TECHNICAL MEMORANDUM

GLENN LUKOS ASSOCIATES
Regulatory Services

PROJECT NUMBER: 0840-55EPCH

TO: Maryanne Cronin, Planner
City of Long Beach

FROM: Erin Trung, Senior Wildlife Biologist

DATE: August 29, 2023

SUBJECT: Response to Comment Letters Regarding Biological Resources for the Marketplace Mixed-Use Project at 6615 E. Pacific Coast Highway, Long Beach, Los Angeles County

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This technical memorandum addresses comment letters and applications for appeal submitted for the Marketplace Mixed-Use Project at 6615 E. Pacific Coast Highway. The comment letters and applications for appeal allege potential impacts to biological resources, including the resources addressed in the analysis conducted by Glenn Lukos Associates (GLA) in a Biological Technical Report prepared for the Project.[1] The appeal applications and/or comment letters addressed herein include the following:

- Letter from Mitchell M. Tsai dated July 20, 2023 ("Tsai Letter")
- Application for Appeal from Supporters Alliance for Environmental Responsibility (SAFER). Attached to this Application is a comment letter from Lozeau Drury, LLP that summarizes a comment letter from Shawn Smallwood PhD (APL 23-011; "Smallwood Letter")
- Application for Appeal from Ann Cantrell and Anna Christensen of the Sierra Club Los Cerritos Wetlands Task Force (APL 23-014; "Sierra Club Appeal")

This memorandum addresses comments in these letters and applications, including 1) proximity of the Project site to waters and wetlands; 2) potential for indirect impacts to waters and wetlands in the vicinity of the Project site; 3) adequacy of biological surveys; 4) occurrence of special-status species on the Project site and potential for impacts; and 5) potential for impacts to migratory birds.

[1] Glenn Lukos Associates. June 28, 2023. Biological Technical Report for the Marketplace Mixed-Use Project at 6615 E. Pacific Coast Highway, Long Beach, Los Angeles County, California

I. Proximity of the Project site to Waters and Wetlands

The Tsai Letter states that "the Project site is directly adjacent to the San Gabriel River." However, the Project site boundary, which includes a portion of the Pumpkin Patch site within the Studebaker right-of-way, is approximately 435 feet from the top of bank of the San Gabriel River. The Sierra Club Appeal states that they oppose lot line adjustments "as the Property is within 100 ft. of wetlands." However, the wetlands in the vicinity of the Project site are associated with the Marketplace March, which is 194 feet northeast of the Project site at its nearest point, and the Los Cerritos Wetlands Complex located beyond the Marketplace Marsh.[2]

II. Construction Related Impacts

The Tsai Letter states that "Given the Project's extensive demolition, grading, and construction activities, there is a strong possibility that dust, debris, and contaminated soil could enter the waters and wetlands which wildlife rely upon for food and habitat." The Tsai Letter further states that the proposed mitigation for such impacts is not adequate. However, waters and wetlands are, at a minimum, 194 feet from the Project site and separated by existing development. There are no sensitive waters/wetlands that would be directly adjacent to excavation or grading. Standard dust control measures and BMPs to prevent erosion and water quality impacts would be more than sufficient (such as Mitigation Measure AQ-2 and HYD-4). Second, as required by Mitigation Measure BIO-3, a construction management plan would include the resources in the vicinity of the property and address any potential for impacts unique to the Project site. Provisions for a monitoring biologist on site for all grading would ensure that work would be halted if the potential for such impacts were observed.

III. Adequacy of Biological Surveys

The Smallwood Letter asserts that the biological surveys were inadequate, stating that:

> Only two biologists visited the site on one day for the purpose of (1) general reconnaissance survey and vegetation mapping; (2) general biological surveys; (3) habitat assessments for special-status plant species; (4) habitat assessments for special status wildlife species; (5) assessment for the presence of wildlife migration and colonial nursery sites; and (6) evaluation for federal and state jurisdictional waters/wetlands. It is hard to believe that all 6 objectives could have been achieved with excellence within whatever time was allotted for the survey on 16 March 2023. An explanation is needed.

[2] Exhibit 6 of the Biological Technical Report for the Marketplace Mixed-Use Project at 6615 E. Pacific Coast Highway (GLA 2023) depicts the distances of the Marketplace Marsh and Los Cerritos Wetlands from the Project site.

When considering the adequacy of the surveys, it is important to note that the majority of the Project site is fully developed, with 5.61 acres of the 5.75-acre property consisting of existing buildings, asphalt parking lot area, ornamental landscaping with engineered planters and areas of turf, and highly disturbed areas in the Pumpkin Patch property. Assessing such intensively developed areas for biological resources requires little time. The limited undeveloped areas on the Pumpkin Patch property comprise 0.14 acre of the overall Project site and are vegetated with non-native weedy species or consist of bare ground that are very unlikely to provide live-in or breeding habitat for special-status species. Although a biologist may observe many species in transit during an extended site visit, these observations do not indicate that the property represents important live-in habitat or even important foraging habitat for these species, such that development of the property would result in impacts considered significant pursuant to Appendix G.IV(a) of the 2017 State CEQA guidelines, which asks if a project would:

> Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service

Furthermore, GLA is very familiar with the Project site and surrounding areas, having spent extensive time assessing and surveying for biological resources at the Pumpkin Patch portion of the Project site, as well as the Marketplace Marsh and Los Cerritos Wetlands Authority (LCWA) Complex, for the Los Cerritos Wetlands Oil Consolidation and Restoration Project during the period from 2011-2017.[3] In addition to general biological surveys, a jurisdictional delineation, vegetation mapping, habitat assessments, and focused botanical surveys, GLA also conducted multiple years of protocol surveys at the Pumpkin Patch site for listed fairy shrimp, focused burrowing owl surveys, and focused Belding's savannah sparrow surveys, all of which had negative results. Given past experience on the Pumpkin Patch site, GLA has amassed substantial knowledge of the undeveloped portion of the Project site. Thus, GLA's survey effort is more than adequate given its history with the Pumpkin Patch site and its overall lack of sensitive biological resources.

IV. Occurrence of Special-Status Species on the Project Site

The Smallwood Letter notes the observation of six wildlife species on or near the site that the author characterized as special status; however, as explained below, many of the special-status designations asserted in the Smallwood Letter are either inaccurate or inapplicable.

[3] Glenn Lukos Associates. June 22, 2017. Biological Technical Report for the Los Cerritos Wetlands Oil Consolidation and Restoration Project, City of Long Beach, Los Angeles County, California

Because the Project site is almost fully developed, it does not generally provide live-in habitat for special-status species. The 100-foot buffer that extends into the Pumpkin Patch property beyond the Project site boundary contains eucalyptus trees that have low potential to provide roosting and breeding habitat for common, urban-adapted raptor species; however, these trees would not be impacted by the Project. One small stand of three immature eucalyptus trees within the Project impact area at the edge of the Pumpkin Patch has very low potential to provide roosting and breeding habitat for common, urban-adapted raptors; however, because these trees are immature and surrounded by development, special-status raptors are unlikely to use them. The removal of this small stand of immature eucalyptus trees does not constitute a significant impact because it would not have a substantial adverse effect on any special-status raptor species through habitat modification, and as explained below, Cooper's hawk and red-shouldered hawk are both common raptor species. Additionally, the Project includes measures to prevent direct impacts to nesting birds, which are prohibited by the federal Migratory Bird Treaty Act and California Fish and Game Code. These measures include SEASP Policy 5.30 and Mitigation Measure BIO-8 from the compliance checklist for the proposed project.

Monarch Butterfly

Monarch butterflies are migratory and can be found on almost any site in southern California including residential areas. As a federal candidate species, monarch butterflies receive no federal protection. This species is also included in the CDFW Special Animals List; however, this designation only applies to monarchs when they occur as part of the California overwintering population, and not as foraging individuals in transit during the breeding and dispersal season. Although the Project site and 100-foot buffer contain eucalyptus trees, they are not used by Monarch butterflies as overwintering roost trees. The Project site does not contain any milkweed plants, which this species uses as a larval host plant. Monarch butterflies occasionally occur on the site in transit or in search of forage, but do not roost or overwinter. There is no potential for significant impacts to the California overwintering monarch butterfly population associated with the Project.

Allen's Hummingbird

Allen's hummingbird is common throughout coastal southern California and does not have any CDFW special-status designation. This species is included in the USFWS Birds of Conservation Concern list (BCC); however, any potential for impacts to nesting Allen's hummingbird is fully addressed through the nesting bird avoidance measures such that there is no potential for significant impacts on this species.

Western Gull

Western gull (BCC) is a common species along the California coast that is generally limited to areas with tidal waters. The Smallwood Letter includes a photo of a Western gull over the Project site, which indicates that the individual observed was in transit. The Project site does not contain suitable live-in or breeding habitat for Western gull and the Project has no potential for significant impacts to Western gull.

Double Crested Cormorant

Double-crested cormorant is identified as a Watch List species by CDFW when occurring in a breeding colony. The Smallwood Letter includes a photo of a double-crested cormorant flying over the Project site, which indicates that the individual observed was in transit. The Project site does not contain suitable live-in or breeding habitat for double-crested cormorant, and therefore the Project has no potential for significant impacts to double-crested cormorant.

Cooper's Hawk

Cooper's hawk is a common, urban-adapted raptor species in southern California; its lack of rarity is indicated by its state rank of S4 indicating that it is apparently secure in California. Additionally, Cooper's hawk is a CDFW Watch List species by when nesting. Watch List species are taxa that were previously designated by CDFW as Species of Special Concern (SSC), but do not currently meet SSC criteria. Cooper's hawk is categorized as a bird of prey by the California Fish and Game Code; however, this designation confers no special status except that individuals of this species and its nests/eggs are protected from take (i.e., being killed or destroyed). The Smallwood Letter states that a Cooper's hawk flew over the site. Cooper's hawk flyovers are common in urban and suburban areas of Southern California and this observation does not indicate that the Project site has habitat value for the species. There is low potential for Cooper's hawk to nest in the mature eucalyptus trees in the 100-foot buffer area included in the Study Area; however, these trees will not be impacted for the Project. There is very low potential for this species to breed in the small stand of immature of eucalyptus in the Project site; however, this is unlikely because Cooper's hawks generally nest in large, protected stands of mature trees. Given that Cooper's hawk is a relatively common species, and that the immature eucalyptus stand represents marginal nesting habitat for the species, the removal of this small patch of trees would not constitute a substantial adverse effect to this species through modification of habitat, and therefore the Project has no potential for significant impacts to Cooper's hawk.

Red-shouldered Hawk

Red-shouldered hawk is a common resident raptor species in southern California and often occurs in riparian areas and suburban residential areas. Red-shouldered hawk is not identified as

a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Red-shouldered hawk is categorized as a bird of prey by the California Fish and Game Code; however, this designation confers no special status except that individuals of this species and its nests/eggs are protected from take (i.e., being killed or destroyed). The Smallwood Letter states that red-shouldered hawk was observed with a prey item adjacent to the Project site and concludes that the hawk was foraging on the site. However, given that most of the Project site is developed, it is more likely that the individual was foraging in the nearby Marketplace Marsh or LCWA complex or other surrounding open space areas. The Project has no potential for significant impacts to raptor foraging, including by the red-shouldered hawk.

Adequacy of Desktop Review

The Smallwood Letter includes an analysis and table with an extensive list of wildlife that occur in the vicinity or region of the Project sites based on iNaturalist and eBird records. The Smallwood Letter asserts that many of these taxa have potential to occur on the Project site and should have been included in the analysis. However, Project site does not constitute suitable habitat for any of these species, which, if redeveloped, would result in habitat modification that would represent a substantial adverse effect. The vast majority of these taxa would not occur on the site except in transit. As previously stated, GLA has extensive past experience at and in the vicinity of the Project site, and has conducted focused surveys for listed fairy shrimp, burrowing owl, and Belding's savannah sparrow at the Pumpkin Patch, none of which occur at the Project site.

V. Impacts to Nesting Avifauna

The Smallwood Letter states that GLA mischaracterizes the use of the site by wading birds, and that many species of wading birds were observed at the site; however, none of the wading birds included in the Smallwood Letter were observed in a nesting role. GLA maintains its position that, although wading birds may occasionally occur at the site, there is no evidence that they breed at the site.

Any potential impacts to nesting birds, including raptors and wading birds, are adequately addressed by the measures included in the Project and SEASP to protect nesting birds referenced above in Section IV.

VI. Impacts to Avifauna Associated with Window Collisions

The Smallwood Letter and the Sierra Club Appeal raise the issue of impacts to avifauna associated with window bird strikes, and the Smallwood Letter additionally asserts that the presence of a new six-story building would affect bird migration. The bird strikes data cited in

the Smallwood Letter do not indicate whether the buildings incorporated "bird-safe glass" except for one instance where only two collisions with a building with bird-safe glass were noted in 63 days compared to a nearby building on the same campus without bird-safe glass that produced 61 bird fatalities in the same 63 days, indicating that bird-safe glass greatly reduced bird strikes.

The proposed Project will be constructed consistent with SEASP Section 8.3.14, which requires bird-safe building treatments to prevent bird strikes.

The Smallwood Letter additionally asserts that the proposed six-story building would disrupt the migratory patterns of these birds. However, migratory birds have the ability to adjust their flight around a development while staying within the flyway to and from their wintering and breeding grounds.

VII. Wildlife Movement

As stated above in Section III., GLA has extensive experience at the Pumpkin Patch portion of the Project site and surrounding properties and is very familiar with wildlife movement in the vicinity. CEQA Appendix G.IV(a) asks if the Project would

> Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites

The property is almost fully developed, and while wildlife may use it for local movement, it does not constitute an "established native resident or migratory wildlife corridor." The nearby wetlands are much more likely to be used by wildlife for local and regional movement given the lack of traffic and human use in those areas. The proposed Project would not interfere substantially with wildlife movement.

The Smallwood Letter includes data for a wildlife traffic collision study on Vasco Road in Contra Costa County, which is a rural road largely surrounded by open space and agricultural uses. Data from a rural road is not applicable to an urbanized setting in Long Beach. The proposed Project would redevelop an existing developed site that is adjacent to the Pacific Coast Highway (a major thoroughfare). Further, the Project site does not currently function as a wildlife movement corridor.

TECHNICAL MEMORANDUM

DATE	August 29, 2023
TO	City of Long Beach, Development Services Department
ADDRESS	411 W. Ocean Boulevard, 3rd Floor Long Beach, California 90802
CONTACT	Maryanne Cronin, Planner
FROM	Addie Farrell, Principal Mariana Zimmermann, Senior Associate I Lance Park, Senior Associate I Emily Parks, Associate l
SUBJECT	Air Quality Technical Memorandum for Marketplace Mixed-Use Project at 6615 E. Pacific Coast Highway

The City of Long Beach and PlaceWorks prepared a compliance checklist for the Marketplace Mixed-Use Project at 6615 E. Pacific Coast Highway pursuant to CEQA Guidelines Section 15183, Projects Consistent with a Community Plan or Zoning. As defined by Section 15183, projects consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. The compliance checklist shows that the proposed project and requested discretionary actions would be within the scope of the Southeast Area Specific Plan (SEASP) and Program Environmental Impact Report (PEIR), State Clearinghouse No. 2015101075.

This technical memorandum addresses comment letters and applications for appeal submitted for the Marketplace Mixed-Use Project at 6615 E. Pacific Coast Highway. The comment letters and applications for appeal allege potential impacts related to air quality; responses to these comments are provided below.

Comments

Comments from Supporters Alliance for Environmental Responsibility (SAFER), dated July 20, 2023.

The commenter alleges that the combined construction activities and operational daily CO emissions associated with 6615 PCH and 6700 PCH projects would cumulatively exceed the South Coast AQMD regional construction threshold for NO_X of 100 lbs./day and operational threshold for CO of 55 lbs./day.

The South Coast Air Quality Management District (South Coast AQMD) published guidance for the evaluation of potential cumulative impacts for CEQA projects. Per South Coast AQMD guidance, if construction or

operation of a project would produce maximum daily emissions exceeding the applicable project-specific thresholds, those emissions would also be considered cumulatively significant. For this reason, and because the certified PEIR evaluated the buildout the SEASP, the proposed project's construction emissions were estimated and compared to the South Coast AQMD project-level thresholds to assess whether a cumulatively considerable impact would result. As shown in Table 4, *Maximum Daily Regional Construction Emissions*, of the compliance checklist, the proposed project would not result in an exceedance of the South Coast AQMD's project-level significance thresholds, nor would the proposed project exceed the maximum daily emissions presented in the certified PEIR. Thus, construction of the proposed project would not generate emissions of sufficient quantity to exceed any of the applicable maximum daily thresholds, and its construction NO_X emissions would be considered less than significant in the cumulative context.

In addition, as discussed in Section 3.3, *Air Quality*, the proposed project's nature and size would not result in a larger increase in long term, operational criteria air pollutants compared to the scale of development associated with the SEASP buildout. The proposed project would construct a mixed-use development consistent with the mixed-use community core (MU-CC) designation and provide neighborhood-serving retail uses that would reduce trip lengths relative to other parts of the region. The proposed project would implement PEIR mitigation measures AQ-1 through AQ-6, as amended by the compliance checklist, which would further reduce the generation of operational emissions. In addition, applicable PDFs would further reduce emissions generated during project operation by requiring various transportation demand measures, active transportation infrastructure, intersection signalization, and energy efficiency design in building design and orientation. Therefore, the operation of the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard, including CO emissions. The cumulative impacts of the proposed project during operation, including the generation of CO emissions, were sufficiently analyzed in the certified PEIR.

The certified PEIR for the Southeast Area Specific Plan evaluated the buildout of the SEASP and included a cumulative analysis. The proposed project and the 6700 PCH project are consistent with and implement the SEASP. As stated in CEQA Guidelines Section 15183(a), "CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." Additionally, as stated in CEQA Guidelines Section 15183(j), "If a significant offsite or cumulative impact was adequately discussed in the prior EIR, then this section may be used as a basis for excluding further analysis of that offsite or cumulative impact." As shown in Table 3, *Southeast Area Specific Plan Remaining Capacity*, of the compliance checklist, the proposed project and the 6700 PCH project are within the buildout capacity of the SEASP. Therefore, the collective buildout of these projects was evaluated in the PEIR and no additional cumulative analysis is required under CEQA Guidelines Section 15183.

As discussed in the compliance checklist under threshold (b) of Section 3.3, *Air Quality*, the maximum regional construction emissions for the proposed project would be below the South Coast AQMD regional construction threshold and within the SEASP PEIR construction emissions. Therefore, no mitigation measures beyond those identified in the certified PEIR as amended by the compliance checklist are required, and the analysis of air quality impacts in the compliance checklist is adequate. Cumulative impacts were adequately evaluated in the PEIR, and no further analysis is necessary.

The commenter alleges that the soil on the project site contains hazardous chemicals that could impact construction workers and future residents of the proposed project.

The proposed project would implement multiple mitigation measures described in the compliance checklist Section 3.3, *Air Quality*; Section 3.9, *Hazards and Hazardous Materials*; and Section 3.10, *Hydrology and Water Quality,* that would help mitigate exposure to aerated contamination in soils.

Mitigation measures HAZ-1 through HAZ-3 implement a process to ensure the proper handling of potential contaminated soils. Mitigation measure HAZ-1 would require an updated version of the Phase I Environmental Site Assessment (ESA) to the City's Development Service Department to identify environmental conditions related to soil or groundwater. If contaminated soils are discovered, a screening human health risk assessment shall be performed on the Phase II ESA data to determine if soil and soil gas concentrations pose a significant health risk for future project occupants and construction workers. Therefore, all contaminated soils and/or material encountered shall be disposed of, and all site remediation activities should be completed prior to issuance of building permits, demonstrating that the proposed project would pose no risk to public health and safety. Mitigation measure HAZ-2 requires the project applicant to prepare a soil management plan to ensure safe and appropriate handling, transportation, offsite disposal, reporting, oversight, and protocols during construction to protect the health and safety of workers and future residents.

As discussed in Section 3.10 of the compliance checklist, the proposed project would be required to implement a Storm Water Pollution Prevention Plan in compliance with the Construction General Permit and best management practices during construction. The proposed project would implement an Erosion Control Plan that specifies best management practices and erosion control measures to be used during construction to manage runoff flows and prevent pollution. Under Mitigation measure AQ-2, the project applicant shall prepare a dust control plan and implement multiple measures during ground-disturbing activities to control fugitive dust from the project site (refer to Table 16, *Mitigation Measures from the Certified SEASP EIR That Are Applicable to the Proposed Project*).

Compliance with the following South Coast AQMD regulations would also help mitigate exposure to aerated contamination in soils on the project site. South Coast AQMD Rule 1166, *Volatile Organic Compound Emissions from Decontamination of Soil*, would require the project applicant to implement an approved mitigation plan before excavation, grading, or handling of VOC-contaminated soil (including gasoline, diesel, crude oil etc.). South Coast AQMD Rule 1466, *Control of Particulate Emissions from Soils with Toxic Air Contaminants (TACs)*, would help minimize the amount of off-site fugitive dust emissions containing TACs by reducing particulate emissions in the ambient air and removing soil that contains applicable TACs from the site.

Per CEQA Guidelines Section 15183(c), "If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, then an additional EIR need not be prepared." The PEIR and the compliance checklist adequately evaluated contaminated soils and implemented appropriate mitigation measures, including compliance with applicable regulatory requirements. No subsequent review is required.

Response to Comments from Southwest Mountain States Regional Council of Carpenters (SMSWRCC), dated July 20, 2023.

The commenter asserts that the 2017 PEIR failed to analyze the approved project's environmental justice impacts since the project site is located within a disadvantaged community area, and therefore a subsequent EIR must be prepared to study impacts on the disadvantaged communities.

As described in Section 3.3, *Air Quality*, Threshold (c) on page 54 of the compliance checklist, screening-level localized significance thresholds (LST) (pounds per day) are the amount of project-related mass emissions at which localized concentrations (ppm or µg/m^3) could exceed the ambient air quality standards for criteria air pollutants for which the Southern California Air Basin (SoCAB) is designated nonattainment. Screening-level LSTs are based on the proposed project site size and distance to the nearest sensitive receptor. Thresholds are based on the California ambient air quality standards, which are the most stringent, established to provide a margin of safety in the protection of public health and welfare. Additionally, the LSTs were adopted in response to the South Coast AQMD Governing Board's Environmental Justice Enhancement Initiative I-4 and are designed to protect sensitive receptors, such as disadvantaged communities, who are most susceptible to further respiratory distress.[1]

As shown in Table 5, *Maximum Daily On-Site Localized Construction Emissions*, of the compliance checklist, maximum daily localized emissions of criteria pollutants and ozone precursors from sources on the project site would not exceed any applicable LST values and thus construction activities would not expose sensitive receptors to substantial criteria pollutant concentrations. Additionally, the proposed land uses for the proposed project (mixed-use with residential and commercial uses) are consistent with those analyzed in the certified PEIR and would not generate a high or substantial number of trucks trips. There would be no substantial source of criteria pollutant or air toxic emissions associated with operation of the proposed project that could potentially result in long-term exposure of nearby sensitive receptors to substantial pollutant concentrations.

[1] South Coast Air Quality Management District. 2008, July (revised). Final Localized Significance Threshold Methodology. https://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf?sfvrsn=2.

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CONTACT	Maryanne Cronin, Planner
FROM	Addie Farrell, Principal Mariana Zimmermann, Senior Associate I Lance Park, Senior Associate I Emily Parks, Associate l
SUBJECT	Energy Technical Memorandum for Marketplace Mixed-Use Project at 6615 E. Pacific Coast Highway

The City of Long Beach and PlaceWorks prepared a compliance checklist for the Marketplace Mixed-Use Project at 6615 E. Pacific Coast Highway pursuant to CEQA Guidelines Section 15183, Projects Consistent with a Community Plan or Zoning. As defined by CEQA Guidelines Section 15183, projects consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. The compliance checklist shows that the proposed project and requested discretionary actions would be within the scope of the Southeast Area Specific Plan (SEASP) and Program Environmental Impact Report (PEIR), State Clearinghouse No. 2015101075.

This technical memorandum addresses comment letters and applications for appeal submitted for the Marketplace Mixed-Use Project at 6615 E. Pacific Coast Highway. The comment letters and applications for appeal allege potential impacts related to energy; responses to these comments are provided below.

Comments

Comments from Supporters Alliance for Environmental Responsibility (SAFER), dated July 20, 2023.

The commenter asserts that subsequent CEQA review is required for energy impacts since a standalone energy topic was not analyzed in the 2017 PEIR.

Energy consumption was known information at the time the PEIR was certified, and the certified PEIR evaluated the buildout of the SEASP's associated energy conservation measures and impacts in Section 5.7, *Greenhouse Gas Emissions,* and Section 5.17, *Utilities and Service Systems*. As stated on page 5.17-39 of the

certified PEIR, buildout under the proposed SEASP would create a net increase in electricity demand of 30,939,352 kWhr annually and there would be sufficient planned electricity supplies in the region to accommodate this increase in electricity demands under the SEASP (see Table 5.17-8, *Estimated Electricity Demands from Project Buildout).* Additionally, the certified PEIR analyzed buildout of the SEASP assuming that plans submitted for building permits within the SEASP would be required to be in compliance with at least the 2013 Building and Energy Efficiency Standards and CALGreen standards at the time of the analysis.

The compliance checklist evaluates the proposed project energy demand and the energy topic in Section 3.6, *Energy,* including electrical energy, transportation energy, and natural gas. As discussed in the compliance checklist, the proposed project would be within the buildout of the SEASP and, therefore, the proposed project would be within the energy demand that would be generated from the buildout of the SEASP. Moreover, the proposed project would be required to meet United States Green Building Council's Leadership in Energy and Environmental Design (LEED) Silver certification, as required by Development Standard 6.10, *Sustainability Requirements*, of the SEASP, which would ensure that the proposed project would be designed with energy conservation in mind.

As discussed, energy consumption was known information at the time the PEIR was certified. Therefore, the addition of the energy topic to CEQA and the environmental checklist do not trigger the need for preparation of a subsequent or supplemental EIR pursuant to Public Resources Section 21166 and CEQA Guidelines Section 15162.

The commenter declares that the CEQA document should analyze whether natural gas could be replaced by clean electric power for the proposed water/pool heaters and barbeques and that the CEQA document failed to undertake "an investigation into renewable energy options that might be available or appropriate for a project."

The proposed project would result in natural gas demand associated with the new water/pool heaters for the rooftop pool and an outdoor barbeque counter. As illustrated in the compliance checklist, the proposed project would comply with the Building Energy Efficiency Standards and CALGreen requirements, which would contribute to minimizing natural gas demands. In fact, given the incremental improvements in energy efficiency requirements in the California Building Standards Code and CALGreen with each 3-year cycle, the proposed project would generally be more energy efficient than the buildout of the SEASP evaluated in the SEASP PEIR. The proposed project would be compliant with the applicable California Building Standards Code, which would result in the proposed project's design being more energy efficient than what was analyzed in the certified PEIR. The proposed project is within the buildout capacity of the SEASP and therefore would not result in new or exacerbated effects compared to what was evaluated in the PEIR in terms of natural gas usage.

Moreover, PEIR Mitigation Measures AQ-4 through AQ-6 would promote renewable energy at buildout of the proposed project by requiring electric landscaping equipment, energy-efficient appliances, electricity sourced from renewable generation sources, and installation of EV charging infrastructure compliant with CALGreen voluntary standards. Specifically, the modified PEIR Mitigation Measure AQ-4 would require the proposed project to enroll in a 100 percent renewable electricity service (such as Southern California Edison's Green Rate program) and prohibit the use of gasoline-fueled equipment such as lawnmowers. These measures would require the proposed project to go beyond minimum compliance with the applicable California Building Standards Code.

Other project features would contribute to minimizing transportation-related fuel usage, such as incorporation of bicycle lanes and sidewalks along Studebaker Road, provision of a bus turnout along Pacific Coast Highway, and improvement of pedestrian accessibility to the site. Additionally, the proposed project's location near other commercial uses and proposed bicycle parking on-site would support multimodal

transportation, which reduces the need for vehicle trips. These project features would contribute to minimizing vehicle miles traveled and decreasing reliance on fossil fuels.

Furthermore, the certified PEIR provides a range of provisions to ensure that individual development projects would be designed with energy conservation in mind, such as requirements for energy-efficient outdoor lighting (SEASP 7.2.9) and encouragement for installation of new renewable energy or solar facilities on the project (SEASP 5.7a) to avoid operational energy impacts. As mentioned previously, the proposed project would be designed to meet LEED certification as a requirement of building within the SEASP, which would further promote building energy savings and water efficiency.

Because the proposed project would comply with the applicable PEIR mitigation measures, SEASP requirements, and project design features to decrease electricity use at buildout, the proposed project would comply with the goals outlined in Appendix F of the CEQA Guidelines. Moreover, PEIR mitigation measure AQ-4 and implementation of the SEASP requirements would require the proposed project to achieve greater energy efficiency and renewable energy options beyond the mandatory California Building Standards Code and CALGreen requirements.

As such, the proposed project would promote the use of renewable energy and decrease reliance on fossil fuels to meet the electricity demands of the proposed project. Overall, the proposed project's impacts to energy were adequately evaluated in the compliance checklist. As discussed in the compliance checklist, the proposed project would result in a less than significant impact and would not have significant adverse effects.

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CONTACT	Maryanne Cronin, Planner
FROM	Addie Farrell, Principal Mariana Zimmermann, Senior Associate I Lance Park, Senior Associate I Emily Parks, Associate l
SUBJECT	Greenhouse Gas Emissions Technical Memorandum for Marketplace Mixed-Use Project at 6615 E. Pacific Coast Highway

The City of Long Beach and PlaceWorks prepared a compliance checklist for the Marketplace Mixed-Use Project at 6615 E. Pacific Coast Highway pursuant to CEQA Guidelines Section 15183, Projects Consistent with a Community Plan or Zoning. As defined by CEQA Guidelines Section 15183, projects consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. The compliance checklist shows that the proposed project and requested discretionary actions would be within the scope of the Southeast Area Specific Plan (SEASP) and Program Environmental Impact Report (PEIR), State Clearinghouse No. 2015101075.

This technical memorandum addresses comment letters and applications for appeal submitted for the Marketplace Mixed-Use Project at 6615 E. Pacific Coast Highway. The comment letters and applications for appeal allege potential impacts related to greenhouse gas emissions; responses to these comments are provided below.

Comments

Comments from Supporters Alliance for Environmental Responsibility (SAFER), dated July 20, 2023.

The commenter asserts that the City may not rely on the 2017 PEIR because the proposed project fails to implement the following Long Beach CAP Adaptation Action Consistency requirements.

Table 8, *Consistency Analysis with the City of Long Beach CAP Actions,* in the compliance checklists, describes how the proposed project would be consistent with the City's Climate Action Plan (CAP) Adaptation Actions

with implementation of SEASP PEIR PDF-3, PDF-5, and PDF-7 through PDF-9 as well as Mitigation Measures AQ-4 through AQ-6. Many of the Long Beach CAP actions and GHG reduction measures are not applicable to individual projects and would be implemented by the City of Long Beach.[1]

AQ-1: INSTALLATION OF PHOTOCATALYTIC TILES

Action AQ-1 of the CAP, which is pointed out by the commenter, specifies that the City should incentivize the installation of photocatalytic tiles, but it does not require the installation of photocatalytic tiles. As discussed under Adaption Action AQ-1, "To improve air quality, the City will support the installation of photocatalytic tiles by actively pursuing grant funding options to incentivize the installation of photocatalytic tile products… This action will include collaborating with South Coast AQMD, community partners, developers, and other stakeholders to identify projects that could incorporate photocatalytic tiles as part of a more holistic emissions reduction strategy." Action AQ-1 is to pursue funding incentives for photocatalytic tile products rather than requiring new development to include photocatalytic tile products absent funding incentives, such as grant funding.

Moreover, though the proposed project does not specifically include photocatalytic tiles on outdoor surfaces, the proposed project's design would not preclude the future use of photocatalytic tiles, and the exterior materials would be required to meet specific insulation performance standards established in the California Building Energy Efficiency Standards. Furthermore, the proposed project would be solar-ready, include 144 electric vehicle charging station capable stalls, and would be required to implement the modified PEIR Mitigation Measure AQ-4, which requires the proposed project to enroll in a 100 percent renewable electricity service (such as Southern California Edison's Green Rate program) and prohibits the use of gasoline-fueled equipment such as lawnmowers. These project design features would promote the use of renewable energy and decrease reliance on fossil fuels for the proposed project, which would overall improve air quality as well.

AQ-2: INCLUDE URBAN AGRICULTURE

Action AQ-2 of the CAP, which is pointed out by the commenter, calls for the City to encourage urban agriculture practices but does not require that new projects incorporate community and home gardens. Instead, Action AQ-2 calls for urban agriculture practices and projects to be encouraged by the City. As discussed under Adaptation Action AQ-2, "The City will provide new incentives that encourage the overall expansion of urban agriculture in home and community gardens." For instance, the city is looking into expanding the Long Beach Water Department's Lawn-to-Garden program to include "urban agriculture components, such as providing incentive for drought-tolerant seeds and plants, rain capture and drip irrigation systems, and other water conservation equipment."

The proposed project would not convert farmland, forest land, or timberland to nonagricultural uses. Additionally, the proposed project would include vegetation, such as raised planters and new trees along Pacific Coast Highway and Studebaker Road. Therefore, this specific CAP Adaptation Action is not applicable to the proposed project, and the proposed project does not preclude the future inclusion of a community or home garden or the City's encouragement of urban agriculture practices and projects.

[1] Long Beach, City of. 2022, August. Long Beach Climate Action Plan (CAP), Chapter 4 Adaptation Actions. https://longbeach.gov/globalassets/lbds/media-library/documents/planning/lb-cap/adopted-lb-cap_-aug-2022?_gl=1*eker5x*_ga*MTExMjE2NTExOC4xNjY4NDcwNTU2*_ga_DH0765KYTY*MTY5MjkxMzc0NS44LjAuMTY5MjkxMzc0NS42MC4wLjA.

EH-1 AND 2: INCORPORATE COOL ROOFS, COOL WALLS, REFLECTIVE STREETS, COOL SURFACES, AND SHADE CANOPIES.

Actions EH-1 and 2 of the CAP do not mandate the installation of cooling surfaces and reflective materials in new development. Instead, Actions EH-1 and 2 call for the City to encourage use of these cooling surfaces and reflective materials and to consider amending the City's Municipal Code to incentivize or require the use of these features in the future. Actions EH-1 and 2 also state that "The City will consider instituting a requirement that cool roofs be used on new and replaced commercial and residential roofs. The City will also develop a process for assessing the feasibility of cool and green roofs on future development projects and existing candidate buildings, focusing on neighborhoods that would benefit most from reduced temperatures and additional green space."

The City does not currently have a feasibility process for mandating cool roofs. Moreover, the CAP Adaptation Action Consistency Checklist specifically mentions "The project incorporates the following features into its design, *but not less than the California Energy Code"* [emphasis added]. The notable aspect of this statement is that the CAP Action Consistency Checklist specifies that a project is required to meet the standards of the California Energy Code. The proposed project would adhere to all applicable Building Energy Efficiency Standards and CALGreen requirements, which includes the California Energy Code. Additionally, the proposed project's ground-level open space would include cabanas/umbrellas and trees to provide more shaded spaces on the roof. Therefore, the proposed project would be consistent with CAP Adaptation Actions EH-1 and 2.

DRT-4 AND 5: REQUIRES PROJECTS TO USE RECYCLED WATER AND GREY WATER FOR NONPOTABLE USES; INCLUDES RAINFALL CAPTURE.

Actions DRT-4 and 5 do not mandate the incorporation of the specific water reuse strategies. Rather, Actions DRT-4 and 5 describe that the City will encourage use of these water reuse strategies to reduce the use of potable water in the City. Actions DRT-4 and 5 state that "The City will identify and implement strategies to expand the usage of recycled water and greywater for non-potable use, such as landscape irrigation… Initial strategies will include identifying partners and participants for recycled water and greywater outreach and education to ensure residents understand the available programs and eligibility. In addition, the City will also explore potential incentives and requirements that can be included in City contracts to reduce the use of potable water." The proposed project would comply with the provisions of the CALGreen Code, which contains requirements for indoor water use reduction and site irrigation conservation. Compliance with CALGreen Code and implementation of best management practices would control the quality of the stormwater leaving the project site and would not violate any water quality standards or waste discharge requirements pertaining to surface or ground water quality (refer to compliance checklist Section 3.10, *Hydrology and Water Quality*).

BE-4 AND 5, TIER 2: BUILDING ENERGY EFFICIENCY, WHICH INCLUDES "REDUCE OR ELIMINATE THE USE OF NATURAL GAS IN PLACE OF ELECTRICITY USE"

These GHG Reduction Actions only apply to projects that include a retrofit of an existing building. The proposed project would demolish and replace the existing two-story office buildings with a seven-level mixed-use development. Therefore, the proposed project is not retrofitting an existing building, and Actions BE-4 and 5 does not apply to the proposed project.

BE-6, TIER 1: MUNICIPAL PROJECTS ONLY: REDUCE ENERGY USE AND SUPPLY THE PROJECT WITH RENEWABLE ELECTRICITY, WHICH INCLUDES "INSTALLATION OF ON-SITE RENEWABLE ENERGY SYSTEMS, SUCH AS ROOFTOP SOLAR PV."

Action BE-6 only applies to municipal projects. The proposed project is a mixed-use development with a total of 390 dwelling units (including 17 apartment units reserved for very low-income housing) and 5,351 square feet of ground-floor commercial space. Therefore, the proposed project would not be considered a municipal project, and Action BE-6 does not apply to the proposed project.

Response to Comments from Southwest Mountain States Regional Council of Carpenters (SMSWRCC), dated July 20, 2023.

The commenter declares that the CEQA document requires new feasible mitigation measures not specified in the 2017 PEIR, such as EV parking/charging stations and solar system installation, to mitigate GHG impacts and fails to include a mitigation measure to require installation of photovoltaic and battery system as required by the 2022 Energy Efficiency Standards (Section 1040.10).

CEQA Guidelines Section 15183.5(b), Tiering and Streamlining the Analysis of Greenhouse Gas Emissions, allows for lead agencies to analyze and mitigate the significant effects of GHG emissions at a programmatic level. The City's CAP is a qualified GHG reduction plan for near-term projects under SB 32. Although the City's CAP was adopted prior to AB 1279 in September 2022, it provides a pathway to achieve these long-range targets, including consistency with the State's carbon neutrality goals. Therefore, all projects seeking a tiered consistency with the CAP under CEQA Guidelines Section 15183.5 must demonstrate consistency with the City's General Plan, evaluate if the proposed project screens out of the CAP Action Consistency checklist, and demonstrate consistency with the CAP GHG Emission Reduction Actions or document why the strategies or measures are not applicable/infeasible.

As demonstrated in Table 7, *City of Long Beach CAP GHG Reduction Actions Consistency Checklist,* and Table 8, *Consistency Analysis with the City of Long Beach CAP Actions,* in the compliance checklist, the proposed project would be consistent with the City's applicable CAP GHG Reduction Actions and Adaptation Actions with implementation of SEASP PEIR PDF-3, PDF-5, and PDF-7 through PDF-9 and Mitigation Measures AQ-4 through AQ-6. Therefore, no mitigation measures beyond those identified in the certified PEIR as amended by the compliance checklist are required, and the analysis of GHG impacts in the compliance checklist is adequate.

Similar to the SEASP, the land uses accommodated under the proposed project would be required to comply with the applicable Building Energy Efficiency Standards and CALGreen regulations at the time of the submittal. The proposed project is vested to the 2019 Building Energy Efficiency Standards and would be required to comply with the 2019 Building Energy Efficiency Standards and CALGreen, which does not require photovoltaic or battery storage systems.

In terms of inclusion of electric vehicle charging stalls, the proposed project has identified that electric vehicle charging shall be provided as specified in Section A4.106.8.2, Residential Voluntary Measures, of the CALGreen Code, and preferential parking for low-emitting, fuel-efficient, and carpool/van vehicles shall be provided as in CALGreen Section A5.106.5.1, Nonresidential Voluntary Measures. As noted in Section 1.4.2 of the compliance checklist, *Vehicle Access and Parking*, of the 576 parking stalls, 144 stalls would be electric vehicle charging station capable stalls (5 percent of these stalls, eight stalls, would have the charging equipment installed).

FEHR PEERS

Memorandum

Date: August 29, 2023

To: Maryanne Cronin, City of Long Beach

From: Michael Kennedy & Marta Polovin, Fehr & Peers

Subject: 6615 Pacific Coast Highway Transportation Response to Los Cerritos Wetlands Land Trust Appeal and Letter from Michael Tsai

LB23-0081

Introduction

The 6615 Pacific Coast Highway Project ("Project") is a proposed redevelopment of a 3.7-acre office building site located within the Southeast Area Specific Plan Area (SEASP) in Long Beach, anticipated to be completed in 2027. The Project Site currently consists of approximately 61,493 square feet of office use and associated surface parking.

The SEASP PEIR serves as the environmental clearance for the SEASP area and subsequently the Project. To facilitate projects tiering off of the analysis contained in the PEIR, the SEASP provides an analytical framework for determining a project's consistency with its findings. This memorandum summarizes how the approval of the project under the SEASP PEIR is consistent with the California Environmental Quality Act (CEQA) and does not require an Environmental Impact Report (EIR) as it relates to transportation-related impacts.

Transportation-Related Environmental Impact Discussion

Tiering

Per CEQA Guidelines, projects consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. "This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies." (CEQA Guidelines Section 15183(a)).

Transportation Impact Analysis Compliance

In order to demonstrate the Project's consistency with the PEIR, it is necessary to use the same methodologies in evaluating the Project as were used in the PEIR. After the certification of the Final PEIR for the SEASP, the City of Long Beach adopted revised transportation impact study methodologies and thresholds of significance for assessing transportation impacts. These

changes were made to update the City's approach to evaluating transportation impacts under CEQA in accordance with the changes made to CEQA statute by Senate Bill (SB) 743. The PEIR was certified before the Governor's Office of Planning and Research (OPR) published its Technical Advisory on Evaluating Transportation Impacts in CEQA (published December 2018) and before the City of Long Beach adopted its revised Traffic Impact Analysis Guidelines (published June 2020)[1] that take into account vehicle miles traveled (VMT) impact analysis in accordance with the changes made to CEQA statute by Senate Bill (SB) 743.

The SEASP PEIR introduced PM peak hour trip budget tracking and controls the amount and intensity of residential and non-residential uses in the SEASP area based on this trip budget. As long as the collective project trips associated with proposed development projects do not exceed the trip budget analyzed in the PEIR, the projects can be found to be consistent with the findings of the PEIR, and no additional transportation analyses would be required for a project under the California Environmental Quality Act (CEQA). The Project, along with other proposed developments in the SEASP are below the trip budget that was environmentally cleared in the PEIR. Consistent with the transportation impact study for the SEASP PEIR, the Southern California Association of Government's (SCAG) Travel Demand Forecasting Model was used to update estimates of employment accessible, or reachable, to/from the Project site within a reasonable travel time. The Project would generate 53 trips in the PM peak hour, with a remaining 1,858 PM peak trips in the Southwest Quadrant's trip budget (within the SEASP).

Additionally, the PEIR anticipated the change to CEQA related to Senate Bill (SB) 743, and therefore included a VMT analysis using the SCAG Travel Demand Forecasting Model. While the summarization of VMT in the PEIR is different than the City's current transportation impact study guidelines, it was done using the same required analysis tool. The City's current guidelines generally express VMT in a per-capita (per resident or per job) basis, using separate VMT calculations for employment related VMT per job, as well as residential VMT per resident. The PEIR included a total VMT estimate (overall miles traveled in the plan area), and a combined VMT estimate per service population (population + employment) for the SEASP Area. In other words, the City's current guidelines look at VMT based on jobs and residents separately, whereas the PEIR looks at VMT based on jobs and residents together. Both metrics similarly account for the VMT generated by a project using the same tool and are expressed on a per capita basis. However, the SEASP PEIR simply calculates per capita VMT in one metric, whereas the City's current guidelines break it out into two per capita metrics. Given that, these two approaches to analyzing VMT are substantively similar.

OPR's *Technical Advisory* is merely an advisory document and has no regulatory enforcement over how the City of Long Beach, as lead agency, determines its required methodologies and thresholds of significance. Additionally, other lead agencies in Los Angeles County, such as the City of El Segundo, are using VMT per service population as their metric for evaluating transportation impacts under CEQA. The VMT impact analysis for the Project was detailed in Fehr & Peers' memorandum entitled 6615 PCH Transportation Consistency Findings with the SEASP PEIR (June 2023).

[1] City of Long Beach, Traffic Impact Analysis Guidelines, June 2020.

The Project would have a VMT per service population (population + employment) 25.1% lower than the SEASP average for the entire plan area. The Project would result in a net increase of 9,527 VMT, approximately 5.3% of the SEASP plan area's total net increase in VMT. Given that the Project is more VMT efficient than the SEASP plan area as a whole (as expressed in VMT per service population) and given that it is utilizing only 5.3% of the Total VMT net increase budget environmentally cleared in the PEIR, the Project is clearly consistent with the findings of the PEIR relative to VMT.

The Project also proposes a variety of street improvements, some of which are included as VMT-reducing strategies per the California Air Pollution Control Officers Association (CAPCOA),[2] including curb protected bicycle facilities and a bus turnout along PCH, and new curbs, sidewalks, medians, bicycle lanes, and a roundabout terminus along Studebaker Road. These strategies would also serve to reduce VMT.

Conclusion

A trip generation analysis found that the Project was consistent with the findings of the PEIR. The Project only generates 53 PM peak hour trips, well within the trip budget set forth by the PEIR. Additionally, a project-level VMT analysis was prepared to determine whether it would be consistent with the VMT analysis contained in the PEIR. The Project utilizes only 5.3% of the Total VMT cleared in the PEIR, using the SCAG Travel Demand Forecasting Model, the same tool as required by the City of Long Beach in its latest transportation impact study guidelines. Thus, this Project is consistent with the findings of the PEIR relative to both trips and VMT. Furthermore, the Project introduces several transportation-related improvements that are known to reduce VMT.

[2] CAPCOA, 2022, https://www.caleemod.com/handbook/full_handbook.html

PLACEWORKS

MEMORANDUM

DATE	August 29, 2023
TO	City of Long Beach, Development Services Department
ADDRESS	411 W. Ocean Boulevard, 3rd Floor Long Beach, California 90802
CONTACT	Maryanne Cronin, Planner
FROM	Addie Farrell, Principal Mariana Zimmermann, Senior Associate I
SUBJECT	Correction to Table 15, *Trip Budget by Quadrant*

The purpose of this memorandum is to correct an inadvertent typo in Table 15, *Trip Budget by Quadrant*, in the compliance checklist prepared for the Marketplace Mixed-Use Project at 6615 E. Pacific Coast Highway dated July 2023. Table 15 states that the remaining trip budget is 1,912 trips. Consistent with the transportation memorandum prepared for the proposed project (included as Appendix J to the compliance checklist), the remaining trip budget is 1,858 trips. This is not a significant change and does not change the conclusion of the compliance checklist; it merely reduces the remaining trip budget and is consistent with the transportation memo prepared for the proposed project. Please see the updated Table 15 below (deletion shown in ~~strikeout~~ and addition shown in <u>underline</u>).

Table 15 Trip Budget by Quadrant

Block	Mixed-Use Development Areas	PM Trip Budget[1]	Existing PM Trip Generation[2]	PM Peak Hour Trips for 2nd and PCH (2020)	PM Peak Hour Trips for 6700 PCH Project	PM Peak Hour Trips for 6500 PCH Project	PM Peak Hour Trips for the Proposed Project	Remaining Trips
1	Northwest Quadrant 2nd/PCH (Marina Pacifica)	1,847	1,472					375
2&3	Southwest Quadrant 2nd/PCH	1,361	423	792	9	1		136
4	Southeast Quadrant 2nd/PCH	1,369	558				53	758
5	Northeast Quadrant 2nd/PCH (In n Out)	173	160					13
6	Mixed-Use Marina	682	106					576
--	**Total Trips**	**5,432**	**2,719**	**792**	**9**	**1**	**53**	~~**1,912**~~ <u>**1,858**</u>

Source: Fehr & Peers 2023.
[1] Based on selected Reduced Intensity Alternative, accounts for existing + future traffic and includes adjustment for pass-by-trips not included in the SEASP TIA.
[2] Existing at the time of the completion of the 2017 SEASP TIA. Completed projects since then are listed under the project columns.

File No. 01216365.01
August 23, 2023

MEMORANDUM

TO: Mr. Hunter Weaver

FROM: Justin Rauzon, REPA
Julio Nuno, REPA

SUBJECT: Response to Comments, Southwest Mountain States Carpenters' (SWMSRCC) and Supporters Alliance for Environmental Responsibility ("SAFER") for 6615 East Pacific Coast Highway, Long Beach, California 90803 dated July 20, 2023

SCS Engineers (SCS) has received comments from the following organizations regarding the proposed development at 6615 East Pacific Coast Highway, Long Beach, California:

- Mitchell M. Tsai, on behalf of the SWMSRCC in a letter (SWMSRCC letter) to the Planning Commission dated July 20, 2023 (27 pages).
- Lozeau Drury, LLP on behalf of SAFER (SAFER letter) dated July 20, 2023 (16 pages).

SCS was requested to provide responses to specific comments within each of the letters as further described below.

SWMSRCC LETTER

On Pages 14 through 21 (Item E), SWMSRCC states that the Project may have significant hazardous material and public health impacts which were not analyzed in the Program Environmental Impact Report (PEIR). SCS notes that a Phase I Environmental Site Assessment (Phase I ESA) and a Phase II Investigation report for the Project area (6615 and 6695 East Pacific Coast Highway) and additional area to the northeast (6621 East Pacific Coast Highway) were completed in 2017. The Phase I ESA identified recognized environmental conditions (RECs) at the assessed area based on conducting "All Appropriate Inquiries." The Phase II investigation consisted of evaluating RECs that were identified in the Phase I ESA and included a site-wide soil vapor survey, soil sampling from borings in historic oil operations, and sampling of groundwater from temporary wells at five locations. Within the Phase II report, constituents were evaluated in terms of risks to human health using regulatory screening criteria developed by the State Water Resources Control Board and Department of Toxic Substance Control).

A portion of the Project Area together with adjacent areas outside the Project Area were used for disposal of municipal solid wastes from mid-1960 through early 1961. The disposal area is known as City Dump & Salvage #2 (Landfill) and is referenced as site No. 19-AK-5017 in the California Department of Resources, Recycling and Recovery (CalRecycle) Solid Waste Information System database). The Landfill operated as a Class II waste disposal facility that was categorized as a pre-regulation landfill, since it ceased operations prior to November 27, 1984, the effective date of Title 27 of the California Code of Regulations (27 CCR).

Regulatory and permit requirements for landfill post-closure care and end use development are currently being coordinated with various local, regional and state agencies. In particular, landfill regulations are administered by the Los Angeles County Department of Public Health (LACDPH), acting as the local enforcement agency (LEA) for the state agency CalRecycle in concert with the Los Angeles Regional Water Quality Control Board (LARWQCB) and the South Coast Air Quality Management District (AQMD).

The primary regulations affecting landfill post-closure end uses in the Los Angeles area are embodied in Title 27 of the California Code or Regulations (27 CCR) and South Coast AQMD Rule 1150 (Excavation of Landfills) and potentially Rule 1150.1 (Control of Gaseous Emissions). In the city of Long Beach, combustible gas protection measures for new structures must also comply with building code requirements for combustible gas administered by the Building Department.

Note that further characterization and evaluation of the Project is being conducted with the lead oversight by the LARWQCB, and the regulations of that agency, including those mentioned above, shall govern further assessment and post-closure monitoring of the landfill. CalRecycle, LACDPH, and the City of Long Beach are also providing oversight of the Project. The LARWQCB has reviewed and on May 31, 2023 approved a workplan (Workplan for Characterization and Post-closure Groundwater Monitoring Program dated April 7, 2023). Additional review of that workplan by CalRecycle and LACDPH will also be conducted.

In addition, the SWMSRCC letter inappropriately referenced methane and oil well requirements for the City of Los Angeles, instead of the controlling regulations by the City of Long Beach. As noted above, the City Long Beach Municipal Code (LBMC) Section 18.79.050 requires assessment and protection of a property under development located within delineated “methane gas zones,” as specified in the LBMC section 18.79.050 and summarized in Information Bulletin BU-055 (BU-055). The Project site is located within the City of Long Beach designated methane gas zone, so future development of the Project is subject to requirements of LBMC 18.79.050 and BU-055.

SAFER LETTER

The SAFER letter states that “the project has hazardous material impacts that are peculiar to the project, which is new information requiring subsequent CEQA review.” The letter cites the Project’s location within the boundary of Seal Beach Oil Field, the historical use for oil production, and its historical use as a landfill. As noted above, since the Project is located within the designated City of Long Beach methane zone, it is subject to requirements of LBMC 18.79.050 and BU-055. Although oil wells were identified within the referenced Phase I and Phase II reports, no historical oil or gas wells are located within the Project area. The Project’s location within the boundary of the Seal Beach Oil Field and proximity to existing and historical oil and gas wells do not warrant consideration beyond the LBMC regulations. The City of Long Beach has the authority to regulate building codes related to construction in the vicinity of oil and gas wells.

As also noted above, due to the former use of the Project site as a landfill, additional characterization of the Project Site is being conducted with oversight by the LARWQCB, LACDPH, CalRecycle, and the City of Long Beach. The primary regulations affecting postclosure care of landfills in the Los Angeles area are embodied in Title 27 of the California Code of Regulations (27 CCR). On December 16, 2022, the CP VI Marketplace, LLC (the Property Owner) enrolled the Project under the general waste discharge requirements (WDRs) for postclosure maintenance (File No. 60-089, Order No. R4-2002-022, CI-10702, GeoTracker Global ID: T100000020663). On May 30, 2023, the LARWQCB approved a Workplan for Additional Landfill Characterization and Postclosure Groundwater Monitoring Program. The site-specific redevelopment plan calls for regulatory measures required by the appropriate regulatory agencies. Compliance with the requirements of these agencies is a condition for Project approval.

The SAFER letter also addresses contaminants that were identified in groundwater during the Phase II investigation. These contaminants will be addressed during implementation of the additional investigation as described in the April 7, 2023 workplan that was approved by the LARWQCB on May 31, 2023. It should also be noted that groundwater beneath the Property is brackish and subject to salt water intrusion and tidal influence. Groundwater would not be used for drinking water or other beneficial use purposes.

Please let us know if you would like to like to discuss these responses further.

Thanks,

Justin Rauzon, R.E.P.A.
Senior Project Manager
SCS ENGINEERS

Julio A. Nuno, R.E.P.A.
Project Director
SCS ENGINEERS

Enclosures: Application for Appeal dated July 31, 2023

GROUP DELTA

August 14, 2023

CP VI MARKETPLACE, LLC
707 17th Street, Suite 3050
Denver, Colorado

Attention: Mr. Joe Pink

Subject: Technical Memorandum
Project Safety Related to Proximity to Earthquake Fault and Presence of Liquefiable Soils
Long Beach Marketplace Project – 6615, 6621, and 6695 PCH, Long Beach

Dear Mr. Pink:

This memorandum addresses the safety concerns to residents raised in an appeal made on the project, with respect to the proposed projects' proximity to an earthquake fault and the presence of potentially liquefiable soils underneath the project.

The Alquist-Priolo Earthquake Fault Zoning Act (1972) and the Seismic Hazards Mapping Act (1990) direct the State Geologist to delineate regulatory "Zones of Required Investigation" to reduce the threat to public health and safety and to minimize the loss of life and property posed by earthquake-triggered ground failures and other hazards. Cities and counties affected by the zones must regulate certain development projects within them.

Concern No. 1: Proximity to An Earthquake Fault:

As noted in the geotechnical investigation report, the project site is at a distance of about 900 feet from the active Newport Inglewood Fault trace. Seismic hazards associated with earthquake faults include seismic shaking and surface fault rupture. Both these hazards need to be addressed and reviewed by the building officials before the project can be permitted. A brief discussion is provided below:

Seismic Shaking:

The site is located within the seismically active area of southern California and there is a high potential for the site to experience strong ground shaking from local and regional faults. These hazards and their potential impact are mitigated with proper seismic design. The intensity of ground shaking is highly dependent upon the distance of the fault to the site, the magnitude of the earthquake, and the underlying soil conditions.

The seismic shaking hazard is addressed for all new buildings in California by designing for the Maximum Considered Earthquake (MCE) loading in accordance with the code requirements of the latest version of the California Building Code (CBC, 2022), following the provisions of ASCE 7-16 Standard. MCE earthquake loading for the project was determined following the site-specific ground motion hazard analysis, which accounts for site geologic conditions, the maximum magnitude of earthquakes generated on all known fault sources, their distance of the site, and other factors that affect the level of shaking at each site. The contribution of the nearby Newport Inglewood Fault at a distance of 900 feet from the site was included in the site-specific ground motion procedures for seismic design, as well as the contribution of all other

seismic sources. The project structural engineers have been provided these seismic shaking demands to design the structures according to CBC 2022 code requirements to ensure the life safety of residents.

Surface Ground Rupture Displacement Hazard:

The Alquist-Priolo Earthquake Fault Zoning Act (1972) and the Seismic Hazards Mapping Act (1990) direct the State Regulators and Public Officials to delineate regulatory "Zones of Required Investigation" for surface fault rupture (as well as liquefaction, and landslide hazards) at the site. The fault zone delineated by state geologists extends a minimum of 500 feet on either side of the fault trace, as is the case with the nearby Newport Inglewood Fault Zone. Per the Alquist-Priolo Earthquake Fault Zoning Act, a minimum no-build setback of 50 feet is required on either side of the identified fault trace.

New developments on sites falling within a fault zone are required to evaluate the possibility of a surface fault ground rupture displacement, by performing a surface ground rupture investigation to eliminate the potential of the presence of an active fault trace within the site, and/or to establish a setback zone from the active trace of the fault. Outside of a fault zone, the possibility of surface ground rupture is low. The project site is about 900 feet from the fault trace, and outside of the fault zone.

Concern No. 2: Presence of Liquefiable Soils:

Liquefaction involves a sudden loss in strength of a saturated, cohesionless soil (predominantly sand) caused by the build-up of pore water pressure during cyclic loadings, such as that produced by an earthquake. This increase in pore water pressure can temporarily transform the soil into a fluid mass, resulting in a vertical settlement, and can also cause lateral ground deformations. Typically, liquefaction occurs in areas where there are loose sands and the depth to groundwater is less than 50 feet from the surface.

The site is located in a liquefaction hazard zone based on the earthquake zones of the required investigation. Thus, liquefaction analysis was performed for the project for the site-specific peak ground acceleration of 0.7g. Our analyses indicated that liquefaction-induced settlement up to about 2 inches may occur during a seismic event. The liquefaction-induced lateral spreading at the site was calculated to be a maximum of about 3 inches.

Section 12.13.9 of ASCE 7-16 addresses the requirements for the design of foundations on liquefiable sites. To address the anticipated liquefaction-induced deformations, pile foundations are recommended for the proposed structures. The recommended pile foundations are designed to account for the effects of liquefaction, including vertical and lateral deformations, downdrag loads, etc. Based on the pile axial and lateral capacities, the settlement of the proposed pile foundations for the project is estimated to be less than ½ inch. The differential settlement between adjacent columns is expected to be ¼ inch or less.

The pile foundations of the proposed structures will mitigate the liquefaction hazard at the site; building movements are anticipated to be minimal, which poses no concern to the safety of the residents.

Closure:

The hazards associated with the nearby Newport Inglewood Fault and liquefiable soils are adequately addressed in the geotechnical investigation report prepared by Group Delta, as follows:

1. The site is outside of the Newport Inglewood Fault zone; therefore, surface fault rupture hazard is not a concern for the site.
2. The Maximum Considered Earthquake (MCE) loading for the project was determined following the site-specific ground motion hazard analysis, which also accounts for the maximum magnitude and distance of the Newport Inglewood Fault in the development of the seismic shaking design parameters recommended for the project.
3. Liquefaction potential of the underlying soils is evaluated, and the liquefaction-induced estimated vertical and lateral deformations are calculated for the project. The pile foundation recommendations account for the effects of liquefaction and mitigate the deformations to well within acceptable values. No structural damage is anticipated following the pile foundation recommendations in our report.

The structures that are designed in accordance with the seismic design parameters included our geotechnical investigation report, and supported by pile foundations that follow our recommendations in the report, will not pose any concerns with respect to the safety of the residents and/or visitors of the buildings within the project.

If you have any questions regarding this issue, please feel free to contact us.

Sincerely,
GROUP DELTA CONSULTANTS, INC.

PK Ghandi
Pirooz Kashighandi, Ph.D., G.E.
Senior Geotechnical Engineer