti and unauthorized access
- Bonded security guards
- "No Loitering" signs posted at various locations throughout the project site
- Surveillance cameras for each business and all on-site parking areas
- Surveillance cameras located on site that are capable of thoroughly monitoring Channel View Park, the Vista Street/Loynes Drive intersection, and the Vista Street/Silvera Avenue intersection.

All surveillance cameras shall continuously monitor all on-site and off-site locations on a 24-hour basis, and all surveillance camera video recording equipment shall have a minimum continuous two-week capacity to the satisfaction of the City of Long Beach Chief of Police. The City of Long Beach Director of Planning and Building shall verify inclusion of all required physical public safety improvements prior to issuance of any building permits. All physical requirements in the approved Security Plan shall be installed and fully operational prior to issuance of any Certificate of Occupancy.

Finding: The City hereby finds that impacts related to public service ratios and response times will be reduced to a less than significant level with implementation of Mitigation Measure 4.10.3.

Impact: Landfill Capacity and Federal, State, and Local Statutes and Regulations Related to Solid Waste. Given the percentage increase of solid waste disposal as a result of project implementation, the regional landfills and Southeast Resource Recovery Facility (SERRF) have sufficient short-term capacity to accommodate the additional demand for solid waste disposal facilities.

Additionally, California State Assembly Bill (AB) 939 requires that every city and county implement programs to achieve a 50 percent reduction in solid waste taken to landfills. The proposed development will be required to incorporate storage and collection of recyclable materials into the project design and include provisions for the collection of recyclables in refuse collection contracts.

Mitigation Measures 4.10.1 and 4.10.2 will assist the City in meeting its reduction goals and will reduce impacts from solid waste to less than significant levels.

Solid waste generation resulting from operation of the open space area at the corner of 7th Street and Silvera Avenue would be minimal; uses do not include waste-generating uses other than grass and plant clippings. Debris from construction and demolition on the open space area will be disposed of at unclassified landfills, which have sufficient capacity to accept waste of this type.

4.10.1 A Solid Waste Management Plan for the proposed project shall be developed and submitted to the City of Long Beach Environmental Services Bureau for review and approval prior to issuance of grading permits. The plan shall identify methods to promote recycling and reuse of construction materials as well as safe disposal consistent with the policies and programs outlined by the City of Long Beach. The plan shall identify methods of incorporating source reduction and recycling techniques into project construction and operation in compliance with State and local requirements such as those described in Chapter 14 of the California Code of Regulations and AB 939.

4.10.2 Prior to issuance of building permits, the City of Long Beach Director of Planning and Building shall verify that adequate storage space for the collection and loading of recyclable materials has been included in the design of buildings as well as waste collection points throughout the project site to encourage recycling

Finding: The City hereby finds that project impacts related to landfill capacity will be reduced to a less than significant level with implementation of Mitigation Measures 4.10.1 and 4.10.2

TRANSPORTATION AND CIRCULATION

Impact: Construction Traffic. Construction activities associated with the development of the proposed project will include a temporary increase in traffic activities and possible delays. Construction vehicles are anticipated to use State Route 22 (SR-22) to access the project sites, which would minimize traffic impacts to adjacent roadway networks. Mitigation Measure 4.11.1 would minimize impacts to less than significant levels.

4.11.1 Prior to the issuance of a grading permit, the project applicant shall, under the direction of the City of Long Beach Traffic Engineer, design and implement a construction area Traffic Management Plan. The plan shall be designed by a registered Traffic Engineer and shall address traffic control for any street closure, detour, or other disruption to traffic circulation and public transit routes. The plan shall identify the routes that construction vehicles will use to access the site, the hours of construction traffic, traffic controls and detours, off-site vehicle staging areas, and parking areas for the project. The plan shall also require project contractors to keep all haul routes clean and free of debris including but not limited to gravel and dirt.

Finding: The City hereby finds that impacts related to construction traffic will be reduced to a less than significant level with implementation of Mitigation Measure 4.11.1.

Impact: Level of Service (LOS). Implementation of the proposed project has the potential to impact the LOS at several intersections near the project vicinity.

- **Studebaker Road/SR-22 westbound ramps.** Currently, Caltrans has no plans to improve the Studebaker/SR-22 ramps, and doing so would potentially encroach into the Los Cerritos Channel. There are no feasible improvements that would mitigate the project's impact on this facility.
- **Studebaker Road/2nd Street.** Regarding the provision of a shared through-right-turn lane on westbound 2nd Street, the Boeing Specific Plan Traffic Impact Analysis recommended a fair-share contribution of 85 percent for this improvement, but no there is no formal commitment. Therefore, implementation of Mitigation Measure 4.11.2 would reduce the weekday impact at this intersection to less than significant levels.
- **Studebaker Road/Loynes Drive.** Project design features are included to reduce the impact to a less than significant level. Since these features are required to mitigate a significant impact associated with the proposed project, Mitigation Measure 4.11.3 includes these features and therefore reduces the weekday impact to a less than significant level.
- **Pacific Coast Highway/7th Street and Pacific Coast Highway/2nd Street.** According to the traffic analysis, with implementation of the proposed project, these intersections would continue to operate at unsatisfactory levels of service in the weekend midday peak hours. However, due to right-of-way constraints at both intersections, there are no feasible improvements that would mitigate the project's impacts. Therefore, the proposed project creates a significant, unavoidable impact at these intersections during the weekend period.

The proposed open space site does not meet the Institute of Traffic Engineers (ITE) Manual definition of a city park. The proposed passive open space use is not expected to generate traffic. Because the proposed open space site at the intersection of 7th Street and Silvera would not generate additional traffic, the LOS at study area intersections would not change during the weekday and weekend peak hours as a result of this project component.

4.11.2 **Studebaker Road/2nd Street.** Prior to issuance of any Certificates of Occupancy, the applicant, to the satisfaction of the City of Long Beach Director of Public Works, shall convert the existing westbound right-turn lane into a through lane and shall construct an exclusive westbound right-turn lane with a raised island that allows a "free right turn" from westbound 2nd Street to northbound Studebaker Road into the newly striped third through lane, with reimbursement if possible, according to the Boeing Specific Plan's fair-share commitment.

4.11.3 **Studebaker Road/Loynes Drive.** Prior to issuance of any certificates of occupancy, the applicant, to the satisfaction of the City of Long Beach Director of Public Works, shall complete the following:

- Provide one westbound left-turn lane, one westbound through lane, and one westbound right-turn lane at the project driveway at the Studebaker Road/Loynes Drive intersection and two receiving lanes into the project site. In addition, a northbound right-turn lane and

a southbound left-turn lane shall be constructed. The inside eastbound right-turn lane shall be converted to an eastbound through lane for vehicles entering the project site.

- Change the traffic signal phasing for the northbound and southbound left-turn movements at Studebaker Road/Loynes Drive to protected-permissive turn movements.
- Restripe northbound and southbound Studebaker Road (36 feet wide) between 2nd Street and the SR-22 eastbound ramps to provide three (12-foot-wide) through lanes. The third northbound through lane will terminate at the northbound right-turn lane at the SR-22 eastbound ramps. The third southbound through lane will terminate at the 2nd Street intersection. Any encroachment into State right-of-way will require review and approval by Caltrans.

4.11.4 Prior to issuance of any certificates of occupancy, the applicant, in conjunction with and upon approval by Caltrans and the City Public Works Director, shall install traffic signal interconnect along Studebaker Road from 2nd Street to the SR-22 westbound ramp signal. This will allow vehicles from 2nd Street to have progressive flow to the freeway on-ramp on Studebaker Road.

4.11.5 Prior to issuance of any certificates of occupancy, the applicant, in conjunction with and upon approval by Caltrans and the City Public Works Director, shall develop and implement new traffic signal coordination timing for Studebaker Road for both weekday and weekend traffic conditions. This will provide signal coordination utilizing the new interconnect described above.

4.11.6 Prior to issuance of any certificates of occupancy, the applicant, in conjunction with and upon approval by Caltrans and the City Public Works Director, shall develop and implement (with Caltrans) new traffic signal coordination timing along 2nd Street from Marina Drive to Studebaker Road using existing interconnect. This should reduce delay and queuing at PCH/2nd Street.

4.11.7 Prior to issuance of any certificates of occupancy, the applicant, in conjunction with and upon approval by Caltrans and the City Public Works Director, shall develop and implement (with Caltrans) new coordination timing along PCH between Studebaker Road and 7th Street for both weekday and weekend traffic conditions.

4.11.8 Prior to issuance of any certificates of occupancy, the applicant shall reconstruct the two traffic signals at Studebaker Road and SR-22/7th Street ramps in accordance with current traffic signal design standards, subject to the approval of the City Traffic Engineer and Caltrans.

4.11.9 Prior to issuance of any certificates of occupancy, the applicant shall upgrade all 8-inch traffic signal indications to 12-inch LED indications for the five intersections along 7th Street between and including East Campus Drive and Pacific Coast Highway.

Finding: The City hereby finds that impacts related to traffic LOS at Studebaker Road/Loynes Drive will be reduced to a less than significant level with implementation of Mitigation Measures 4.11.2 through 4.11.9.

Impact: Cumulative Traffic Impacts. To determine the 2006 plus project condition (i.e., cumulative plus project condition), traffic generated by the proposed project, cumulative projects, and an ambient growth factor were added to existing traffic volumes at the study area intersections. Five study area intersections are forecast to operate at an unacceptable LOS (LOS E or F) in the p.m. peak hour for both the 2006 conditions and the 2006 plus project conditions. Three intersections are forecast to operate an unacceptable LOS in the a.m. peak hour for both 2006 conditions and 2006 plus project conditions. Implementation of the proposed project would cause a significant intersection capacity utilization (ICU) increase of 0.02 to the following intersections:

- Studebaker Road/SR-22 westbound ramps: increase in LOS F during the p.m. peak hour
- Studebaker Road/2nd Street: increase from LOS E to LOS F during the p.m. peak hour

Additional analysis provided in Chapter 6.0 of the Recirculated Draft EIR also shows that with the addition of traffic from the proposed Seaport Marina project, a significant cumulative impact also results at the Studebaker Road/SR-22 eastbound ramps.

These impacts would not be exacerbated by the proposed open space site because the proposed open space at the intersection of 7th Street and Silvera would not generate additional traffic.

Impacts to the intersection of Studebaker Road/2nd Street can be mitigated to a less than significant level with implementation of Mitigation Measure 4.11.2. Impacts to the Studebaker Road/SR-22 eastbound and westbound ramps cannot be mitigated to less than significant levels. Any improvements to these ramps would require encroachment into the Los Cerritos Channel immediately adjacent and parallel to Studebaker Road. In addition, Caltrans has no plans to improve this facility. As such, there are no feasible improvements at this location that would mitigate the project's impact, and the project would contribute a significant unavoidable impact at these intersections.

Refer to Mitigation Measures 4.11.2 through 4.11.9, above.

Finding: The City hereby finds that impacts related to cumulative traffic will be reduced to a less than significant level with implementation of Mitigation Measures 4.11.2 through 4.11.9.

4.0 SIGNIFICANT EFFECTS THAT CANNOT BE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

As previously stated, the Final EIR identified certain potentially significant effects that could result from the proposed project based upon substantial evidence in the record. The City finds for each of the significant or potentially significant impacts identified in this section, Section 4.0, that changes or alterations have been required or incorporated into the proposed project that substantially lessen the significant effects as identified in the Final EIR;[1] however, even with adoption of the mitigation measures set forth below, project impacts are not reduced below a level of significance.

As described above, CEQA Guidelines Section 15091 states that no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environment effect as identified in the Final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final environmental impact report.

AIR QUALITY

Construction Air Quality Impacts. Air quality impacts would occur during construction of the proposed project from soil disturbance and equipment exhaust. Major sources of emissions during demolition, grading, and site preparation include exhaust emissions from construction vehicles and equipment and fugitive dust generated by construction vehicles and equipment traveling over exposed surfaces and demolition activities, as well as by soil disturbances from grading and backfilling. Even with implementation of mitigation measures and compliance with applicable rules and regulations, the following construction impacts related to air quality remain significant and adverse:

- Construction equipment/vehicle emissions during demolition and grading periods would exceed the SCAQMD established daily and quarterly thresholds for NO_X even with implementation of

[1] CEQA Guidelines, Section 15091.

Mitigation Measures 4.2.1 through 4.2.8. Emissions of other criteria pollutants would be below the thresholds.

- During peak grading days, total construction emissions of NO_X and PM_{10} at the Home Depot site would exceed the daily thresholds established by the SCAQMD even with implementation of Mitigation Measures 4.2.1 through 4.2.8. During demolition and regular grading days, NO_X emissions would exceed the thresholds as well. Emissions of other criteria pollutants would be below the thresholds.

4.2.1 The City of Long Beach shall ensure that the project complies with South Coast Air Quality Management District (SCAQMD) Rule 1166 with regard to the handling of potential VOC-contaminated soils during construction. Prior to issuance of building permits, the City of Long Beach Building Official shall verify that construction plans include a statement stipulating that the construction contractor shall be responsible for compliance with applicable SCAQMD Rules and Regulations.

4.2.2 The City of Long Beach shall ensure that the project complies with regional rules that assist in reducing short-term air pollutant emissions. SCAQMD Rule 403 requires that fugitive dust be controlled with best-available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off site. Applicable dust suppression techniques from Rule 403 are summarized below. The City of Long Beach Building Official shall ensure that notes are included on grading and construction plans and referenced in the Construction Contractor's Agreement stipulating that the construction contractor shall be responsible for compliance with SCAQMD Rules 402 and 403.

Applicable Rule 403 measures include the following requirements:

- Apply nontoxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 10 days or more).
- Water active sites at least twice daily. (Locations where grading is to occur will be thoroughly watered prior to earthmoving.)
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard in accordance with the requirements of California Vehicle Code (CVC) Section 23114 (freeboard means vertical space between the top of the load and top of the trailer).
- Pave construction access roads at least 100 feet onto the site from the main road.
- Traffic speeds on all unpaved roads shall be reduced to 15 mph or less.

4.2.3 The City of Long Beach Building Official shall ensure that construction documents and the Construction Contractor's Agreement require use of dust suppression measures in the SCAQMD *CEQA Air Quality Handbook* during grading and construction. The construction contractor shall be responsible for implementation of dust suppression measures.

- Revegetate disturbed areas as quickly as possible.

- All excavating and grading operations shall be suspended when wind speeds (as instantaneous gusts) exceed 25 mph.
- All streets shall be swept once per day if visible soil materials are carried to adjacent streets (recommend water sweepers with reclaimed water).
- Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash trucks and any equipment leaving the site each trip.
- All on-site roads shall be paved as soon as feasible, watered periodically, or chemically stabilized.
- The area disturbed by clearing, grading, earthmoving, or excavation operations shall be minimized at all times.

4.2.4 The construction contractor shall select the construction equipment used on site based on low-emission factors and high energy efficiency. Prior to issuance of grading and building permits, the City of Long Beach Building Official shall verify that grading and construction plans include a statement that all construction equipment will be tuned and maintained in accordance with manufacturers' specifications.

4.2.5 Prior to issuance of grading permits, the City of Long Beach Building Official shall verify that construction and grading plans include a statement that the construction contractor shall utilize electric- or diesel-powered equipment in lieu of gasoline-powered engines where feasible.

4.2.6 Prior to issuance of grading and building permits, the City of Long Beach Building Official shall verify that grading and construction plans include a statement that work crews will shut off equipment when not in use. During smog season (May through October), the overall length of the construction period will be extended, thereby decreasing the size of the area prepared each day, to minimize vehicles and equipment operating at the same time.

4.2.7 Prior to issuance of grading permits, the City of Long Beach Building Official shall verify that construction and grading plans include a statement stipulating that the construction contractor shall time construction activities so as to not interfere with peak-hour traffic and minimize obstruction of through-traffic lanes adjacent to the site; if necessary, a flagperson shall be retained to maintain safety adjacent to existing roadways.

4.2.8 Prior to issuance of grading permits, the City of Long Beach Building Official shall verify that construction and grading plans include a statement stipulating that the construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.

Finding: The City hereby finds that construction air quality impacts will be substantially reduced with implementation of the mitigation measures listed above but cannot be mitigated to below a level of significance (Finding 1). The City finds that this impact is acceptable based on the grading requirements of the proposed project, the extensive mitigation proposed to reduce construction air

emissions, benefits of the project, and specific overriding considerations described in the Statement of Overriding Considerations.

Long-Term Regional Air Quality Impacts. Long-term air emission impacts are those associated with stationary sources and mobile sources involving any project-related change. The proposed commercial use would result in both stationary and mobile sources. The stationary source emissions from the commercial uses would come from the consumption of natural gas. Emissions from the project-related mobile sources would exceed CO, ROC, and NO_X thresholds based on emission factors for 2004. Emissions of SO_2 and PM_{10} would not exceed their respective thresholds. Therefore, project-related long-term air quality impacts would be significant. Because most of the project's air quality impacts are generated by vehicle emissions, implementation of Mitigation Measure 4.2.9 will not substantially reduce any long-term air quality impacts of the project. Therefore, long-term impacts remain significant and adverse.

4.2.9 The City of Long Beach shall ensure that the project complies with Title 24 of the California Code of Regulations established by the Energy Commission regarding energy conservation standards. During Plan Check, the City of Long Beach Building Official shall verify that the following measures are incorporated into project building plans:

- Trees will be planted to provide shade and shadow to buildings
- Energy-efficient parking lot lights, such as low-pressure sodium or metal halide, will be used
- Solar or low-emission water heaters shall be used with combined space/water heater units where feasible
- Double-paned glass or window treatment for energy conservation shall be used in all exterior windows where feasible
- Buildings shall be oriented north/south where feasible.

Finding: The City hereby finds that long-term regional air quality impacts will be substantially reduced with implementation of the mitigation measures listed above but cannot be mitigated to below a level of significance (Finding 1). The City finds that this impact is acceptable based on the energy efficient and "green building" improvements associated with the proposed project, benefits of the project, and specific overriding considerations described in the Statement of Overriding Considerations.

Cumulative Air Quality Impacts. The project would contribute criteria pollutants to the area during temporary project construction. A number of individual projects in the area may be under construction simultaneously with the proposed project. Depending on construction schedules and actual implementation of projects in the area, generation of fugitive dust and pollutant emissions during construction may result in substantial short-term increases in air pollutants. This would be a contribution to short-term cumulative air quality impacts.

The project would also result in increases in long-term operational emissions. The project would contribute cumulatively to local and regional air quality degradation.

The Basin is in nonattainment for CO, PM_{10}, and O_3 at the present time. Construction of the proposed project, in conjunction with other planned developments within the cumulative study area, would contribute to the existing nonattainment status. Therefore, the proposed project would exacerbate nonattainment of air quality standards within the South Coast Air Basin (Basin) and contribute to adverse cumulative air quality impacts.

Finding: The City hereby finds that cumulative air quality impacts will be substantially reduced with implementation of the mitigation measures listed above but cannot be mitigated to below a level of significance (Finding 1). The City finds that this impact is acceptable based on the grading requirements of the proposed project, the extensive mitigation proposed to reduce construction air emissions, the similar mitigation that will be required of other projects in the area, the benefits of the project, and specific overriding considerations described in the Statement of Overriding Considerations.

Public Services and Utilities

Solid Waste. There is insufficient permitted capacity within the existing solid waste system serving Los Angeles County to provide for long-term nonhazardous solid waste disposal needs (Class III landfills). Although the project's contribution is not the sole cause of the shortfall, when coupled with solid waste generated by future projects, the impact to solid waste disposal capacity is significant. Mitigation Measures 4.10.1 and 4.10.2 (see above) will assist the City in its effort to meet waste-reduction goals. Project impacts related to compliance with federal, State, and local statutes and regulations for solid waste will be reduced to a less than significant level. The project may, however, result in a potentially significant cumulative impact to solid waste disposal capacity in the County of Los Angeles. Implementation of the above-mentioned mitigation measures (4.10.1 and 4.10.2) will facilitate recycling of solid waste generated by project site land uses to the extent feasible. Due to the existing deficiency in long-term waste disposal capacity at waste disposal facilities in Los Angeles County, cumulative project impacts associated with solid waste disposal capacity at Class III landfills will remain significant and unavoidable.

Finding: The City hereby finds that cumulative impacts to solid waste capacity will be substantially reduced with implementation of the mitigation measures listed above but cannot be mitigated to below a level of significance (Finding 1). The City also finds that the long-term planning for regional solid waste disposal capacity is within the responsibility and jurisdiction of other public agencies, and not the City (Finding 2). The City finds that this impact is acceptable based on current efforts by other agencies to secure permits for additional landfill capacity in Los Angeles County, the benefits of the project, and specific overriding considerations described in the Statement of Overriding Considerations.

Traffic and Circulation

The following project intersection impacts cannot be mitigated. Therefore, these project impacts remain significant and adverse.

Weekday Peak Hour

- **Studebaker Road/SR-22 westbound ramps:** Improvements to Studebaker Road/SR-22 westbound ramps would require potential encroachment into the Los Cerritos Channel immediately adjacent and parallel to Studebaker Road. In addition, Caltrans has no plans to improve this facility. As such, there are no feasible improvements at this location that would mitigate the project's impact. Therefore, this intersection would experience a significant unavoidable impact during the weekday period.
- **Studebaker Road/2nd Street:** Mitigation identified for this impact is feasible; however, it requires acquisition of right-of-way from a private property owner.

Weekend Midday Peak Hour

- **PCH/7th Street:** Due to right-of-way constraints along 7th Street, there are no feasible improvements at this location that would mitigate the project's impact. Therefore, the proposed project creates a significant unavoidable impact at this location during the weekend period.
- **PCH/2nd Street:** Due to right-of-way constraints at this intersection, there are no feasible improvements that would mitigate the project's impact. Therefore, the proposed project creates a significant unavoidable impact at this location during the weekend period.
- **Studebaker Road/2nd Street:** Mitigation identified for this impact is feasible; however, it requires acquisition of right-of-way from a private property owner.

Finding: The City hereby finds that there are no feasible mitigation measures to substantially reduce or to mitigate to below a level of significance impacts to the State intersections and ramps listed above. The City finds that the State routes described above (PCH/SR-1, and SR-22) are within the responsibility and jurisdiction of another public agency (Caltrans), and not the City (Finding 2). The City also finds that improvements are infeasible due to existing infrastructure and right-of-way constraints (Finding 3). Although the impacts to Studebaker Road/2nd Street can be mitigated to a less than significant level, the City does not currently have the right-of-way to implement the proposal mitigation (Finding 3). The City finds that these impacts are acceptable based on the transportation improvements that will be implemented as a result of the project, benefits of the project, and specific overriding considerations described in the Statement of Overriding Considerations.

Cumulative Traffic and Circulation

The following intersection impact would occur when the Seaport Marina project is added to the cumulative analysis.

Weekday Peak Hour

- **Studebaker Road/SR-22 eastbound ramps.** Caltrans has no plans to improve this facility. As such, there are no feasible improvements at this location that would mitigate the cumulative impact. Therefore, this intersection would experience a significant unavoidable impact during the weekday period.

Finding: The City hereby finds that there are no feasible mitigation measures to substantially reduce, or to mitigate to below a level of significance, impacts to the intersections and ramps listed above. The City finds that the state route described above (SR-22) is within the responsibility and jurisdiction of another public agency (Caltrans), and not the City (Finding 2). The City also finds that improvements are infeasible due to existing infrastructure and right-of-way constraints (Finding 3). The City finds that these impacts are acceptable based on the transportation improvements that will be implemented as a result of the project, benefits of the project, and specific overriding considerations described in the Statement of Overriding Considerations.

The City finds that these impacts are acceptable based on the inclusion of mitigation, the overall inability to mitigate project impacts despite inclusion of mitigation, benefits of the site improvements associated with the proposed project, the objectives established for the proposed project, and specific overriding considerations described in the Statement of Overriding Considerations.

5.0 EFFECTS DETERMINED TO BE NOT SIGNIFICANT OR LESS THAN SIGNIFICANT

The analysis in the Final EIR determined that the following effects of the proposed project are not significant and changes or alterations to the proposed project are not required.

AESTHETICS

Effects on Scenic Vistas. All areas surrounding the project site are developed for urban uses with the exception of the Los Cerritos Wetlands and two small parcels of land adjacent to the project site. The project site would not disrupt or affect views from an interpretive center built on site because it is located to the east. Likewise, the proposed project will not disrupt any scenic vistas or viewsheds visible on the Los Cerritos Wetlands from the interpretive center. There are no additional aesthetic or visual resources located on site or in the surrounding vicinity that have been designated in any City or other agency policy or plan. The effect of the proposed project on any scenic vistas that may exist from a distant off-site area is not considered adverse, and no mitigation is necessary. Similarly, landscaping of the proposed 1.37-acre open space site southeast of the corner of 7th Street and Silvera Avenue will not result in a significant impact on any scenic vista that may exist from a distant off-site area, and no mitigation is necessary.

Effects on Scenic Resources. The Los Cerritos Wetlands are located south of the storage tank farm operated by Pacific Energy and across the Los Cerritos Channel south of the project site. The nearest portion of the wetlands area is approximately 200 feet southwest of the project site. The distance between the two land uses provides a sufficient buffer to protect the wetlands from any light, glare, and shade emanating from the project site. Therefore, project impacts to the visual and scenic quality of the Los Cerritos Wetlands are considered less than significant, and no mitigation is required.

Studebaker Road, located adjacent to the project site, is not a designated State scenic highway. There are no scenic rock outcroppings located within the project limits. Project impacts to scenic resources in the vicinity of the project site are considered less than significant, and no mitigation is required.

Channel View Park is located immediately to the east of the proposed 1.37-acre open space site southeast of the corner of 7th Street and Silvera Avenue. The scenic quality of Channel View Park will not be impacted by the proposed changes to the site adjacent to 7th Street. Therefore, project impacts related to Channel View Park are considered to be less than significant, and no mitigation is required.

7th Street, located adjacent to the project site, is not a designated State scenic highway. There are no scenic rock outcroppings located within the project limits. Project impacts to scenic resources in the vicinity of the project site are considered less than significant, and no mitigation is required.

Visual Character. The proposed project will replace five of the six existing ASTs with a commercial shopping center. It provides benefits to views from the public rights-of-way because of landscaping improvements, high-quality building materials, and consistent integrated architecture. The comparable heights of project buildings, modern architectural design, and substantial landscape elements are shown in simulated views based on proposed project plans and indicate that potential impacts to the aesthetic character of the surrounding area are reduced to below a level of significance for all vantage points analyzed in this section. Landscaping of the proposed 1.37-acre open space site southeast of the corner of 7th Street and Silvera Avenue will not result in a significant impact related to visual character, and no mitigation is necessary.

Cumulative Aesthetics Impacts. The proposed project will not have a significant cumulative impact on the visual environment, as the project site has long been occupied by industrial uses. The proposed project, including the proposed open space site, will not generate significant adverse effects on adjacent land uses. The proposed improvements are compatible in character with the surrounding area. There are no known visual incompatibilities between the proposed project and planned future projects located in the surrounding area. Project lighting will be minimized with the implementation of Mitigation Measures 4.1.1 and 4.1.2 and within the existing urban context will not contribute to a significant cumulative impact. Therefore, the contribution of the proposed project to potential cumulative visual/aesthetic impacts in the study area is considered less than significant

AIR QUALITY

Construction Emissions. Air quality impacts would occur during construction of the proposed project from soil disturbance and equipment exhaust. Major sources of emissions during demolition, grading, and site preparation include: (1) exhaust emissions from construction vehicles; (2) equipment and fugitive dust generated by construction vehicles and equipment traveling over exposed surfaces; (3) demolition activities; and (4) soil disturbances from grading and backfilling. Construction impacts related to air quality include the following:

- It is anticipated that emissions during structure construction would be below the peak grading day emissions; impacts related to construction would be less than significant.
- Emissions of criteria pollutants other than NO_x and PM_{10} would be below the thresholds.
- Implementation of proposed plans for the open space site southeast of the intersection of 7th Street and Silvera would not exceed the daily thresholds for the criteria pollutants of NO_X, ROC, CO, SO_X, and PM_{10}.

Local Microscale Concentration Standards. Vehicular trips associated with the proposed project would contribute to congestion at intersections and along roadway segments in the project vicinity. Localized air quality effects would occur when emissions from vehicular traffic increase in local areas as a result of the proposed project. The primary mobile source pollutant of local concern is CO, which is a direct function of vehicle idling time and thus, traffic flow conditions. The proposed project would contribute to increased CO concentrations at intersections in the project vicinity; however, all 11 intersections analyzed would have one-hour and eight-hour CO concentrations below

the federal and State standards. The existing CO concentrations are from current traffic in the vicinity of these intersections. Furthermore, it is anticipated that emissions in future years, including CO, will decrease with technology advancements in vehicular engine technology. The increase in traffic volumes would not outweigh the reduction in emission factors. The proposed project would not have a significant impact on local air quality for CO, and no mitigation measures would be required.

With the exception of site maintenance equipment and employee commutes, the proposed open space would not generate any long-term vehicle trips or stationary source emissions. Therefore, the proposed project would not result in a significant impact on local air quality for CO, and no mitigation measures would be required.

BIOLOGICAL RESOURCES

Sensitive Species.

Plants. No sensitive plant species or natural communities were observed at the Home Depot project site or within Los Cerritos Channel (adjacent to the Loynes Street bridge) during the field surveys. No sensitive plant species or natural communities are expected to occur on site or within Los Cerritos Channel (adjacent to the Loynes Street bridge) due to lack of suitable habitat. The project area has been heavily disturbed and contains sparse ruderal vegetation. Due to the generally disturbed condition and absence of sensitive plant species in the project area, impacts to vegetation are less than significant, and no mitigation is required. No special-interest plant species identified in the literature review were observed on the proposed open space site, and none of these species are expected to occur because of the disturbed nature of the site and lack of exposed soil and unpaved surfaces.

Wildlife. The focused burrowing owl surveys determined that burrowing owls are not expected to be year-round residents at the project site and are expected to be absent as a breeding bird at the project site. No other sensitive wildlife species identified in the records search were observed at the project site, nor are any expected to occur due to lack of suitable habitat. While special-interest species may forage or fly over the proposed open space area, none of these species are expected to breed in the area because of the lack of vegetation suitable for nesting and proximity to the roadway. Therefore, no significant adverse impacts to wildlife species would result from implementation of the proposed project, and no mitigation is required. The City will ensure compliance with the requirements of the Migratory Bird Treaty Act (MBTA) and United States Fish and Game Code Section 3503.5

Wildlife Movement Corridors. The project site potentially allows for wildlife movement to a limited extent due to its proximity to the Los Cerritos Wetlands. The project site may be used as a migration stop or brief dispersal refuge for migrating birds along the coastline. However, because the project site is disturbed, located within an urban setting, and separated from the adjacent Los Cerritos Wetlands by roadways, it is not considered an integral component of any wildlife movement corridors in the area. The proposed open space site will provide similar or improved opportunities for wildlife movement as the current condition and will not impede wildlife

movement. Therefore, potential impacts to wildlife movement are less than significant, and no mitigation is required.

Potential Jurisdictional Wetlands. No potential jurisdictional wetlands were identified at the project site or within the portion of the Los Cerritos Channel near the proposed sewer line construction. Therefore, Potential Impacts To Jurisdictional Wetlands As A Result Of The Proposed Project Are Less Than Significant, And No Mitigation Is Required.

Ordinances, Plans, and Policies. The City has a tree ordinance that applies to city-owned trees. A ministerial permit would be required if the project would require removal of trees from City-owned property. However, no City-owned trees will be removed as part of the project, and no mitigation is required.

Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP). There is no adopted HCP, NCCP, or other habitat conservation plan in the City; therefore, the project will not conflict with any such plans. The Home Depot project site is located within the coastal zone and is subject to the requirements of the City's Local Coastal Program.

Cumulative Biological Impacts. The project will not result in a loss of wetland habitat, will not impact any sensitive species, and will not directly or indirectly impact the adjacent wetlands. The mitigation measures identified above will reduce or avoid potential impacts to jurisdictional waters. Therefore, the proposed project would not contribute to cumulative losses of sensitive species or habitat, and no significant cumulative biological impacts would occur as a result of implementation of the proposed project.

CULTURAL AND PALEONTOLOGICAL RESOURCES

Historical Resources. At the present time, the two oldest tanks on site, Tank Nos. 1 and 2, are 49 years old and are not considered to be historic under CEQA. Since the tanks will most likely reach 50 years of age prior to demolition, the Alamitos Tank Farm was recorded on State of California Record Forms (DPR 532 Forms) in order to document their presence, relationship, and condition. Because the tanks are not distinctive in their design, are not associated with events of significance, and are not likely to yield important historic information, they and the Alamitos Tank Farm as a whole are considered not important under CEQA and not eligible for listing on the California Register of Historical Resources. Therefore, no mitigation is required for impacts to historical resources on site.

The project site at the corner of 7th Street and Silvera Avenue is currently vacant, asphalt-paved, and surrounded by fencing. There are no historic structures (as defined in State CEQA Guidelines Section 15064.5) on site. Therefore, no mitigation is required for impacts to historical resources on site, and project impacts related to historical resources are less than significant.

Cumulative Cultural Impacts. The proposed project, in conjunction with other past, present, or reasonably foreseeable future projects, has the potential to result in a cumulative impact due to the loss of undiscovered cultural resources and human remains during grading and construction activity. Incorporation of mitigation measures will reduce the proposed project's incremental contribution to this potential cumulative impact to a less than significant level.

GEOLOGY AND SOILS

Shrinkage and Subsidence. The Home Depot project site and the proposed open space site are not located within an area of known subsidence that may be associated with groundwater or petroleum withdrawal, peat oxidation, or hydrocompaction. Thus, the potential site constraint associated with land subsidence is considered low, and no mitigation is required.

For estimating earthwork volume, an average shrinkage value of 15–20 percent and subsidence of 0.1–0.2 foot may be assumed for the surficial soils (GPI 2003). These values are estimates only and exclude losses due to removal of vegetation or debris. Actual shrinkage and subsidence will depend on the types of earthmoving equipment used and will be determined during grading. Potential impacts from shrinkage are considered less than significant, and no mitigation is required.

Wastewater Disposal. The project does not include the use of septic tanks or alternative methods for disposal of wastewater into the subsurface soils. A new sewer line is proposed to connect the Home Depot Site to the public sewer system. Refer to Section 4.10, Public Services and Utilities, for a detailed discussion of this project component. The proposed open space site does not require sewerage services.

Cumulative Geology and Soils Impacts. Neither the proposed project nor any of the identified projects with potential cumulative impacts entailed activities that would affect geology and soils at significant distances from the site (e.g., projects requiring significant structural blasting or drilling, high vibration activities, deep excavation, etc.).

The analysis indicated that there would be no significant cumulative impact of the proposed project related to geology and soils. This conclusion is based on the following:

There are no rare or special geological features or soil types on site that would be affected by project activities.

There are no other known activities or projects with activities that would affect the geology and soils of this site.

HAZARDOUS MATERIALS

Cumulative Hazards and Hazardous Materials Impacts. Implementation of the proposed project would not result in a significant cumulative impact related to hazards and hazardous materials.

HYDROLOGY AND WATER QUALITY

Groundwater Supply. Neither the Home Depot project site nor the proposed open space site are located within an area that is used for groundwater. There are no groundwater production wells in the vicinity. Injections wells are being used in the Home Depot project area to limit saltwater intrusion. The removal of existing asphalt on the proposed open space site and replacement with pervious surfaces would increase the potential for groundwater percolation into the soil. Implementation of the proposed project would not result in any impact to groundwater.

Flooding and Tsunamis. The project site is not located within a 100-year flood hazard area. Additionally, the project site is approximately one mile from the Pacific Ocean and is approximately 10 feet above mean sea level. The site vicinity contains flood control infrastructure to reduce flooding in the area. Therefore, implementation of the proposed Home Depot project would not result in hazards from floods or tsunamis.

According to the Phase I Environmental Site Assessment prepared for the open space site, the open space site is not within the 100- or 500-year floodplain. Therefore, no mitigation for impacts to floodplains is required. Therefore, implementation of the open space project component would not result in hazards from floods or tsunamis.

Cumulative Water Quality and Hydrology Impacts. The proposed project entails a conversion of land use from industrial to commercial uses. The proposed project includes a series of Source Control and Treatment BMPs that were found to reduce pollutant concentrations using quantitative analysis when compared to the existing condition. Increases in storm flows were not considered to be significant because they will be contained within an existing drainage system with adequate capacity and erosion control features. Therefore, the project's contribution to cumulative hydrology and water quality impacts is not considered significant.

The proposed open space site would provide a beneficial effect to hydrology and water quality at the open space site because it would reduce runoff flows from the site. Therefore, no significant cumulative impacts would occur.

LAND USE

Physically Divide an Established Community. The project site is currently developed as an oil tank storage facility surrounded by established industrial and residential uses. Implementation of the proposed project would result in the construction of a centrally located commercial shopping center. The project site does not currently connect with or serve as a focal point in the community. As a commercial center, the proposed project will serve community retail needs. Therefore, implementation of the proposed project would not result in the physical division of an established community.

The proposed open space site at the corner of 7th Street and Silvera Avenue is currently vacant, asphalt-paved, and surrounded by fencing. Small wooden sheds or "pump" houses are located on the

southern parcel and appear to contain equipment related to an underground water pipe traversing the site. The project proposes to construct landscaped open space adjacent to the existing Channel View Park. The project site does not currently connect with or serve as a focal point in the community. As open space, the proposed project will serve community recreation needs. Therefore, implementation of the proposed project would not result in the physical division of an established community.

Conflict with any Applicable Habitat Conservation Plan or Natural Community Conservation Plan. The proposed project will not conflict with any HCP or NCCP. There are no such plans applicable to the proposed Home Depot project site or the proposed open space site.

Cumulative Land Use Impacts. The proposed project will not contribute to a pattern of development that adversely impacts adjacent land uses or conflicts with existing or planned development. Proposed on- and off-site improvements are consistent with the long-range planning goals of the governing plans and policies for the surrounding area.

There are no incompatibilities between the proposed project and planned future projects. Therefore, the contribution of the proposed project to potential cumulative land use compatibility impacts (aesthetics, noise, air quality, odors, and traffic and circulation) in the study area is considered less than significant.

NOISE

Off-Site Traffic Noise. Implementation of the proposed project has the potential to result in long-term traffic and stationary noise impacts; however, analysis shows that there is very little change in the traffic noise levels associated with implementation of the project; all areas would increase less than 1.0 dBA. As changes in noise levels of three dBA or less are not perceptible to the human ear in an outdoor environment, these noise level increases would be considered less than significant. No mitigation measures are required.

The proposed open space site would generate few vehicle trips and would not contain any noise-sensitive or noise-generating land uses such as playfields, playgrounds, or picnic areas. Therefore, no mitigation measures are required for long-term on-site and off-site uses.

On-Site Stationary Noise Sources.

- On-site noise generators include loading/unloading activities in the rear of the home improvement warehouse. The closest distance between the loading dock to the residences west of Studebaker Road is 1,750 feet. A 4-foot-high wing wall would extend approximately 75 feet east from the building to screen the loading area. The noise level with loading/unloading activities is expected to be 34 dBA, lower than the traffic noise on Studebaker Road. No impact is anticipated, and no mitigation is required.
- The proposed Garden Center will be located at least 1,600 feet from the nearest residences. This distance will lessen the effects of noise impacts associated with the Garden Center. No impact is anticipated, and no mitigation is required.

- The proposed commercial/retail buildings along Studebaker Road near Loynes Drive would be located along the western side of the site, with the closest residences approximately 600 feet away. The anticipated loading/unloading activities associated with these buildings is anticipated to be lower than traffic noise on Studebaker Road and below the nighttime level established by the City. No impact is anticipated, and no mitigation is required.
- Parking would be located throughout the site. The front parking area adjacent to Studebaker Road is more than 600 feet from the nearest residences to the west. At this distance, the level of parking noise is lower than that of the traffic on area roads or the loading/unloading activities discussed above. No impact is anticipated, and no mitigation is required.
- Other proposed site improvements, including the construction of trash and palette enclosures, are proposed in the rear of the Home Depot building. Noise associated with these activities would not be any greater than noise levels associated with loading/unloading activities and would not affect off-site users. No impact is anticipated, and no mitigation is required.

The proposed open space site would generate few vehicle trips and would not contain any noise-sensitive or noise-generating land uses such as playfields, playgrounds, or picnic areas. Therefore, no mitigation measures are required for long-term on-site and off-site uses.

Cumulative Noise Impacts. Construction and on-site operations are point sources of noise and would not contribute to off-site cumulative noise impacts from other planned and future projects. Project-related traffic would contribute to cumulative traffic noise impacts in the vicinity of the project site, but sound levels will not increase by more than 3 dBA from their corresponding existing levels, resulting in a less than significant impact.

PUBLIC SERVICES AND UTILITIES

Demand for Electricity and Natural Gas.

Natural Gas. The supply and distribution of natural gas within the area surrounding the project site will not be reduced or inhibited as a result of project implementation, and levels of service to off-site users will not be adversely affected. Project compliance with Title 24 standards will further reduce any potential impacts on natural gas resources. Substantial adverse impacts related to the provision of natural gas services to the Home Depot project site will not occur, and the proposed project will not result in the use of substantial amounts of natural gas. The proposed open space area will not require gas service and will not change the estimated project demand for gas services. Therefore, no significant impacts to local or regional supplies of natural gas will occur as a result of the proposed project.

Electricity. The proposed project includes the construction and installation of a new on-site electricity distribution system that will connect to existing overhead transmission facilities on Studebaker Road and along the southern project boundary. The proposed open space site will connect to the existing electrical distribution system under 7th Street. Demand for electricity on the proposed open space site would be minimal because electricity would only be required for path lighting from dusk to dawn. The supply and distribution of electricity to the project site will

not disrupt power to the surrounding area or adversely affect service levels. Impacts will be less than significant.

Water Entitlements/Water Supplies. The proposed project includes the replacement of existing on-site infrastructure and provides connections to existing water mains under Studebaker Road. New water lines will be constructed. The proposed open space site will connect to an existing water main under 7th Street. A temporary, short-term increased demand for water may occur during project construction. These demands are approximately 2,660 gallons per acre per day and are not expected to have any adverse impacts on existing water systems or supplies. In addition, there may be a long-term increase in demand for landscaping and operations upon project completion. Based on consultation with the Long Beach Water Department (LBWD), the project will not necessitate new or expanded water entitlements. Additionally, private on-site water systems will be designed and constructed to provide adequate water service. Impacts related to water usage and supplies will be less than significant.

Water or Wastewater Treatment Facilities/Wastewater Treatment Capacity. The project will generate approximately 10,000 gallons of wastewater per day. A new private sewer system will be installed on site in accordance with the LBWD and the City's building and planning standards. Project-generated wastewater will not exceed the existing capacity of the sewer delivery system or the existing capacity of the Joint Water Pollution Control Plant (JWPCP). Therefore, the proposed project will not require the construction of new or expanded wastewater treatment facilities. Project impacts related to the provision of wastewater treatment services are considered less than significant. Payment of a connection fee will be required before a permit to connect to existing facilities is issued. In addition, the project will be required to comply with all City of Long Beach, LBWD, and Sanitation Districts of Los Angeles County (LACSD) requirements for design and construction of new sewer infrastructure.

The proposed open space area at the intersection of 7th Street and Silvera Avenue will not require sewer services and will not increase estimated wastewater flows for the proposed project.

TRANSPORTATION AND CIRCULATION

Air Traffic. The Long Beach Municipal Airport is located approximately 3.5 miles northwest of the project site, and the Los Alamitos Reserve Air Station is approximately 2 miles northeast of the site. Neither the proposed project site nor the proposed open space site are located within an aircraft flight path, the Airport Safety Zone, or current adopted noise contours. The proposed project is not anticipated to result in a change in air traffic patterns or to be impacted by the existing airports. Impacts are anticipated to be less than significant, and no mitigation is required.

Hazards and Emergency Access. Access to the proposed project would be provided via two right-turn in/out access driveways on Studebaker Road and at the signalized intersection of Studebaker Road/Loynes Drive. The north driveway on Studebaker Road would primarily be used by vehicles destined for the north retail pad and is not anticipated to experience a high inbound demand. The south driveway would be primarily used for vehicles destined for the restaurant and retail pads. The

project provides driveway aisles of 24 feet or greater, which meet City standards. In addition, all project driveway widths and parking stall widths satisfy the City's minimum requirements. Therefore, impacts to emergency access will be less than significant, and no mitigation is required.

Pedestrians and bicyclists would be able to access the proposed open space site from the corner of 7th Street and Silvera Avenue and from the east via an access walk connected to Channel View Park. Vehicular access to the site would be limited to maintenance vehicles accessing the County Flood Control Easement area. Maintenance vehicles will access the site from Silvera Avenue (where the existing access point is located). Emergency vehicles would be able to access the site along its frontage on 7th Street and at pedestrian and maintenance vehicle access points. Therefore, any impacts to emergency access associated with the proposed project will be less than significant, and no mitigation would be required.

Neighborhood Street Impact. With the implementation of the proposed project, drivers could potentially cut-through the neighborhood from 7th Street to access the project site at Studebaker Road and Loynes Drive. As discussed in Section 4.11, a quantitative analysis indicates that these possible cut-through routes do not appear to be a reasonable or faster route to the project site. Site access via major arterials such as 7th Street and Studebaker Road are designed to accommodate heavy traffic flows and high speeds with fewer stop-controlled intersections. It is anticipated that vehicles traveling along surrounding residential streets would likely be confined to local resident use. The proposed open space site is not expected to contribute significant traffic that would cut through the neighborhood. Therefore, the potential for cut-through traffic would be less than significant, and no mitigation is required.

Parking. As discussed in Section 4.11, the City's minimum parking requirement for a commercial shopping center the size of the proposed project is 727 spaces. The proposed project would provide 742 total parking spaces on site, which exceeds the City's requirement. Therefore, no impacts are anticipated, and no mitigation is required. As permitted in the City of Long Beach Zoning Code (§21.41.222), the proposed Home Depot project site, located less than 550 feet from Channel View Park, will provide the required vehicular parking and staging areas for bicyclists wishing to access the greenway and proposed open space area at the intersection of 7th Street and Silvera Avenue. Therefore, there would be no impact related to parking capacity, and no mitigation would be required.

Congestion Management Program. As discussed throughout Section 4.11, new development projects are required to analyze potential impacts on Congestion Management Program (CMP) monitoring locations. The two CMP intersections analyzed operate at unsatisfactory LOS in the a.m. and p.m. peak hours during cumulative baseline conditions. However, the project does not significantly impact the CMP intersections by 2 percent of the capacity, and the proposed open space would not generate additional traffic. Therefore, no impacts are anticipated, and no mitigation is required.

Alternative Transportation. Due to low estimated project-related transit patronage, it is anticipated that the existing transit services within the project area would be able to accommodate the project-

generated transit trips. The project's impact on transit services will be less than significant, and no mitigation is required.

6.0 FEASIBILITY OF PROJECT ALTERNATIVES

PROJECT ALTERNATIVES

CEQA requires that an EIR describe a reasonable range of alternatives to the proposed project or to its location that could feasibly attain most of the basic project objectives, but would avoid or substantially lessen any of the significant effects, and that it evaluate the comparative merits of each of the alternatives. Section 15126.6(b) of the State CEQA Guidelines states that the ". . . discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." The following section discusses the project alternatives that were considered and analyzed in the EIR and summarizes the consistency of these alternatives with the objectives of the proposed project.

ALTERNATIVES WITHDRAWN FROM FURTHER CONSIDERATION

The City previously identified the following alternative that has been determined to be infeasible.

Alternate Site Location Alternative. Section 15126.6 (f)(2)(A) of the CEQA Guidelines describes the "key questions and first step in analysis" as "whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location." The significant unavoidable adverse impacts of the proposed project include traffic, construction air quality, long-term operational air quality effects (CO, ROC, NO_X), cumulative long-term air quality effects, and cumulative project impacts associated with solid waste disposal capacity at Class III landfills. Only locations that would avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in the EIR.

The principal component of this project is a home improvement store. Secondary components of the project are supporting, freestanding commercial uses. According to the project proponent, the minimum site size for a home improvement store is approximately 11 acres. Home Depot, the project proponent, has identified southeast Long Beach as its market area. The siting requirements identified by the proponent are sites east of Ximeno Avenue and south of Atherton Street.

The City of Long Beach is nearly built out, with little vacant land available for development. The General Plan and aerial photographs were used in order to identify potential alternative sites for the proposed project within the City limits. The City of Long Beach "Disposition of Vacant Land" map (Summer 2001) was also reviewed. This map identifies 11 sites with development potential. The Los Cerritos Wetlands site is the only location in the market area identified by Home Depot.

The Los Cerritos Wetlands are located on three sites located north and south of 2nd Street at Studebaker Road. The first site is bound by Studebaker Road, the Los Cerritos Channel, Pacific Coast Highway, and 2nd Street. The second wetlands site is bound by 2nd Street and the Haynes Water

Intake Channel. The third site straddles the San Gabriel River and is located east of Pacific Coast Highway.

The majority of the property is owned by the Bixby Ranch Company, and currently there are active oil extraction activities on site. The City's adopted land use plan for the area where the wetlands are located, known as the Southeast Area Development and Improvement Plan (PD-1 [SEADIP]) area, is also known as Planned Development-1 (PD-1), adopted in 1977. The annexation agreement that was approved by the Long Beach City Council at the time that a large portion of the site was annexed into the City (a portion was already within City limits) stipulated that the City support development of the site in accordance with PD-1 (SEADIP). The site was never developed, however. One of the constraints to the land transfer is continued oil-extraction activities.

While the wetlands site under Bixby Ranch Company ownership totals 263 acres, the area with actual development capability is much smaller and fragmented. PD-1 (SEADIP) calls for wetlands restoration of the area south of the San Gabriel River; therefore, there is no development potential for this portion of the property. The PD-1 (SEADIP) designation for the area north of 2nd Street is primarily wetlands and a least tern habitat and nesting area. PD-1 (SEADIP) allows for residential development on a nearly 50-acre area north of 2nd Street at a density of 15.3 residences per acre, for a total of 764 units. PD-1 (SEADIP) permits business park uses for the site between 2nd Street and the San Gabriel River; however, any development proposal for the site would be subject to review and approval by the California Coastal Commission. The Coastal Act encourages use of sites on or near wetlands and on wetlands waters that are water-dependent, such as wetlands restoration areas, marinas, and incidental public infrastructure. A commercial center with a home improvement store is not a water-dependent use and would not be consistent with the Coastal Act. Development of the Los Cerritos Wetlands would result in significant effects to biological resources. Given the limitations imposed by the Coastal Act and the constraints associated with development of coastal wetlands, the use of the Los Cerritos Wetlands as an alternative site for the proposed project is considered infeasible.

Alternative 1: No Project/No Build Alternative. Consistent with Section 15126.6 of the CEQA Guidelines, the No Project/No Development Alternative is the existing condition of the project site at the time the Notice of Preparation (NOP) was published. The setting of the site at the time of the NOP is described throughout Chapter 4.0 of this EIR with respect to individual environmental issues and forms the baseline of the impact assessment of the proposed project. This alternative summarizes environmental conditions that would exist if no development of any kind were to occur on site.

Consistency with Project Objectives. The No Project/No Development Alternative would not achieve any of the project objectives.

Feasibility/Finding. The No Project/No Development Alternative would avoid the project-related significant effects as a result of construction air quality emissions since this alternative would not involve any grading or use of construction equipment on site. The No Project/No Development Alternative would avoid the project-related significant effects as a result of traffic and operational air emissions since no new vehicular trips or other operational sources would be generated as a result of

this alternative. This alternative would also avoid the impact to solid waste facilities since there would be no new sources of solid waste.

Regardless of the approval and implementation of the proposed project, the project site is likely to be developed in the future. The General Plan and Zoning Code designate the site for development. The site is an infill site, with adequate infrastructure and community services to support future development. The No Project/No Development Alternative is considered only an interim use of the site. The City finds that although this alternative may be feasible in the short-term, it is likely that the site will be developed for some future use.

ALTERNATIVE 2: REDUCED PROJECT ALTERNATIVE

The Reduced Project Alternative considers the development of the project site with a reduced intensity of commercial development. Specifically, this alternative includes development of a home improvement store, but no other retail uses.

The Reduced Project Alternative would have a total of 139,529 square feet of commercial space, including a 104,886-square-foot home improvement store with a 34,643-square-foot garden center. This is an 18,000-square-foot reduction compared with the proposed project. A total of 593 parking spaces are proposed for the development consistent with City of Long Beach Zoning Code requirements. No additional development pads for restaurants or additional retail uses are included in this alternative.

Consistency with Project Objectives. The Reduced Project Alternative is generally consistent with the project objectives; however, this alternative would not provide the other retail amenities to serve the needs of local residents and businesses, as called for in Project Objective 1. In order to meet Project Objective 3, the Reduced Project Alternative would not include the improvements/ enhancements proposed for the project (refer to Section 6.4.2).

Feasibility/Finding. The Reduced Project Alternative would not avoid the significant unavoidable adverse impacts of the proposed project related to construction air quality and cumulative project impacts associated with solid waste disposal capacity at Class III landfills. The Reduced Project Alternative would reduce but not avoid significant project-related impacts to traffic and operational air quality.

The trip generation of the Reduced Project Alternative is less than the proposed project trip generation for both the weekday and weekend peak hours. The Reduced Project Alternative would result in two fewer significantly impacted intersections during the weekday peak hours and one fewer impacted intersection in the weekend peak hour. All study area intersections would operate with an improved or the same LOS with implementation of the Reduced Project Alternative compared with the proposed project.

ALTERNATIVE 3: EXISTING ZONING/WAREHOUSE

The Warehouse Alternative contemplates development of a warehouse on site. A warehouse is a permitted use in Subarea 19 of the PD-1 zoning district. The warehouse would serve as a staging area for consumer products that come into the area, via ship or other means, for their eventual distribution to retail stores in the region. It is anticipated that the warehouse would consist of a maximum of 262,000 square feet of developed area. The warehouse would be a 24-hour operation, 6 days a week, with the facility closing down at midnight on Saturday and reopening on Sunday night. Maintenance crews, however, would work during the 24-hour off-period. There would be approximately 210 employees on site at any one time.

Consistency with Project Objectives. The Warehouse Alternative would be generally consistent with Project Objectives 2 through 4, which call for a comprehensive site development, economical reuse of the site, and transition of the site from underutilized industrial property to a use that provides job and promotes economic revitalization. This alternative would not provide a conveniently located commercial retail center that includes a home improvement store as well as other retail center amenities that serve the needs of local residents and businesses (Objective 1). Also, the Warehouse Alternative would provide property tax to the City of Long Beach, but would not supplement the City's sales tax revenues (Objective 5).

Feasibility/Finding. The Warehouse Alternative would not avoid the significant unavoidable adverse impacts of the proposed project related to traffic, construction air quality, and cumulative project impacts associated with solid waste disposal capacity at Class III landfills. The Warehouse Alternative would avoid the significant project-related operational air quality effect.

The intersection of Studebaker Road/Loynes Drive (the project driveway) would operate at a lower LOS with the Warehouse Alternative than with the proposed project during both the a.m. and p.m. peak hours. The Warehouse Alternative would not include the construction of a northbound through lane on Studebaker Road from Loynes Drive to SR-22. The additional lane is a project feature associated with the home improvement store proposal. Therefore, this alternative would result in significant impacts to Studebaker Road at its intersection with the SR-22 westbound ramps. The remaining study area intersections generally would operate at a lower LOS in the a.m. peak hour than with the proposed project and better during the p.m. peak hour than with the proposed project. This is consistent with the trip generation, which indicates that the Warehouse Alternative would generate more trips in the a.m. peak hour and fewer trips in the p.m. peak hour than the proposed project.

ALTERNATIVE 4: EXISTING ZONING/LIGHT INDUSTRIAL

The Light Industrial Alternative considers development of the project site with a light industrial use such as a printing plant, data processing equipment assembly, or a power station. Light industrial uses are characterized by the primary operations occurring entirely within enclosed structures.

The project site is a 17.8-acre parcel[1] and is located within Subarea 19 of the PD-1 (SEADIP) zoning district. SEADIP requires that 30 percent of the site be retained for usable open space. It is assumed

[1] The project site is a total of 17.8 acres; 1.1 acres would remain as an existing tank farm, leaving 16.7 acres of the site available for development.

that Tank 5, a heating unit that occupies approximately 1.1 acres, would continue to be operated. The net developable acreage, after considering open space reservation and Tank 5, is approximately 11.4 acres. The light industrial use would consist of a maximum of 350,000 square feet of developed area.

Consistency with Project Objectives. The Existing Zoning/Light Industrial Alternative would be generally consistent with Project Objectives 2 through 4, which call for a comprehensive site development, economical reuse of the site, and the transition of the site from underutilized industrial property to a use that provides job and promotes economic revitalization. This alternative would not provide a conveniently located commercial retail center that includes a home improvement store as well as other retail center amenities that serve the needs of local residents and businesses (Objective 1). Also, the Light Industrial Alternative would provide property tax to the City of Long Beach, but would not supplement the City's sales tax revenues (Objective 5).

Feasibility/Finding. The Light Industrial Alternative would not avoid the significant unavoidable adverse impacts of the proposed project related to construction air quality and cumulative project impacts associated with solid waste disposal capacity at Class III landfills. This alternative would result in significant operational air quality effects and would therefore not avoid this significant project-related effect. The Light Industrial Alternative would result in a significant traffic effect at the project driveway (Loynes Drive and Studebaker Road). This significant effect could be avoided with implementation of the project feature of adding a travel land to Studebaker Road between Loynes Drive and SR-22. This project feature was not assumed to be implemented for this analysis.

COMPARISON OF ALTERNATIVES AND PROCESS FOR IDENTIFICATION OF THE ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The No Project/No Development Alternative is environmentally superior to the proposed project because there are no physical impacts that would result from implementation of this alternative (Table 6.A). If there were no changes to the existing conditions on site, there would be no increase in traffic, noise, construction or operational air emissions, or solid waste generation; however, there are projected changes with the proposed project. The CEQA Guidelines require that if the environmentally superior alternative is the No Project Alternative, "the EIR also identify an environmentally superior alternative among the other alternatives" (CEQA Guidelines Section 15126.6[e][2]).

The operational effects of the proposed project and Reduced Project Alternative, which are retail uses, and the operational effects of the two existing zoning alternatives, which are industrial uses, are qualitatively different. The retail uses generally result in increased traffic and related air quality and noise effects on the weekends, compared with the light industrial uses. (Although the warehouse is assumed to be a six-day-a-week facility, it does not result in any significant peak-hour traffic impacts on the weekend.) The traffic generated by the warehouse and light industrial uses would be characterized by a greater percentage of truck trips compared with the retail alternatives (proposed project and Reduced Project Alternative). Although the light industrial use generates more truck trips than the warehouse, there are fewer peak-hour trips associated with the Light Industrial Alternative, and therefore the impacts to the SR-22 ramp are avoided. The distribution of the trips generated by

Table 6.A: Home Depot East Long Beach Comparison of Impacts for Alternatives

	Proposed Project	Alternative 1: No Project/No Development	Alternative 2: Reduced Project Alternative	Alternative 3: Warehouse	Alternative 4: Existing Zoning/ Light Industrial
Attainment of Project Objectives	Meets all project objectives	Meets none of the project objectives	Meets most of the project objectives	Meets Objectives 2, 3, and 4	Meets Objectives 2, 3, and 4
Aesthetics	NS	—	—	N	N
Air Quality	S	—	—	—	N
Biological Resources	NS	—	N	N	N
Cultural and Paleontological Resources	NS	—	N	+[1]	+[1]
Geology and Soils	NS	—	N	N	N
Hazards and Hazardous Materials	NS	—	N	N	N
Hydrology and Water Quality	NS	—	N	N	N
Land Use and Planning	NS	—	N	—	—
Noise	NS	—	N	N	N
Public Services and Utilities	S	—	—	—	—
Transportation and Circulation	S	—	—	—	—

For proposed project impacts:

S = Significant Unavoidable Impacts
NS = No Significant Impact with Mitigation Incorporated

For project alternative impacts:

+ = Greater impacts compared to proposed project
— = Less or incrementally fewer impacts compared to the proposed project
N = Neutral (doesn't appreciably change impacts)

[1] The potential for cultural or paleontological resources to be present on site is very low; however, monitoring for these resources is not guaranteed to occur with Alternatives 3 and 4.

the retail and industrial alternatives is different, as it is assumed that most of the trips associated with the industrial uses would be via Studebaker Road and the SR-22 connection. The truck trips associated with the two industrial alternatives have been converted to passenger car equivalent units (PCEs) to better capture the nature of the impacts on local traffic conditions. The trips as expressed in PCEs were also used as the basis of the air quality and noise analyses for the industrial alternatives.

The Reduced Project Alternative would not result in any significant weekday traffic impacts and, in this regard, is superior to the proposed project, which would result in significant impacts at two intersections even after mitigation. The Warehouse Alternative would result in significant weekday impacts at two intersections: the project driveway at Studebaker and Loynes and the SR-22 ramps. The Light Industrial Alternative would only result in one significant impact during the weekday peak hours.

Weekend traffic impacts of each of the alternatives are slightly different than the weekday effects. The proposed project would significantly affect three intersections during the weekend peak hours, and the Reduced Project Alternative would significantly affect two intersections. Neither the Warehouse nor the Light Industrial Alternative would result in significant impacts to intersections during the weekend peak hours. Therefore, the industrial alternatives are considered environmentally superior for weekend traffic effects.

The Reduced Project Alternative is superior with regard to weekday traffic impacts, and the two industrial alternatives (Warehouse and Light Industrial) are superior with regard to weekend traffic impacts. In terms of the combined number of significantly affected intersections for both weekday and weekend, the Light Industrial Alternative is superior (see Table 6.B).

In terms of operational air quality emissions, the Warehouse Alternative is the environmentally superior alternative, as it does not result in any significant effects. The Reduced Project Alternative results in significant effects as a result of CO and NO_X emissions, and the Light Industrial Alternative results in significant effects as a result of CO, ROC, and NO_X emissions.

Table 6.B: Summary of Significant Traffic Impacts of Alternatives

	Number of Significantly Affected Intersections		
	Weekday	**Weekend**	**Total**
Proposed Project	2	3	5
Reduced Project Alternative	0	2	2
Warehouse Alternative	2	0	2
Light Industrial Alternative	1	0	1

Other impacts associated with the proposed project would not be reduced with alternative development scenarios. For example, short-term air quality and hazardous impacts as a result of demolition and grading would not vary substantially under any of the build alternatives. Geologic and hydrologic requirements would also be very similar for all of the build alternatives.

The Reduced Project Alternative would reduce the number of, but not completely avoid, significant project-related impacts to traffic and operational air quality. The trip generation of the Reduced Project Alternative is less than the proposed project trip generation for both the weekday and weekend peak hours. The Reduced Project Alternative would result in two fewer significantly impacted intersections during the weekday peak hours and one fewer impacted intersection in the weekend peak hour compared with the proposed project. All study area intersections would operate with an improved or equivalent LOS with implementation of the Reduced Project Alternative compared with the proposed project. The Reduced Project Alternative also results in fewer significant air quality effects compared to the proposed project and Light Industrial Alternative. Therefore, this alternative has less direct physical effects on the environment. However, as seen below, this alternative has greater traffic circulation impacts.

Development under the Light Industrial Alternative would preclude the need for discretionary permits such as a Conditional Use Permit. Although operational air quality effects are greater under this alternative compared with the Warehouse Alternative and Reduced Project Alternative, significant traffic impacts are fewer overall with the Light Industrial Alternative because a fewer number of intersections would be significantly adversely impacted compared with the other alternatives. The remaining significant effect, at Studebaker Road and Loynes Drive (the project drive) could be reduced to below a level of significance with the implementation of mitigation and/or project features. The Light Industrial Alternative also results in the smallest impact to cumulative solid waste conditions in Los Angeles County compared with the proposed project and other build alternatives.

Development under the Warehouse Alternative would also preclude the need for discretionary permits such as a Conditional Use Permit. Significant operational air quality effects are avoided under this alternative, and significant traffic impacts are similar to the Reduced Project Alternative. The Reduced Project Alternative, however, has significant traffic effects during the weekend peak hour, and the Warehouse Alternative has significant effects during the weekday peak hour.

Because the Reduced Project Alternative has an impact on weekend peak hours greater than the Warehouse or Light Industrial Alternatives, there is no clearly evident "environmentally superior" alternative.

7.0 GENERAL FINDINGS

1. The plans for the project have been prepared and analyzed so as to provide for public involvement in the planning and CEQA processes.

2. Comments regarding the Draft EIR received during the public review period have been adequately responded to in written Responses to Comments attached to the Final EIR.

3. Comments regarding the Draft Recirculated EIR received during the public review period have been adequately responded to in written Responses to Comments attached to the Final EIR.

3. To the degree that any impacts described in the Final EIR are perceived to have a less than significant effect on the environment or that such impacts appear ambiguous as to their effect on the environment as discussed in the Draft EIR and Recirculated Draft EIR, the City has responded to key environmental issues and has incorporated mitigation measures to reduce or minimize potential environmental effects of the proposed project to the maximum extent feasible.

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING REQUIREMENTS

Public Resources Code Section 21081.6 (enacted by the passage of Assembly Bill 3180) mandates that the following requirements shall apply to all reporting or mitigation monitoring programs:

- The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.
- The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.
- A public agency shall provide the measures to mitigate or avoid significant effects on the environment that are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures or in the case of the adoption of a plan, policy, regulation, or other project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.
- Prior to the close of the public review period for a draft environmental impact report or mitigated negative declaration, a responsible agency, or a public agency having jurisdiction over natural resources affected by the project, shall either submit to the lead agency complete and detailed performance objectives for mitigation measures which would address the significant effects on the environment identified by the responsible agency or agency having jurisdiction over natural resources affected by the project, or refer the lead agency to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to a lead agency by a responsible agency or an agency having jurisdiction over natural resources affected by the project shall be limited to measures which mitigate impacts to resources which are subject to the statutory authority of, and definitions applicable to, that agency. Compliance or noncompliance by a responsible agency or agency having jurisdiction over natural resources affected by a project with that requirement shall not limit that authority of the responsible agency or agency having jurisdiction over natural resources affected by a project, or the authority of the lead agency, to approve, condition, or deny projects as provided by this division or any other provision of law.

MITIGATION MONITORING PROCEDURES

The mitigation monitoring and reporting program has been prepared in compliance with Public Resources Code Section 21081.6. It describes the requirements and procedures to be followed by the City of Long Beach to ensure that all mitigation measures adopted as part of the proposed Home Depot project will be carried out as described in this EIR.

Table A lists each of the mitigation measures specified in this EIR and identifies the party or parties responsible for implementation and monitoring of each measure.

Table A: Mitigation and Monitoring Reporting Program

	Mitigation Measures	Responsible Party	Timing for Mitigation Measure
4.1 Aesthetics			
4.1.1	A lighting plan shall be designed to prevent light spillage in excess of that which has been referenced and analyzed in this EIR. A qualified lighting engineer/consultant to the City of Long Beach Department of Planning and Building shall verify that the plan calls for energy-efficient luminaries that control light energy and for exterior lighting to be directed downward and away from adjacent streets and adjoining land uses in a manner designed to minimize off-site spillage. Prior to issuance of building permits, the lighting plan shall be reviewed and approved by a City of Long Beach Director of Planning and Building, demonstrating that project lighting is consistent with this EIR.	City of Long Beach Director of Planning and Building	Prior to issuance of building permits
4.1.2	Prior to issuance of certificates of occupancy, the applicant shall provide to the City of Long Beach Building Official verification that the lighting plan restricts operational hours as follows: 100 percent illumination from dusk to close of commercial activities; 50 percent illumination from the close of commercial activities until one hour after close time; and only security-level lighting from one hour after closure until dawn.	City of Long Beach Building Official	Prior to issuance of certificates of occupancy
4.2 Air Quality			
4.2.1	The project contractor shall comply with SCAQMD Rule 1166 with regard to the handling of potential VOC-contaminated soils during construction. Prior to issuance of building permits, the City of Long Beach Building Official shall verify that construction plans include a statement stipulating that the construction contractor shall be responsible for compliance with applicable SCAQMD Rules and Regulations.	City of Long Beach Building Official/ Construction Contractor	Verification: Prior to issuance of building permits Activity: Ongoing during grading or earth-clearing activities
4.2.2	The project contractor shall comply with regional rules that assist in reducing short-term air pollutant emissions. SCAQMD Rule 403 requires that fugitive dust be controlled with best-available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line	City of Long Beach Building Official/ Construction	Verification: Prior to issuance of grading and building permits Activity: Ongoing during

	Mitigation Measures	Responsible Party	Timing for Mitigation Measure
	of the emission source. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off site. Applicable dust suppression techniques from Rule 403 are summarized below. The City of Long Beach Building Official shall ensure that notes are included on grading and construction plans and referenced in the Construction Contractor's Agreement stipulating that the construction contractor shall be responsible for compliance with SCAQMD Rules 402 and 403. Applicable Rule 403 measures include the following requirements: • Apply nontoxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 10 days or more). • Water active sites at least twice daily. (Locations where grading is to occur will be thoroughly watered prior to earthmoving.) • All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard in accordance with the requirements of California Vehicle Code (CVC) Section 23114 (freeboard means vertical space between the top of the load and top of the trailer). • Pave construction access roads at least 100 feet onto the site from the main road. • Traffic speeds on all unpaved roads shall be reduced to 15 mph or less.	Contractor	grading or construction activities
4.2.3	Prior to issuance of a building permit, the applicant shall provide to the City of Long Beach Building Official construction documents and the Construction Contractor's Agreement that require use of dust suppression measures in the SCAQMD *CEQA Air Quality Handbook* during grading and construction.	City of Long Beach Building Official/ Construction	Verification: Prior to issuance of grading or building permits Activity: Ongoing during

	Mitigation Measures	Responsible Party	Timing for Mitigation Measure
	The construction contractor shall be responsible for implementation of dust suppression measures. • Revegetate disturbed areas as quickly as possible. • All excavating and grading operations shall be suspended when wind speeds (as instantaneous gusts) exceed 25 mph. • All streets shall be swept once per day if visible soil materials are carried to adjacent streets (recommend water sweepers with reclaimed water). • Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash trucks and any equipment leaving the site each trip. • All on-site roads shall be paved as soon as feasible, watered periodically, or chemically stabilized. • The area disturbed by clearing, grading, earthmoving, or excavation operations shall be minimized at all times.	Contractor	grading and construction activities
4.2.4	The construction contractor shall select the construction equipment used on site based on low-emission factors and high energy efficiency. Prior to issuance of grading and building permits, the contractor shall provide to the City of Long Beach Building Official verification that grading and construction plans include a statement that all construction equipment will be tuned and maintained in accordance with manufacturers' specifications.	City of Long Beach Building Official/ Construction Contractor	Verification: Prior to issuance of grading and construction permits Activity: Ongoing during grading or construction activities
4.2.5	Prior to issuance of grading permits, the City of Long Beach Building Official shall verify that construction and grading plans include a statement that the construction contractor shall utilize electric- or diesel-powered equipment in lieu of gasoline-powered engines where feasible.	City of Long Beach Building Official/ Construction Contractor	Verification: Prior to issuance of grading permits Activity: Ongoing during grading or construction activities
4.2.6	Prior to issuance of grading and building permits, the City of Long Beach Building Official shall verify that grading and construction plans include a	City of Long Beach Building	Verification: Prior to issuance of grading and building permits

	Mitigation Measures	Responsible Party	Timing for Mitigation Measure
	statement that work crews will shut off equipment when not in use. During smog season (May through October), the overall length of the construction period will be extended, thereby decreasing the size of the area prepared each day, to minimize vehicles and equipment operating at the same time.	Official/ Construction Contractor	Activity: Ongoing during grading or construction activities
4.2.7	Prior to issuance of grading permits, the City of Long Beach Building Official shall verify that construction and grading plans include a statement stipulating that the construction contractor shall time construction activities so as to not interfere with peak-hour traffic and minimize obstruction of through-traffic lanes adjacent to the site; if necessary, a flagperson shall be retained to maintain safety adjacent to existing roadways.	City of Long Beach Building Official/ Construction Contractor	Verification: Prior to issuance of grading permits Activity: Ongoing during grading or construction activities
4.2.8	Prior to issuance of grading permits, the City of Long Beach Building Official shall verify that construction and grading plans include a statement stipulating that the construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.	City of Long Beach Building Official/ Construction Contractor	Verification: Prior to issuance of grading permits Activity: Ongoing during grading or construction activities
4.2.9	The City of Long Beach shall ensure that the project complies with Title 24 of the California Code of Regulations established by the Energy Commission regarding energy conservation standards. During Plan Check, the City of Long Beach Building Official shall verify that the following measures are incorporated into project building plans: • Trees will be planted to provide shade and shadow to buildings • Energy-efficient parking lot lights, such as low-pressure sodium or metal halide, will be used • Solar or low-emission water heaters shall be used with combined space/water heater units where feasible • Double-paned glass or window treatment for energy conservation shall be used in all exterior windows where feasible	City of Long Beach Building Official/ Construction Contractor	During Plan Check

Mitigation Measures	Responsible Party	Timing for Mitigation Measure
• Buildings shall be oriented north/south where feasible		
4.3 Biological Resources		
4.3.1 Prior to commencement of demolition or grading activities, the construction contractor shall install protective barriers (e.g., snow or silt fencing) between the project site and the adjacent water supply channels and along both banks of the Los Cerritos Channel north of the Loynes Drive bridge. Prior to issuance of demolition permits, the City of Long Beach Environmental Officer shall verify that a qualified biologist has been retained by the project applicant to supervise the installation of the barriers and ensure that the barriers are installed in the proper location and are clearly visible to equipment operators and other construction personnel. The barriers shall be a bright color (e.g., fluorescent orange) to ensure clear visibility. No construction activity shall occur beyond the limits marked by the barriers, and the construction contractor shall ensure that no construction debris, trash, or other material passes beyond the barriers. The City-retained biologist shall monitor the site on a weekly basis throughout project construction and file written reports on the condition of the barriers to the City of Long Beach Environmental Officer on a monthly basis. The cost of the biologist shall be reimbursed by the applicant.	City of Long Beach Environmental Officer	Verification: Prior to issuance of any demolition permits Activity: Ongoing during demolition, grading, and construction activities
4.4 Cultural Resources		
4.4.1 In conjunction with the submittal of applications for rough grading permits for the proposed project, the City of Long Beach Director of Planning and Building shall verify that a paleontologist who is listed on the County of Los Angeles list of certified paleontologists has been retained and will be on site during all rough grading and other significant ground-disturbing activities in paleontologically sensitive sediments. In the event that fossil resources are noted within the project area, construction in the vicinity of the find will be halted until the discovery can be evaluated. If the discovery is determined to be important, the project proponent shall initiate a paleontological recovery program to collect the fossil specimens and all relevant lithologic and locality information about the	City of Long Beach Director of Planning and Building	Verification: Prior to issuance of grading permits Activity: Ongoing during grading or earth-clearing activities

	Mitigation Measures	Responsible Party	Timing for Mitigation Measure
	specimen. This may include the collection and the washing and picking of up to 6,000 pounds per locality of mass samples to recover small invertebrate and vertebrate fossils. The results of the fossil recovery program will be documented in a technical report that will include an itemized inventory of specimens. Specimens recovered during grading activity shall be prepared to a point of identification and permanent preservation. All recovered fossils shall be placed within a museum repository that is capable of accepting the recovered fossils and that has a permanent retrievable storage. The project proponent shall be responsible for all costs associated with this recovery program and report preparation.		
4.4.2	If human remains are encountered, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made a determination of the origin and disposition of the remains pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of the human remains and items associated with Native American burials.	City of Long Beach Director of Planning and Building/ Construction Contractor	Triggered if human remains are found on the project site; the Orange County Coroner must be notified immediately
4.4.3	In conjunction with the submittal of applications for rough grading permits, the Director, Department of Planning and Building, shall verify that a Los Angeles County certified archaeologist has been retained by the applicant and shall be present at the pregrading conference and shall establish procedures for temporarily halting or redirecting work if unrecorded archaeological resources are discovered during grading to permit the sampling, identification, and evaluation of archaeological materials as appropriate. The cultural resource management program will include resource monitoring during project grading	City of Long Beach Director of Planning and Building	Verification: Prior to issuance of grading permits Activity: Ongoing during grading or earth-clearing activities

Mitigation Measures	Responsible Party	Timing for Mitigation Measure
of archaeologically sensitive sediments to ensure that unidentified cultural resources are not affected by the proposed undertaking. If archaeological materials are identified during construction, standard professional archaeological practices shall be initiated to characterize the resources and mitigate any impacts to those resources. Included within this program will be the development of a curation agreement for the permanent care of materials collected from the project. This agreement would be negotiated with a suitable repository.		
4.5 Geology and Soils		
4.5.1 Prior to issuance of building permits, the applicant shall obtain approval of the City of Long Beach Building Official (or designee) and the City of Long Beach Director of Public Works of final design plans to ensure that earthquake-resistant design has been incorporated into final site drawings in accordance with the most current California Building Code and the recommended seismic design parameters of the Structural Engineers Association of California. Ultimate site seismic design acceleration shall be determined by the project structural engineer during the project design phase.	City of Long Beach Building Official/City of Long Beach Director of Public Works	Prior to issuance of building permits
4.5.2 A detailed geotechnical investigation of the site shall be conducted prior to submittal of the plan check application and shall be submitted with the grading or plan check application. This investigation shall evaluate liquefaction potential, lateral spreading hazards, and soil expansiveness and shall determine appropriate design consistent with the most current California Building Code. A corrosion engineer shall design measures for corrosion protection. Site-specific final design evaluation and grading plan review shall be performed by the project geotechnical consultant prior to the start of grading to verify that recommendations developed during the geotechnical design process are appropriately incorporated in the project plan. Design and grading construction shall be performed in accordance with the requirements of the California Building Code applicable at the time of grading, appropriate local grading regulations, and the recommendations of the project geotechnical consultant as	City of Long Beach Building Official	Prior to issuance of grading permits

	Mitigation Measures	Responsible Party	Timing for Mitigation Measure
	summarized in a final report, subject to review by the City of Long Beach Building Official prior to issuance of grading permits.		
4.5.3	Site preparation (removal of existing facilities, excavation, subgrade preparation, placement and compaction of fill, foundation preparation, floor slab preparation, positive surface gradient preparation, and pavement of other areas) shall be conducted consistent with the recommendations of the design-level detailed geotechnical investigation summarized in a final report, subject to review and approval by a City of Long Beach Building Official prior to issuance of grading permits. The project geotechnical engineer shall observe all excavations, subgrade preparation, and fill activities and shall conduct soils testing as necessary, consistent with local, State, and federal regulations.	City of Long Beach Building Official	Prior to issuance of grading permits
4.6 Hazards and Hazardous Materials			
4.6.1	Prior to project approval, the project applicant shall enter into a Consent Agreement with DTSC for remediation of the project site consistent with the Scope of Work for an RCRA RFI.	City of Log Beach Department of Planning and Building; California Department of Toxic Substances Control	Prior to project approval
4.6.2	Prior to issuance of a grading permit, the project applicant shall provide evidence to the City that DTSC has issued a closure status for the project site and that no land use restrictions would prevent the site from being used for commercial/retail purposes.	City of Log Beach Department of Planning and Building; California Department of Toxic Substances Control	Prior to issuance of any grading permits

	Mitigation Measures	Responsible Party	Timing for Mitigation Measure
4.6.3	Prior to issuance of any demolition permits, the project applicant shall submit an application to the City of Long Beach Fire Department for approval to remove Tanks Nos. 1–4 and 6 and associated pipeline conveyance systems from the property. The application package shall include documentation of approval of the removal process by AES Alamitos and Pacific Energy. The City of Long Beach Fire Department shall review the application for compliance with local, State, and federal requirements with tank-handling procedures including sampling and disposal of tank contents, sampling of subsurface soils, and transport and disposal of tanks and soils/liquids. The City of Long Beach Fire Department and DTSC shall oversee and monitor the operation in accordance with local, State, and federal requirements.	City of Long Beach Fire Chief	Prior to issuance of any demolition permits
4.6.4	Prior to issuance of any demolition permits, predemolition surveys for ACMs and LBPs (including sampling and analysis of all suspected building materials) and inspections for mercury-containing fixtures, and PCB-containing electrical fixtures shall be performed. All inspections, surveys, and analyses shall be performed by appropriately licensed and qualified individuals in accordance with applicable regulations (i.e.: ASTM E 1527-00, and 40 CFR, Subchapter R, Toxic Substances Control Act [TSCA], Part 716). All identified ACMs, LBPs, and PCB-containing electrical fixtures shall be removed, handled, and properly disposed of by appropriately licensed contractors according to all applicable regulations during demolition of structures (40 CFR, Subchapter R, TSCA, Parts 745, 761, and 763). Air monitoring shall be completed by appropriately licensed and qualified individuals in accordance with applicable regulations both to ensure adherence to applicable regulations (e.g., SCAQMD) and to provide safety to workers and the adjacent community. The project applicant shall provide documentation (e.g., all required waste manifests, sampling, and air monitoring analytical results) to the City of Long Beach Health Department showing that abatement of any ACMs, LBPs, or mercury-containing fixtures, or PCB-containing electrical fixtures identified in these structures has been completed in full compliance with all applicable regulations and approved by	City of Long Beach Health Department	Prior to issuance of any demolition permit

	Mitigation Measures	Responsible Party	Timing for Mitigation Measure
	the appropriate regulatory agency(ies) (40 CFR, Subchapter R, TSCA, Parts 716, 745, 761, 763, and 795 and CCR Title 8, Article 2.6). An Operating & Maintenance Plan (O&M) shall be prepared for any ACM, LBP, or PCB-containing fixtures to remain in place and would be reviewed and approved by the City Health Department.		
4.6.5	Prior to issuance of any demolition permits, the project applicant shall submit an Emergency Action Plan to the City of Long Beach Fire Department for review and approval. The plan shall include documentation of review and approval by Pacific Energy. The plan shall be consistent with local, State, and federal regulations and shall provide detailed procedures in the event of a hazardous substance leak or spill from on-site facilities, including Tank No. 5 and associated equipment.	City of Long Beach Fire Department	Prior to issuance of any demolition permits
4.6.6	Prior to issuance of a grading permit, the project site shall be remediated in accordance with the scope of work for an RCRA RFI. DTSC shall oversee and approve all phases of the investigation including the Current Conditions Report, RCRA RFI Workplan, RCRA RFI Report, Health and Safety Plan. Soils and groundwater shall be tested for VOCs, SVOCs, PAHs, metals, asbestos, and PCBs in accordance with the DTSC-approved workplan. Soil and groundwater removal, transport, and disposal shall be conducted in accordance with local, State and federal regulations; documentation shall be provided to DTSC. All remediation activity shall be completed to the satisfaction of DTSC, as well as RWQCB and CUPA as applicable.	California Department of Toxic Substances Control; Regional Water Quality Control Board (RWQCB); and Long Beach CUPA, as applicable	Prior to issuance of a grading permit
4.6.7	After rough grading and prior to issuance of a building permit or utility installation, a detailed methane soil gas investigation workplan shall be prepared by the project applicant and submitted to the City of Long Beach Fire Department for review and approval. The methane soil gas investigation shall be performed in accordance with local industry standards. The results shall be presented in a formal report that includes recommendations to mitigate potential hazards from methane, if required. The report shall be reviewed and approved by the City of Long Beach Fire Department. Based on the results of this detailed	City of Long Beach Fire Department	After rough grading and prior to building construction and utility installation

	Mitigation Measures	Responsible Party	Timing for Mitigation Measure
	investigation, additional mitigation design may be necessary, including providing conventional vapor barriers and venting systems beneath buildings and confined spaces. Methane mitigation design shall be approved by the City of Long Beach Fire Department.		
4.6.8	Prior to issuance of a grading permit, the project applicant shall submit a Soil and Air Monitoring Program and associated Health and Safety Plan to the City of Long Beach Planning and Building Department and the SCAQMD for review and approval. The program shall be consistent with local, State, and federal regulations and shall encompass all soil-disturbance activities. The Health and Safety Plan shall include the following components: • A summary of all potential risks to construction workers, monitoring programs, maximum exposure limits for all site chemicals, and emergency procedures • The identification of a site health and safety officer • Methods of contact, phone number, office location, and responsibilities of the site health and safety officer • Specification that the site health and safety officer will be contacted immediately by the construction contractor should any potentially toxic chemical be detected above the exposure limits or if evidence of soil contamination is encountered during site preparation and construction • Specification that DTSC will be notified if evidence of soil contamination is encountered • Specification that DTSC will be notified if contaminated groundwater is encountered during excavation activities • Specification that an on-site monitor will be present to perform monitoring and/or soil and air sampling during grading, trenching, or cut or fill	City of Long Beach Planning and Building Department and the SCAQMD	Prior to issuance of a grading permit

	Mitigation Measures	Responsible Party	Timing for Mitigation Measure
	operations The Health and Safety Plan shall be provided to all contractors on site. The Health and Safety Plan is required to be amended as needed if different site conditions are encountered by the site health and safety officer.		
4.6.9	Prior to issuance of a certificate of occupancy, the project applicant shall submit a Business Plan including a Hazardous Materials Release Response Plan and Inventory to the Long Beach CUPA for approval and permit. The Business Plan shall include a description of emergency response procedures and coordination with AGS with respect to alarms and public address systems.	Long Beach CUPA	Prior to application for a business license and/or certificate of occupancy
4.6.10	Prior to issuance of certificates of occupancy, the City of Long Beach Health Department and the Long Beach CUPA shall review the existing Business Emergency Plan, Hazardous Materials Release Response Plan and Inventory, and the Risk Management Plan for the AES Alamitos Plant and shall determine whether additional measures/revisions are necessary based on proposed project implementation, consistent with the California Health and Safety Code Section 25500, et seq. The City of Long Beach Police Department shall review the plans to determine whether security for the plant, tanks, and distribution system is in compliance with pertinent regulations.	City of Long Beach Health Department, the Long Beach CUPA, City of Long Beach Police Department	Prior to issuance of certificates of occupancy
4.6.11	Prior to issuance of a certificate of occupancy, the project applicant shall submit an Emergency Response and Evacuation Employee Training Program to the Long Beach CUPA for review and approval. The business owner shall conduct drills as required by CUPA and shall submit training documentation as part of the annual review of the Business Plan	Long Beach CUPA	Prior to application for a business license and/or certificate of occupancy
4.6.12	Prior to issuance of certificates of occupancy, the applicant shall submit the updated Hazardous Materials Release Response Plan and Inventory for the Pacific Energy tanks and distribution system to the Long Beach CUPA for review. The CUPA shall determine whether revisions are necessary due to proposed project implementation. The City of Long Beach Fire and Police Departments shall review and approve the proposed project plans, including the	Long Beach CUPA, City of Long Beach Fire Department, City of Long Beach Police	Prior to issuance of certificates of occupancy

	Mitigation Measures	Responsible Party	Timing for Mitigation Measure
	pipeline relocation for adequate emergency access and egress procedures.	Department	
4.7 Hydrology and Water Quality			
4.7.1	The grading plans shall include features meeting the applicable construction activity best management practices (BMPs) and erosion and sediment control BMPs published in the *California Stormwater BMP Handbook—Construction Activity* or equivalent. The construction contractor shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the City that includes the BMP types listed in the handbook or equivalent. The SWPPP shall be prepared by a civil or environmental engineer and will be reviewed and approved by the City Building Official prior to the issuance of any grading or building permits. The SWPPP shall reduce the discharge of pollutants to the maximum extent practicable using BMPs, control techniques and systems, design and engineering methods, and such other provisions as appropriate. A copy of the SWPPP shall be kept at the project site. The construction contractor shall be responsible for performing and documenting the application of BMPs identified in the SWPPP. The construction contractor shall inspect BMP facilities before and after every rainfall event predicted to produce observable runoff and at 24-hour intervals during extended rainfall events, except on days when no ongoing site activity takes place. Prestorm activities will include inspection of the major storm drain grate inlets and examination of other on-site surface flow channels and swales, including the removal of any debris that blocks the flow path. Poststorm activities will include inspection of the grate inlets, for evidence of unpermitted discharges. The construction contractor shall implement corrective actions specified by the City of Long Beach Building Official, as necessary, at the direction of the City of Long Beach Director of Planning and Building. Inspection records and compliance certification reports shall be submitted to the City of Long Beach Director of Planning and Building on a monthly basis and shall be maintained for a period of three years. Inspections shall be scheduled	City of Long Beach Director of Planning and Building/City of Long Beach Building Official	Prior to issuance of a grading permit

	Mitigation Measures	Responsible Party	Timing for Mitigation Measure
	monthly during the dry season and weekly during the wet season for the duration of project construction or until all lots and common areas are landscaped.		
4.7.2	During demolition, grading, and construction, the construction contractor shall ensure that the project complies with the requirements of the State General Construction Activity NPDES Permit. Prior to issuance of demolition and grading permits, the construction contractor shall demonstrate to the City of Long Beach that coverage has been obtained under the State General Construction Activity NPDES Permit by providing a copy of the NOI submitted to the SWRCB and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) number or other proof of filing to the City of Long Beach Building Official.	City of Long Beach Building Official/ Construction Contractor	Prior to issuance of demolition or grading permits
4.7.3	Prior to commencement of grading activities, the construction contractor shall determine whether dewatering of groundwater will be necessary during construction of the project. Any dewatering will require compliance with the State General Permit for discharges to land with a low threat to water quality or an individual permit from the Los Angeles RWQCB, consistent with NPDES requirements. Once it receives and reviews the NOI, the RWQCB will decide which permit is applicable and whether sampling is required. A copy of the permit shall be kept at the project site, available for City and/or RWQCB review upon request.	City of Long Beach Director of Planning and Building/ Construction Contractor	Prior to commencement of grading activities
4.7.4	Prior to issuance of a building permit, the applicant shall provide a project SUSMP to the City of Long Beach Director of Planning and Building for review and approval. The project SUSMP shall identify all of the nonstructural and structural BMPs that will be implemented as part of the project in order to reduce impacts to water quality to the maximum extent practicable by addressing typical land use pollutants and pollutants that have impaired Los Cerritos Channel and Reach 1 of the San Gabriel River	City of Long Beach Director of Planning and Building	Prior to issuance of a building permit
4.7.5	Prior to issuance of a building permit, the applicant shall provide a plan to ensure ongoing maintenance for permanent BMPs to the City of Long Beach	City of Long Beach Director of	Prior to approval of a Final Parcel Map

	Mitigation Measures	Responsible Party	Timing for Mitigation Measure
	Director of Public Works for review and approval. This plan shall include a statement from the applicant accepting responsibility for all Structural and Treatment Control BMP maintenance until the time the property is transferred. All future transfers of the property to a private or public owner shall have conditions requiring the recipient to assume responsibility for the maintenance of any structural or Treatment Control BMP. The condition of transfer shall include a provision requiring the property owner to conduct a maintenance inspection at least once a year and retain proof of inspection. In addition, educational materials indicating locations of storm water facilities and how maintenance can be performed shall accompany first deed transfers.	Planning and Building	
4.7.6	Prior to issuance of a building permit, the applicant shall provide a final Hydology Plan to the Long Beach Director of Public Works for review and approval. The Hydrology Plan shall include any on-site structures or modifications of existing drainage facilities necessary to accommodate increased runoff resulting from the proposed project and shall indicate project contributions to the regional storm water drainage system. The Hydrology Plan shall show all structural BMPs, consistent with the project SUSMP.	City of Long Beach Director of Planning and Building/City Engineer	Prior to approval of a Final Parcel Map
4.8 Land Use			
4.8.1	City of Long Beach Planning Commission approval of the proposed project shall include approval of a Local Coastal Development Permit to allow construction and operation of a retail commercial development in the local coastal zone, a Conditional Use Permit to allow retail trade in Subarea 19 of the PD-1 zoning district (in accordance with the General Industrial Land Use Standards), and Standards Variances for those project-specific design features provided in Chapter 3.0, Project Description. The City of Long Beach Director of Planning and Building shall issue building permits consistent with the Planning Commission's Site Plan Review, Conditional Use Permit, Local Coastal Development Permit, and Standards Variance approvals.	City of Long Beach Director of Planning and Building	Upon approval of the project by the City of Long Beach Planning Commission

Mitigation Measures	Responsible Party	Timing for Mitigation Measure
4.9 Noise		
4.9.1 Prior to issuance of a building or grading permit, the City of Long Beach Zoning Administrator shall verify that project plans include a six-foot concrete block or Plexiglas wall between Studebaker Road and any project outdoor eating areas (adjacent to Studebaker Road).	City of Long Beach Zoning Administrator	At the time of Plan Check
4.9.2 Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and on federal holidays; and 9:00 a.m. to 6:00 p.m. on Saturdays. In accordance with the City of Long Beach's standards, no construction activities are permitted outside of these hours, and no construction is permitted on Sundays without a special work permit. At the time of plan check, prior to issuance of grading and building permits, the City of Long Beach Zoning Administrator shall verify that construction hour limitations are noted on building and grading plans.	City of Long Beach Zoning Administrator	Prior to issuance of grading and building permits
4.10 Public Services and Utilities		
4.10.1 A Solid Waste Management Plan for the proposed project shall be developed and submitted to the City of Long Beach Environmental Services Bureau for review and approval prior to issuance of grading permits. The plan shall identify methods to promote recycling and reuse of construction materials as well as safe disposal consistent with the policies and programs outlined by the City of Long Beach. The plan shall identify methods of incorporating source reduction and recycling techniques into project construction and operation in compliance with State and local requirements such as those described in Chapter 14 of the California Code of Regulations and AB 939.	City of Long Beach Environmental Services Bureau	Prior to issuance of grading permits
4.10.2 Prior to issuance of building permits, the City of Long Beach Director of Planning and Building shall verify that adequate storage space for the collection and loading of recyclable materials has been included in the design of buildings as well as waste collection points throughout the project site to encourage recycling.	City of Long Beach Director of Planning and Building	Prior to issuance of building permits
4.10.3 The project applicant shall submit a Security Plan for the review and approval	City of Long	Verification: Prior to issuance of

	Mitigation Measures	Responsible Party	Timing for Mitigation Measure
	of the City of Long Beach Chief of Police prior to the issuance of any building permits. The Security Plan shall incorporate CPTED principles and other crime-prevention features that shall include, but not be limited to, the following: • Interior and exterior security lighting • Alarm systems • Locking doors for all employee locations • Use of vines and other landscaping to discourage graffiti and unauthorized access • Bonded security guards • "No Loitering" signs posted at various locations throughout the project site • Surveillance cameras for each business and all on-site parking areas • Surveillance cameras located on-site that are capable of thoroughly monitoring Channel View Park, the Vista Street/Loynes Drive intersection, and the Vista/Silvera intersection All surveillance cameras shall continuously monitor all on-site and off-site locations on a 24-hour basis, and all surveillance camera video recording equipment shall have a minimum continuous two-week capacity to the satisfaction of the City of Long Beach Chief of Police. The City of Long Beach Director of Planning and Building shall verify inclusion of all required physical public safety improvements prior to issuance of any building permits. All physical requirements in the approved Security Plan shall be installed and fully operational prior to issuance of any Certificate of Occupancy.	Beach Chief of Police/City of Long Beach Director of Planning and Building	building permits Activity: Prior to issuance of a Certificate of Occupancy and through the life of the project
4.11	**Transportation and Circulation**		
4.11.1	Prior to the issuance of a grading permit, the project applicant shall, under the direction of the City of Long Beach Traffic Engineer, design and implement a	City of Long Beach Traffic	Prior to issuance of grading permits

	Mitigation Measures	Responsible Party	Timing for Mitigation Measure
	construction area Traffic Management Plan. The plan shall be designed by a registered Traffic Engineer and shall address traffic control for any street closure, detour, or other disruption to traffic circulation and public transit routes. The plan shall identify the routes that construction vehicles will use to access the site, the hours of construction traffic, traffic controls and detours, off-site vehicle staging areas, and parking areas for the project. The plan shall also require project contractors to keep all haul routes clean and free of debris including but not limited to gravel and dirt.	Engineer	
4.11.2	**Studebaker Road/2nd Street.** Prior to issuance of any Certificates of Occupancy, the applicant, to the satisfaction of the City of Long Beach Director of Public Works, shall convert the existing westbound right-turn lane into a through lane and shall construct an exclusive westbound right-turn lane with a raised island that allows a "free right turn" from westbound 2nd Street to northbound Studebaker Road into the newly striped third through lane, with reimbursement if possible, according to the Boeing Specific Plan's fair-share commitment.	City of Long Beach Director of Public Works	Prior to issuance of any Certificates of Occupancy
4.11.3	**Studebaker Road/Loynes Drive.** Prior to issuance of any certificates of occupancy, the applicant, to the satisfaction of the City of Long Beach Director of Public Works, shall complete the following: • Provide one westbound left-turn lane, one westbound through lane, and one westbound right-turn lane at the project driveway at the Studebaker Road/Loynes Drive intersection and two receiving lanes into the project site. In addition, a northbound right-turn lane and a southbound left-turn lane shall be constructed. The inside eastbound right-turn lane shall be converted to an eastbound through lane for vehicles entering the project site. • Change the traffic signal phasing for the northbound and southbound left-turn movements at Studebaker Road/Loynes Drive to protected-permissive	City of Long Beach Director of Public Works	Prior to issuance of any Certificates of Occupancy

	Mitigation Measures	Responsible Party	Timing for Mitigation Measure
	turn movements. • Restripe northbound and southbound Studebaker Road (36 feet wide) between 2nd Street and the SR-22 eastbound ramps to provide three (12-foot-wide) through lanes. The third northbound through lane will terminate at the northbound right-turn lane at the SR-22 eastbound ramps. The third southbound through lane will terminate at the 2nd Street intersection. Any encroachment into State right-of-way will require review and approval by Caltrans.		
4.11.4	Prior to issuance of any certificates of occupancy, the applicant, in conjunction with and upon approval by Caltrans and the City Public Works Director, shall install traffic signal interconnect along Studebaker Road from 2nd Street to the SR-22 westbound ramp signal. This will allow vehicles from 2nd Street to have progressive flow to the freeway on-ramp on Studebaker Road.	City of Long Beach Public Works Director and Caltrans	Prior to issuance of any certificates of occupancy.
4.11.5	Prior to issuance of any certificates of occupancy, the applicant, in conjunction with and upon approval by Caltrans and the City Public Works Director, shall develop and implement new traffic signal coordination timing for Studebaker Road for both weekday and weekend traffic conditions. This will provide signal coordination utilizing the new interconnect described above.	City of Long Beach Public Works Director and Caltrans	Prior to issuance of any certificates of occupancy.
4.11.6	Prior to issuance of any certificates of occupancy, the applicant, in conjunction with and upon approval by Caltrans and the City Public Works Director, shall develop and implement (with Caltrans) new traffic signal coordination timing along 2nd Street from Marina Drive to Studebaker Road using existing interconnect. This should reduce delay and queuing at PCH/2nd Street.	City of Long Beach Public Works Director and Caltrans	Prior to issuance of any certificates of occupancy.
4.11.7	Prior to issuance of any certificates of occupancy, the applicant, in conjunction with and upon approval by Caltrans and the City Public Works Director, shall develop and implement (with Caltrans) new coordination timing along PCH between Studebaker Road and 7th Street for both weekday and weekend traffic	City of Long Beach Public Works Director and Caltrans	Prior to issuance of any certificates of occupancy.

	Mitigation Measures	Responsible Party	Timing for Mitigation Measure
	conditions.		
4.11.8	Prior to issuance of any certificates of occupancy, the applicant shall reconstruct the two traffic signals at Studebaker Road and SR-22/7th Street ramps in accordance with current traffic signal design standards, subject to the approval of the City Traffic Engineer and Caltrans.	City of Long Beach Traffic Engineer and Caltrans	Prior to issuance of any certificates of occupancy.
.4.11.9	Prior to issuance of any certificates of occupancy, the applicant shall upgrade all 8-inch traffic signal indications to 12-inch LED indications for the five intersections along 7th Street between and including East Campus Drive and Pacific Coast Highway.	City of Long Beach Traffic Engineer	Prior to issuance of any certificates of occupancy.

EXHIBIT C

STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE HOME DEPOT PROJECT

FINAL ENVIRONMENTAL IMPACT REPORT

CITY OF LONG BEACH

(STATE CLEARINGHOUSE # 2004031093)

STATEMENT OF OVERRIDING CONSIDERATIONS

INTRODUCTION

The California Environmental Quality Act (CEQA) requires a public agency to balance the benefits of a proposed project against its unavoidable, adverse environmental impacts in determining whether to approve the project.

Section 15093 of the State CEQA Guidelines provides the following:

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final Environmental Impact Report (FEIR) but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its actions based on the FEIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to section 15091.

PROJECT SIGNIFICANT IMPACTS

As discussed in the Findings of Fact (Exhibit A), the project will result in significant unavoidable impacts related to construction air quality, long-term regional air quality, cumulative air quality, cumulative solid waste disposal capacity, and project and cumulative traffic impacts.

Air Quality

Construction Air Quality Impacts. Air quality impacts would occur during construction of the proposed project from soil disturbance and equipment exhaust. Major sources of emissions during demolition, grading, and site preparation include exhaust emissions from construction vehicles and equipment and fugitive dust generated by construction vehicles and equipment traveling over exposed surfaces and demolition activities, as well as by soil disturbances from grading and backfilling. Even with implementation of mitigation measures and compliance with applicable rules and regulations, the following construction impacts related to air quality remain significant and adverse:

- Construction equipment/vehicle emissions during demolition and grading periods would exceed the South Coast Air Quality Management District (SCAQMD) established daily and quarterly thresholds for nitrogen oxide (NO_X) even with implementation of Mitigation Measures 4.2.1 through 4.2.8. Emissions of other criteria pollutants would be below the thresholds.
- During peak grading days, total construction emissions of NO_X and particulate matter less than 10 microns in diameter (PM_{10}) would exceed the daily thresholds established by the SCAQMD even with implementation of Mitigation Measures 4.2.1 through 4.2.8. During demolition and regular grading days, NO_X emissions would exceed the thresholds as well. Emissions of other criteria pollutants would be below the thresholds.

Long-Term Regional Air Quality Impacts. Long-term air emission impacts are those associated with stationary sources and mobile sources involving any project-related change. The proposed commercial use would result in both stationary and mobile sources. The stationary source emissions from the commercial uses would result from the consumption of natural gas. Emissions from the project-related mobile sources would exceed carbon monoxide (CO), reactive organic compounds (ROC), and NO_X thresholds based on emission factors for 2004. Emissions of sulfur dioxide (SO_2) and PM_{10} would not exceed their respective thresholds. Therefore, project-related long-term air quality impacts would be significant. Because most of the project's air quality impacts are generated by vehicle emissions, implementation of Mitigation Measure 4.2.9 will not substantially reduce any long-term air quality impacts of the project. Therefore, long-term impacts remain significant and adverse.

Cumulative Air Quality Impacts. The project would contribute criteria pollutants to the area during temporary project construction. A number of individual projects in the area may be under construction simultaneously with the proposed project. Depending on construction schedules and actual implementation of projects in the area, generation of fugitive dust and pollutant emissions during construction may result in substantial short-term increases in air pollutants. This would be a contribution to short-term cumulative air quality impacts.

The project would also result in increases in long-term operational emissions. The project would contribute cumulatively to local and regional air quality degradation.

The Basin is in nonattainment for CO, PM_{10}, and ozone (O_3) at the present time. Construction of the proposed project, in conjunction with other planned developments within the cumulative study area, would contribute to the existing nonattainment status. Therefore, the proposed project would exacerbate the nonattainment of air quality standards within the Basin and contribute to adverse cumulative air quality impacts.

Public Services and Utilities

Solid Waste. There is insufficient permitted capacity within the existing solid waste system serving Los Angeles County to provide for long-term nonhazardous solid waste disposal needs (Class III landfills). Although the project's contribution is not the sole cause of the shortfall, when coupled with solid waste generated by future projects, the impact to solid waste disposal capacity is significant.

Mitigation Measures 4.10.1 and 4.10.2 will assist the City in its effort to meet waste reduction goals. Project impacts related to compliance with federal, State, and local statutes and regulations for solid waste will be reduced to a less than significant level. The project may, however, result in a potentially significant cumulative impact to solid waste disposal capacity in the County of Los Angeles. Implementation of the above-mentioned mitigation measures will facilitate the recycling of solid waste generated by project site land uses to the extent feasible. Due to the existing deficiency in long-term waste disposal capacity at waste disposal facilities in Los Angeles County, cumulative project impacts associated with solid waste disposal capacity at Class III landfills will remain significant and unavoidable.

Traffic and Circulation

The following project intersection impacts cannot be mitigated. Therefore, these project impacts remain significant and adverse. A Statement of Overriding Considerations is required.

Weekday Peak Hour

- **Studebaker Road/SR-22 westbound ramps.** Improvements to Studebaker Road/SR-22 westbound ramps would require potential encroachment into the Los Cerritos Channel immediately adjacent and parallel to Studebaker Road. In addition, Caltrans has no plans to improve this facility. As such, there are no feasible improvements at this location that would mitigate the project's impact. Therefore, this intersection would experience a significant unavoidable impact during the weekday period.

Weekend Midday Peak Hour

- **PCH/7th Street.** Due to right-of-way constraints along 7th Street, there are no feasible improvements at this location that would mitigate the project's impact. Therefore, the proposed project creates a significant unavoidable impact at this location during the weekend period.
- **PCH/2nd Street.** Due to right-of-way constraints at this intersection, there are no feasible improvements that would mitigate the project's impact. Therefore, the proposed project creates a significant unavoidable impact at this location during the weekend period.

Cumulative Traffic and Circulation

The following intersection impact would occur when the Seaport Marina project is added to the cumulative analysis. A Statement of Overriding Considerations is required.

Weekday Peak Hour

- Studebaker Road/SR-22 eastbound ramps. Improvements to Studebaker Road/SR22 westbound ramps would require potential encroachment into the Los Cerritos Channel immediately adjacent and parallel to Studebaker Road. In addition, Caltrans has no plans to improve this facility. As such, there are no feasible improvements at this location that would mitigate the project's impact.

Therefore, this intersection would experience a significant unavoidable impact during the weekday period.

- Studebaker Road and 2nd Street. The weekday peak-hour impact at Studebaker Road/2nd Street would be reduced to a less than significant level by providing a shared through-right-turn lane on westbound 2nd Street. This was identified as an impacted intersection in the Boeing Specific Plan Traffic Impact Analysis. This report recommended a fair-share contribution of approximately 85 percent for this improvement. Because there is no formal commitment to construct the recommended improvement, this impact would not be considered mitigated to a less than significant level unless the Home Depot project applicant actually makes the improvement and requests reimbursement from the Boeing Specific Plan developer. As this intersection relies on the acquisition of private land for right-of-way for mitigation, a Statement of Overriding Considerations is required.

OVERRIDING CONSIDERATIONS

The City of Long Beach (City) finds that notwithstanding the disclosure of the above significant unavoidable impacts, there are specific overriding economic, legal, social, technological, and other reasons for approving the proposed project. Those reasons are as follows:

1. The proposed project would provide a conveniently located commercial retail center that includes a home improvement store as well as other retail center amenities that serve the needs of local residents, commercial and industrial developers, businesses, and employers in south Long Beach.
2. The proposed project utilizes design and comprehensive site development standards that minimize adverse impacts to the environment through sensitive land use planning and design features.
3. The proposed project provides an economical reuse of the project site while minimizing adverse impacts to surrounding properties.
4. The proposed project allows for the transition of the project site from underutilized industrial property to new uses that can provide jobs and economic activities that promote economic revitalization and growth in conjunction with the goals, programs, and policies included in the City's General Plan and PD-1 (SEADIP).
5. The proposed project enhances the economic vitality of the City and provides a source of property tax, sales tax, and other revenue opportunities.
6. Significant and unavoidable air quality impacts resulting from construction of the proposed project would be limited to the temporary grading and construction phase of the proposed project. Construction (short-term) air quality impacts will be substantially reduced with implementation of the mitigation measures. Long-term air quality impacts would also occur. Long-term regional and cumulative air quality impacts are expected to occur regardless of project implementation.
7. There are energy efficient and "green building" improvements associated with the proposed project, as reflected in the project description and in the conditions of approval.
8. Cumulative impacts to solid waste capacity will be substantially reduced with implementation of the mitigation measures. The long-term planning for regional solid waste disposal capacity is within the responsibility and jurisdiction of other public agencies, and not the City; however,

other agencies in the region are working to secure permits for additional landfill capacity in Los Angeles County.

9. The state routes affected by the project, PCH/SR-1 and SR-22, are within the responsibility and jurisdiction of another public agency (Caltrans) and not the City.
10. The proposed project will result in the implementation of transportation improvements in the project vicinity that would not occur in the absence of the project.

On balance, the City finds that there are specific considerations associated with the proposed project that serve to override and outweigh the project's significant environmental impacts and the existence of an environmentally superior alternative that meets some of the project objectives. Therefore, the significant unavoidable environmental impacts associated with the proposed project and the City's decision not to adopt the environmentally superior project alternative are considered acceptable.