



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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Long Beach, CA 90802

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November 17, 2011

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

**RECOMMENDATION:**

1. Adopt a Resolution with revised Findings and a Statement of Overriding Considerations certifying a Final Environmental Impact Report (EIR 04-09); and
2. Approve the Site Plan Review, Tentative Subdivision Map, Standards Variance and Local Coastal Development Permit requests for a mixed-use project consisting of 275 residential units, 155,000 square feet of commercial retail space, 100 hotel rooms with 4,368 square feet of hotel restaurant space and 3,510 square feet of hotel meeting space, 20,000 square feet of non-hotel restaurant space, and a 4,175-square-foot science center. (District 3)

**APPLICANT:**

Seaport Marina LLC/David Malmuth Development LLC  
c/o David Malmuth  
14098 Boquita Drive  
Del Mar, CA 92014  
(Application No. 0904-09)

**DISCUSSION**

The 10.93-acre project site is located in the southeastern portion of the City, bounded by Pacific Coast Highway (PCH) to the east, Second Street to the north, Marina Drive to the west and the Marina Shores shopping center to the south. The project site covers the entire Subarea 17 of the Southeast Area Development and Improvement Plan (SEADIP) district, also known as PD-1 (Exhibit A- Location Map). Surrounding land uses are primarily commercial retail in nature, particularly along PCH, with the Alamitos Bay Marina to the west and the Marina Pacifica residential community to the north. The Los Cerritos Wetlands is located east of PCH, separated from the project site by existing commercial developments along PCH.

The applicant originally proposed a mixed-use development project that was larger than the project proposal which is the subject of this staff report. The Planning Commission held a public hearing on this project at a special meeting on October 12, 2011. After taking several hours of public testimony, the Commissioners approved the following actions:

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1. Certify Final EIR 04-09 for this project (State Clearinghouse No. 2009101014);
2. Recommend that the City Council approve text amendments to the LCP and Subarea 17 of SEADIP to allow project development consistent with Alternative 3 (also known as Reduced Intensity Alternative A) of the Final EIR; and
3. Continue the public hearing to the November 17, 2011 meeting date to consider approval of the project entitlement requests for project revisions in accordance with Alternative 3 of the Final EIR.

Alternative 3 would allow a maximum of 275 dwelling units, 155,000 square feet of commercial floor area, a 100 room hotel with 4,368 square feet of hotel restaurant floor area and 3,510 square feet of hotel meeting space, 20,000 square feet of non-hotel restaurant space, and a 4,175-square-foot science center. Maximum building height would remain unchanged from the applicant's original proposal at 150 feet, 12 stories. The comparison to the applicant's original project proposal are therefore as follows:

<u>Original Proposal</u>	<u>Current Proposal</u>
325 dwelling units	275 dwelling units
191,475 sq. ft. commercial	155,000 sq. ft. commercial
100 room hotel with 4,368 sq. ft. restaurant 3,510 sq. ft. meeting space	100 room hotel with 4,368 sq. ft. restaurant 3,510 sq. ft. meeting space
21,092 sq. ft. restaurant	20,000 sq. ft. restaurant
4,175 sq. ft. science center	4,175 sq. ft. science center
99 seat theater	No theater
148,500 sq. ft. open space (31 percent of site)	173,000 sq. ft. open space (36 percent of site)
Up to 1,440 parking spaces	Up to 1,440 parking spaces

The project approval requests include amendments to the Local Coastal Program (LCP) and Subarea 17 of SEADIP. Since the project site makes up all of Subarea 17, any amendments to this subarea would only apply to this site. The amendment request is necessary to allow residential uses and building heights greater than 30 feet for residential uses and 35 feet for non-residential uses.

### **Land Use Reductions**

Commercial design modifications proposed by the applicant for this reduced project would decrease first floor retail commercial space by 31,958 square feet and second floor retail space by 4,517 square feet (Exhibit B – Site Plan, Floor Plans, Elevations). Changes in residential density are proposed as follows:

- Block 1 (northern area fronting Second Street) would be reduced by eleven dwelling units from 70 to 59 units;
- Block 2 (mid-area fronting PCH) would lose 39 dwelling units, including the elimination of six townhomes, from 149 to 110 units;
- Block 3 (southern area with hotel component and 12-story building) would remain unchanged with a total of 106 units since the podium would be unaltered from project revisions; and
- Block 4 (mid-area fronting Marina Drive) does not include residential units.

### **Site Modifications**

The Block 1 footprint would decrease in size by approximately 12 feet along the southern length of this block. The footprint of the “S” shaped building has been reduced due to the smaller podium base to eliminate two units per floor, along with one unit near the pool area at podium level converted into a community room. The retail podium setback on Second Street would increase from 22 to 34 feet. The southern elevation would include a private residential connection directly to the interior of the project site.

The Block 2 footprint would be reduced by approximately 15 feet on the western length of this block. The retail podium setback along PCH would be increased by 16 feet, resulting in a 38-foot street setback. This expended street setback along PCH would allow for additional landscaping as well as project signage.

The ground floor for Block 3 would be slightly decreased to widen Marina View Lane. Block 3 setbacks would remain unchanged. The theater floor area originally proposed for the third story of the building at the northeastern corner of this block would be eliminated, with the mass of this architectural element reduced in height. The science center lobby would be relocated from Marina View Lane to PCH for better sidewalk activation along PCH. With the increased Block 2 street setback along PCH, the visibility of this architectural element on PCH would become more prominent.

Block 4 would be reduced in footprint size by approximately 15 feet along the eastern length. The setbacks along Marina Drive would remain as originally proposed to maintain the pedestrian character of this street frontage. Restaurant and open space would replace retail space on the podium level to take advantage of adjacent marina views and ocean breezes.

The proposed reductions in ground floor retail podiums would increase ground floor open space by 24,500 square feet, from approximately 148,500 square feet to 173,000 square feet, to over 36 percent of the project site (greater than the minimum 30 percent required under SEADIP). This added open space would be distributed throughout the site with larger internal open space areas as well as deeper street setbacks along Pacific Coast Highway, Second Street and Marina View Lane. Open space at the corners of Second Street/Marina Drive and Second Street/PCH have also increased through larger setbacks and reduction of the Block 1 podium southwest corner.

Marina View Lane has been widened from 30 feet to approximately 46 feet over the entire length of this street, with sidewalk width along this internal street increased from approximately 11 feet to 17 feet. This is intended to create a more accommodating pedestrian environment, allowing for larger landscaped areas and more space for public amenities such as street furniture. Staff is very supportive of these modifications, which will result in an aesthetically diverse and attractive project design.

In general, the building internal service areas have been increased in size to enhance the functionality and productivity of these areas. The trade-off would be a reduction in retail space depths, which the applicant believes would be more efficient and marketable than the original design.

### **Building Heights**

Block 1 building height would remain at six stories, with five residential floors above ground floor commercial retail space.

Block 2 originally had a variety of building heights, ranging from three stories along PCH to five- and six-story interior heights, consisting of residential levels above ground floor retail commercial space. For this reduced project, the applicant proposes reduced heights of three and four residential stories above ground floor retail, with the southern edge of this block remaining at six stories with five residential stories above ground floor retail. This will allow the opportunity for greater variation in building heights and rooflines to produce a more streamlined and well-scaled project appearance.

Block 3 would retain the 12-story, 150-foot building consisting of ground floor retail, second story hotel-related restaurant and meeting areas, and residential units on the third through eleventh floors (with the twelfth floor used as a mechanical room). The five-story hotel building, located at the southeastern corner of the project site fronting PCH, would also remain unchanged. This building would provide hotel rooms on the second through fourth floors along with residential units on the fifth floor. Elimination of the theater land use would lower the science center building at the northeastern corner of this block by one story.

Block 4 building height would remain unchanged from the original project proposal. Staff is supportive of the building height modifications, which provide more variety to the project design features.

### **Parking Analysis**

Under the applicant's original project proposal, a total of 1,440 on-site parking spaces would be provided, mostly on a subterranean parking level. The applicant provided a shared parking demand study that determined peak parking demand for the original project proposal would be 1,417 spaces. With the reduced density and commercial floor area for Alternative 3, the Zoning Code parking requirement would be 1,729 spaces, which is a reduction from the original project proposal's requirement of over 2,000 parking spaces.

Since the shared parking study determined peak parking demand at 1,417 spaces for the applicant's original proposal, peak parking demand under Alternative 3 would be lower due to reduced density and commercial floor area. Therefore, the 1,440 proposed parking spaces would be more than adequate to accommodate development under this reduced alternative. The applicant has prepared a revised shared parking analysis to determine the reduced peak parking demand under this revised project description. Staff recommends that the project provide up to 1,440 parking spaces, with the exact amount to be determined based upon this revised shared parking demand study mutually satisfactory to the applicant and the City.

### **Staff Recommendations**

Staff recommends the Planning Commission take the following actions:

1. Adopt a Resolution with revised Findings and a Statement of Overriding Considerations certifying a Final Environmental Impact Report (EIR 04-09); and
2. Approve the Site Plan Review, Tentative Subdivision Map, Standards Variance and Local Coastal Development Permit approval requests for a mixed-use project consisting of 275 residential units, 155,000 square feet of commercial retail space, 100 hotel rooms with 4,368 square feet of hotel restaurant space and 3,510 square feet of hotel meeting space, 20,000 square feet of non-hotel restaurant space, and a 4,175-square-foot science center.

The Resolution with revised Findings, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program is provided as Exhibit C to this staff report. Adoption of the revised Findings is required since the Findings provided to the Planning Commission for the October 12, 2011 public hearing recommended a different project than the one ultimately approved by the Planning Commission. These revised Findings reflect the Planning Commission recommendation that the City Council approve text amendments to the LCP and SEADIP Subarea 17 for project development consistent with Alternative 3 of the Final EIR.

The Findings supporting approval of the Site Plan Review, Tentative Subdivision Map, Standards Variance, and Local Coastal Development Permit requests are included as Exhibit D. The recommended Conditions of Approval for these entitlement requests are included as Exhibit E. It is important to note that the City Council will take action on the

Planning Commission recommendations at a public hearing to take place after the Commission's November 17, 2011 public hearing. The date of this City Council hearing has been tentatively scheduled for December 20, 2011. Any Planning Commission approvals of the entitlement requests would be contingent on City Council approval of the Commission recommendations on the LCP and SEADIP Subarea 17 text amendments. If the City Council does not approve the recommended LCP and SEADIP text amendments, the Commission entitlement approvals would be rendered null and void and the applicant would be required to request project entitlement approvals that reflect the City Council approvals.

### **PUBLIC HEARING NOTICE**

Public hearing notices were distributed on November 3, 2011, as required by the Long Beach Municipal Code. Notices were provided to all property owners and tenants within a 1,000-foot radius of the project site as well as to all persons and entities that submitted written comments on the Recirculated Draft EIR during the public comment period. As of the preparation of this report, no responses have been received.

### **ENVIRONMENTAL REVIEW**

A Recirculated Draft Environmental Impact Report (SCH#2009101014) was prepared in accordance with the California Environmental Quality Act and was previously provided for your review. The Planning Commission approved a Resolution certifying this Final EIR at the October 12, 2011 public hearing. The EIR determined that all project impacts can be mitigated to a level below significance with the exception of construction impacts to the Studebaker/Second Street intersection; operational and cumulative impacts to the Studebaker/Second Street and PCH/Second Street intersections; construction, operational and cumulative air quality and climate change impacts; and land use impacts related to consistency with the Urban Design Component of the General Plan Land Use Element, the Local Coastal Program, and the SEADIP standards for residential uses and building height.

The Statement of Overriding Considerations (SOC) is required due to the unavoidable adverse significant impacts identified in the Final EIR (air quality/greenhouse gas emissions, land use and planning, and transportation/circulation) that would be reduced under Alternative 3 (Reduced Intensity Alternative A) but would still be significant and unavoidable. Whenever a project would result in unavoidable significant impacts, the lead agency must state in writing the specific reasons to support its action. If the economic, legal, social, technological or other benefits of a project outweigh the unavoidable adverse environmental impacts, the adverse effects may be considered to be acceptable. The specific project benefits are listed on pages 43 and 44 of the Findings/SOC, which include furthering City goals for provision of multi-family housing, revitalization of an underutilized site with a mixed-use development, enhanced pedestrian, bicycle and mass transit access to the adjacent marina and project site, enhanced job and home ownership opportunities, efficient use of land and energy conservation, and enhanced economic vitality of the project site.

Respectfully submitted,

DEREK BURNHAM  
PLANNING ADMINISTRATOR



AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

AJB:DB:CC

Exhibits

- A. Location Map
- B. Site Plan, Floor Plans, Elevations
- C. Final EIR Resolution and Revised Findings/SOC
- D. Findings for Site Plan Review, Tentative Subdivision map, Standards Variance,  
and Local Coastal Development Permit
- E. Conditions of Approval

Previously Delivered - Environmental Impact Report (SCH#2009101014)



**Aerial Photograph**

Second+PCH Development  
Source: ESRI, 2010; PCR Services Corporation, 2010.

FIGURE

**11-2**



**SITE PLAN REVIEW FINDINGS**

- 1. THE DESIGN IS HARMONIOUS, CONSISTENT AND COMPLETE WITHIN ITSELF AND IS COMPATIBLE IN DESIGN, CHARACTER AND SCALE, WITH NEIGHBORING STRUCTURES AND THE COMMUNITY IN WHICH IT IS LOCATED;**

The proposed project design incorporates an integrated and consistent design theme that is compatible in design, character and scale with the neighboring structures and properties. The materials used for the new construction, including colored glass, precast stone panels, wood composite panels, steel trellis and painted stucco, are complementary to the materials used on the adjacent buildings.

- 2. THE DESIGN CONFORMS TO ANY APPLICABLE SPECIAL DESIGN GUIDELINES OR SPECIFIC PLAN REQUIREMENTS, SUCH AS PD GUIDELINES OR THE GENERAL PLAN;**

The project site is located in Subarea 17 of the Southeast Area Development and Improvement Plan (SEADIP). The proposed project would conform to all applicable development standards as recommended by the Planning Commission to the City Council on October 12, 2011 for a text amendment to the Local Coastal Program (LCP) and SEADIP Subarea 17.

- 3. THE DESIGN WILL NOT REMOVE SIGNIFICANT MATURE TREES OR STREET TREES, UNLESS NO ALTERNATIVE DESIGN IS POSSIBLE;**

No mature trees or street trees will be removed as a result of the project.

- 4. THERE IS AN ESSENTIAL NEXUS BETWEEN THE PUBLIC IMPROVEMENT REQUIREMENTS ESTABLISHED BY THE ZONING ORDINANCE AND THE LIKELY IMPACTS OF THE PROPOSED DEVELOPMENT;**

The proposed public improvements, which involve on-site improvements to sidewalks and curb-cuts accessing public streets, would be beneficial to the surrounding community and would not exceed any identified impacts of the proposed project coupled with cumulative development.

- 5. THE PROJECT CONFORMS WITH ALL REQUIREMENTS SET FORTH IN CHAPTER 21.64 (TRANSPORTATION DEMAND MANAGEMENT); AND**

The project will conform to all requirements set forth in Chapter 21.64 of the Long Beach Municipal Code. The proposed project will implement a Transportation

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Demand Management (TDM) Plan consisting of subsidized transit passes for all project residents and employees, on-site flex cars, guaranteed rides home, airport shuttle for hotel guests, and an on-site bicycle facility (See Mitigation Measure L-1 TDM Plan, Final Environmental Impact Report for the Second + PCH Development, State Clearinghouse No. 2009101014).

**6. THE APPROVAL IS CONSISTENT WITH THE GREEN BUILDING STANDARDS FOR PUBLIC AND PRIVATE DEVELOPMENT, AS LISTED IN SECTION 21.45.400.**

The project would be designed to increase energy efficiency, reduce greenhouse gas emissions, and achieve LEED certification as required by the City's green building ordinance. The project would be in compliance with all requirements set forth in Section 21.45.400.

**STANDARDS VARIANCE FINDINGS**

**1. THE SITE OR THE IMPROVEMENTS ON THE SITE ARE PHYSICALLY UNIQUE WHEN COMPARED TO OTHER SITES IN THE SAME ZONE;**

The project is unique in its location between a major commercial corridor (Pacific Coast Highway) and the Alamitos Bay Marina. The project site is not unique in terms of dimensions, topography or any other physical characteristics that would restrict the provision of on-site parking spaces.

This proposed mixed-use project is subject to Zoning Code Section 21.41.219, which allows the Zoning Administrator to require a parking demand study for large shopping centers over 150,000 square feet. The proposed project will provide a variety of land uses, including multi-family residential, commercial, restaurant, hotel, and science center uses. This project's commercial retail component alone would total 155,000 square feet, and therefore this project would meet the shopping center requirement. Zoning Code Section 21.41.219 specifies that the parking demand study, done at the applicant's expense by an independent traffic engineer licensed by the State of California, shall be submitted to the City for review and approval in order to consider any request for a reduced shopping center parking ratio.

The applicant has provided a shared parking demand study that determined peak parking demand for all project land uses to be 1,417 on-site parking spaces. Under the original project proposal, the applicant would provide a total of 1,440 on-site parking spaces, thus exceeding peak demand by 23 spaces. The reduced project approved by the Planning Commission, which meets the Final EIR Alternative 3 (Reduced Intensity Alternative A) description, would result in 50

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fewer dwelling units, a 36,475 square foot reduction in commercial retail floor area, and a 1,092 square foot reduction in non-hotel restaurant floor area than under the original project proposal. This reduced project would generate less parking demand than the original project and therefore the 1,440 proposed parking spaces would be adequate to accommodate peak parking demand and would justify approval of a Standards Variance to allow less than Code required on-site parking.

2. **THE UNIQUE SITUATION CAUSES THE APPLICANT TO EXPERIENCE HARDSHIP THAT DEPRIVES THE APPLICANT OF A SUBSTANTIAL RIGHT TO USE OF THE PROPERTY AS OTHER PROPERTIES IN THE SAME ZONE ARE USED AND WILL NOT CONSTITUTE A GRANT OF SPECIAL PRIVILEGE INCONSISTENT WITH LIMITATIONS IMPOSED ON SIMILARLY ZONED PROPERTIES OR INCONSISTENT WITH THE PURPOSE OF THE ZONING REGULATIONS;**

See Paragraph 1 discussion above. The shared parking demand study, prepared in accordance with Zoning Code Section 21.41.219, determined that the proposed project parking supply would be adequate to accommodate peak parking demand. The project is therefore not inconsistent with Code requirements for other similar large shopping center projects and would not be inconsistent with the purpose of the Zoning regulations pursuant to Section 21.41.219.

3. **THE VARIANCE WILL NOT CAUSE SUBSTANTIAL ADVERSE EFFECTS UPON THE COMMUNITY; AND**

The project parking supply would be adequate to accommodate peak parking demand. The project therefore would not cause parking-related adverse effects upon the community in regard to inadequate on-site parking provision and any resultant spill-over on the neighboring properties or public parking spaces.

4. **IN THE COASTAL ZONE, THE VARIANCE WILL CARRY OUT THE LOCAL COASTAL PROGRAM AND WILL NOT INTERFERE WITH PHYSICAL, VISUAL AND PSYCHOLOGICAL ASPECTS OF ACCESS TO OR ALONG THE COAST.**

Approval of the Standards Variance request would not interfere with any physical, visual or psychological aspects of coastal access. The project would provide large open space corridors throughout the site, allowing views of the ocean and marina from the site as well as from Pacific Coast Highway. The project would also offer public access to coastal vistas through a variety of land uses open to the public, including commercial retail, restaurant and hotel uses.

**TENTATIVE SUBDIVISION MAP FINDINGS**

**1. THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS;**

The General Plan Land Use Designation (LUD) for the subject site is LUD No. 7 Mixed Uses. There are no specific plans applicable to the project site. The proposed subdivision complies with the subdivision requirements and the proposed map is consistent with the General Plan.

**2. THE DESIGN OR IMPROVEMENT OF THE PROPOSED SUBDIVISION IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS;**

The proposed subdivision is consistent with Land Use District (LUD) No. 7 (Mixed Uses) as well as the City's Subdivision Ordinance. The conditions imposed on the subdivision will allow for improvements of the 275 units that will be consistent with General Plan LUD No. 7. There are no specific plans applicable to the project site. Therefore, the subdivision is consistent with the General Plan and other applicable plans.

**3. THE SITE IS PHYSICALLY SUITABLE FOR THE TYPE OF DEVELOPMENT;**

As conditioned, the site is physically suitable for this type of mixed use development. The Final Environmental Impact Report (EIR) for this project (State Clearinghouse No. 2009101014) requires a Soil Management Plan, a Geophysical Survey, and pre-construction debris removal actions prior to issuance of building permits. The site can provide proper access for both pedestrians and vehicles.

**4. THE SITE IS PHYSICALLY SUITED FOR THE PROPOSED DENSITY OF DEVELOPMENT;**

The project site is approximately 10.93 acres (gross) in size. As conditioned, the site is physically suitable for the proposed density of the development. The required soils analysis, de-watering requirement and other mitigation measures of the Final EIR for this project (State Clearinghouse No. 2009101014) will address soil stabilization issues prior to construction. No other unique characteristics exist which would prevent safe access and full utilization of the property.

**5. THE DESIGN OF THE SUBDIVISION OR PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR**

**SUBSTANTIAL AND AVOIDABLE INJURY TO FISH AND WILDLIFE OR THEIR HABITAT;**

The Final EIR for this project determined that no substantial environmental damage or substantially and avoidable injury to fish and wildlife and their habitat would occur as a result of project implementation.

**6. THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH OR SAFETY PROBLEMS; AND**

The Final EIR for this project determined that the project would have significant and unavoidable adverse construction and operational air quality impacts as well as significant and unavoidable adverse traffic impacts at two project vicinity intersections (2<sup>nd</sup> and Pacific Coast Highway, 2<sup>nd</sup> and Studebaker). A Statement of Overriding Considerations was approved by the Planning Commission on October 12, 2011, finding that project benefits outweighed the project environmental impacts.

**7. THAT THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.**

All concerned City departments were notified and had an opportunity to review the tract map. Based on the comments received from these departments, Staff has determined that the proposed tract map will not conflict with any public access easements.

**LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS**

Pursuant to Chapter 21.25, Division IX of the Long Beach Municipal Code, the City shall not approve a Local Coastal Development Permit unless positive findings are made consistent with the criteria set forth in the Local Coastal Development Permit regulations.

**1. THE PROPOSED DEVELOPMENT CONFORMS TO THE CERTIFIED LOCAL COASTAL PROGRAM, INCLUDING BUT NOT LIMITED TO ALL REQUIREMENTS FOR REPLACEMENT OF LOW AND MODERATE-INCOME HOUSING; AND**

The project site is located in Subarea 17 of the Southeast Area Development and Improvement Plan (SEADIP), also known as Planned Development District 1

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(PD-1) in the Zoning Code (Title 21 of the Long Beach Municipal Code). Subarea 17 currently allows commercial uses only in accordance with the Community Automobile-Oriented (CCA) commercial zoning district.

The project site is also located in the Southeast Area (SEADIP) Community Plan portion of the City's Local Coastal Program (LCP). This LCP Community Plan area currently allows primarily low density residential uses with approximately 86 acres devoted to commercial and light industrial uses.

On October 12, 2011 the Planning Commission recommended that the City Council adopt text amendments to the LCP and SEADIP Subarea 17 for this project site. The proposed development conforms to the recommended LCP text amendment.

The project site is currently improved with a hotel and accessory commercial land uses. There are no housing units on the project site. As there are no residential units that will be demolished, the project is not subject to Chapter 21.60 and Chapter 21.61 of the Long Beach Municipal Code relative to relocation assistance for qualified very low and low-income households and the maintenance of and replacement of very low to moderate-income housing units in the Coastal Zone.

**2. THE PROPOSED DEVELOPMENT CONFORMS TO THE PUBLIC ACCESS AND RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT. THIS SECOND FINDING APPLIES ONLY TO DEVELOPMENT LOCATED SEAWARD OF THE NEAREST PUBLIC HIGHWAY TO THE SHORELINE.**

Chapter 3 of the Coastal Act deals with the public's right to use of the beach and water resources for recreational purposes. The chapter provides the basis for state and local governments to require beach access dedication and to prohibit development that restricts public access to the beach and/or water resources. The project as currently proposed will not reduce access or public views to the adjacent marina and ocean.

The proposed development would not block public access to the beach or any other public coastal recreational resources. The proposed development includes a hotel, a science center open to the public, and publicly accessible on-site open space areas.

**CONDITIONS OF APPROVAL**

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1. This approval shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date). Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval to the satisfaction of the Zoning Administrator.
2. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
3. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions, which are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
4. All conditions of approval and mitigation measures must be printed verbatim on all plans submitted for plan review to the Development Services Department. These conditions must be printed on the site plan or a subsequent reference page.
5. The applicant shall submit for Site Plan Review and any other applicable entitlements for each building and/or phase of the project. Each building and/or phase shall be presented to the Planning Commission for review and consideration.
6. Prior to submittal of Site Plan Review, applicant shall submit final comprehensive site layout for review and approval of the Director of Development Services.

7. The project shall comply with the architectural design, sustainability and landscaping requirements identified in the amended text for Subarea 17 of the Southeast Area Development and Improvement Plan (SEADIP) and the amended Local Coastal Program.
8. The Director of Development Services is authorized to make minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project. Any major modifications shall be reviewed by the Site Plan Review Committee or Planning Commission, respectively.
9. Site development, including landscaping, shall conform to the approved plans on file in the Development Services Department. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
10. Prior to the issuance of a building permit, the applicant must depict all utility apparatus, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and the landscape plan. These devices shall not be located in any front, side or rear yard area that is adjacent to a public street. Furthermore, this equipment shall be properly screened by landscaping or any other screening method approved by the Director of Development Services.
11. Any graffiti found on site must be removed within 24 hours of its appearance.
12. All parking areas serving the site shall provide appropriate security lighting with light and glare shields so as to avoid any light intrusion onto adjacent or abutting residential buildings or neighborhoods pursuant to Section 21.41.259.
13. Energy conserving equipment, lighting and construction features shall be utilized where applicable.
14. All rooftop mechanical equipment shall be fully screened from public view including all areas, as able. Said screening must be architecturally compatible with the building (concession/restaurant, administration building, etc.) in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment plan must be submitted showing screening and must be approved by the Director of Development Services to the issuance of a building permit.



15. Adequately sized trash enclosure(s) shall be designed and provided for this project as per Section 21.46.080 of the Long Beach Municipal Code. The designated trash area shall not abut a street or public walkway and shall be placed at an inconspicuous location on the lot.
16. Separate building permits are required for signs, fences, retaining walls, trash enclosures, flagpoles, pole-mounted yard lighting foundations and planters.
17. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.
18. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for their review and approval prior to the issuance of a building permit.
19. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other permits from the Building Bureau must be secured.
20. Prior to City approval of any plans, the applicant shall submit architectural, landscaping and lighting drawings for the review and approval of the Long Beach Police Department for their determination of compliance with Police Department security recommendations. For additional information, contact Mike Weber at (562) 570-5805.
21. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
  - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
  - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
  - c. Sundays: not allowed.
22. Prior to the issuance of any building permit, the applicant shall submit complete landscape and irrigation plans of the proposed landscaping for the review and approval of the Director of Development Services. Irrigation and landscape design shall be for moderate to drought tolerant plants. All new trees, shrubs, vines, and ground cover shall be identified and the size, quantity and location shown on the plans.

23. The applicant shall comply with the following conditions to the satisfaction of the Public Works Department:

**GENERAL REQUIREMENTS**

- a. The final map shall be based upon criteria established by the Director of Public Works.
- b. Prior to final map approval, the Subdivider shall obtain utility clearance letters for any public entity or public utility holding any interest in the subdivision as required by the Subdivision Map Act.
- c. All facilities required by the Department of Public Works not in place and accepted prior to final map approval must be guaranteed by instrument of credit or bond to the satisfaction of the Director of Public Works.
- d. Prior to the start of any on-site/off-site construction, the Subdivider shall submit a construction plan for pedestrian protection, street lane closures, construction staging, shoring excavations and the routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.).

**PUBLIC RIGHT-OF-WAY**

- e. The Subdivider shall construct all off-site improvements needed to provide full ADA accessibility compliance within the adjacent public right-of-way to the satisfaction of the Director of Public Works. If a dedication of additional right-of-way is necessary to satisfy ADA requirements, the right-of-way dedication way shall be provided.
- f. The Subdivider shall provide public sidewalk at least 10 feet wide along Pacific Coast Highway, Second Street and Marina Drive. Any additional right-of-way needed for this path shall be dedicated to the City of Long Beach for sidewalk purposes. Sidewalk improvements shall be constructed with to the satisfaction of the Director of Public Works.
- g. The Subdivider shall provide any necessary easements to the City of Long Beach for proposed public utility facilities, sewers and storm drains, City facilities such as traffic signal

controls, signage, required slopes, bus stops, refuse collection access, and any other public necessities to the satisfaction of the interested Department or agency and shall show these on the final map.

- h. Plans submitted show buildings sited over a dedicated storm drain easement crossing the site. This facility must be relocated and the easement quitclaimed, as structures cannot be built within a utility right-of-way.
- i. Unless approved by the Director of Public Works, easements shall not be granted to third parties within areas proposed to be granted, dedicated, or offered for dedication to the City of Long Beach for public streets, alleys, utility or other public purposes until the final map filing with the County Recorder. If easements are granted after the date of tentative map approval and prior to final map recordation, a notice of subordination must be executed by the third-party easement holder prior to the filing of the final map filing.

#### **OFF-SITE IMPROVEMENTS**

- j. The Subdivider shall be responsible for the maintenance, repair and replacement of off-site improvements abutting the project boundary during construction of the on-site improvements until final inspection of the on-site improvements by the City. Any such off-site improvements found damaged by the construction of the on-site improvements shall be repaired or replaced by the Subdivider to the satisfaction of the Director of Public Works.
- k. The Subdivider shall remove unused driveways and replace with full-height curb, curb gutter and sidewalk to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete. The size and configuration of all proposed driveways serving the project site shall be subject to the review and approval of the City Traffic Engineer.
- l. Conceptual plans submitted show custom patterned public sidewalks. The details of the custom sidewalk paving must be reviewed and approved by the Department of Public Works. An installation and maintenance agreement may be required.

- m. There is a Long Beach Transit bus stop on the Pacific Coast Highway project frontage in an area designated as a "plaza". The placement of bus stop furniture in this area should be a part of the off-site improvement plan. A widened sidewalk with enhanced paving should be provided for the bus stop area (at a minimum, 12 feet of sidewalk width should be provided). Developer shall collaborate with Long Beach Transit and the Director of Development Services to take advantage of this opportunity to enhance the public transit system.
- n. The Developer shall provide for the resetting to grade of existing manholes, pullboxes, and meters in conjunction with the required off-site improvements to the satisfaction of the Director of Public Works.
- o. The Subdivider shall provide for tree wells, new street trees with root barriers and irrigation on all adjacent public streets. The Subdivider and/or successors shall privately maintain all street trees, landscaping and sprinkler systems required in connection with this project.
- p. The Subdivider shall provide for new ground cover and irrigation system on Marina Drive and 2<sup>nd</sup> Street adjacent to the project site. The Subdivider and/or successors shall privately maintain all street trees, landscaping and sprinkler systems required in connection with this project.
- q. The Subdivider shall contact the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to beginning the tree planting, landscaping, and irrigation system work. The Street Tree Division will assist with the size, type and manner in which the street trees are to be installed.
- r. All rough grading shall be completed prior to the approval of the final map. No cross-lot drainage will be permitted. Existing cross-lot drainage problems shall be corrected to the satisfaction of the Director of Public Works prior to the final map approval.
- s. The Subdivider shall construct the required storm drain line in connection with the proposed development in accordance with approved plans. An excavation permit issued by the

Department of Public Works is required for all work in the public right-of-way. The proposed storm drain system must be reviewed, approved and accepted for operations and maintenance by the County of Los Angeles Department of Public Works. The Subdivider shall also provide said plans to the Director of Public Works for review prior to approval of the final map.

- t. The Subdivider shall underground all existing overhead utility lines within all adjacent public streets to the satisfaction of the affected utility companies and the Director of Public Works and prior to the final map approval.
- u. The Subdivider shall construct the proposed bike path in accordance with approved plans to the satisfaction of the Director of Public Works. The Subdivider and successors shall be responsible for the maintenance of the bike path.

#### **TRAFFIC & TRANSPORTATION**

- v. A Traffic Report including a traffic impact study must be prepared for this project, under the supervision and approved (stamped) by a registered Traffic Engineer in the State of California. Any proposed physical street improvements included within the mitigation measures must include a scaled drawing stamped by a registered civil engineer.
- w. Pacific Coast Highway is a State highway under the jurisdiction of the California Department of Transportation (Caltrans). A street improvement permit from Caltrans will be required for all work within the East Pacific Coast Highway right-of-way.
- x. The Subdivider proposes to construct a traffic signal on Pacific Coast Highway approximately 700 feet south of Second Street and reconstruct a drive entrance to the shopping center on the east side of Pacific Coast Highway to align with the project entrance. Plans for the intersection improvements must be reviewed and approved by Caltrans and the City Director of Public Works.
- y. Conceptual plans submitted show six driveways onto Pacific Coast Highway, which may exceed the final number of

driveways allowed on this highway frontage. All driveways and other constructed features within the Pacific Coast Highway right-of-way must be reviewed and approved by Caltrans and the City Traffic Engineer.

- z. The Subdivider proposes to install a crosswalk across Marina Drive approximately 900 feet south of Second Street at the intersection with a relocated driveway for the City parking lot west of the project, and make improvements to this intersection. Crosswalks are not permitted at unsignalized intersections – a traffic signal must be added to install the crosswalk. Plans for the intersection improvements must be reviewed and approved by the City Director of Public Works.
- aa. The Subdivider proposes to construct a pedestrian bridge over Marina Drive. This bridge would have to be maintained by the Subdivider and their successors under an Installation and Maintenance Agreement with the City. No median supports shall be allowed within the Marina Drive roadbed. Plans for the bridge must be reviewed and approved by the City Director of Public Works.
- bb. The proposed bus stop on Marina Drive shall be coordinated with Long Beach Transit and the Department of Public Works. The Subdivider shall be responsible for providing all necessary improvements for the proposed bus stop.
- cc. The Subdivider shall submit detailed off-site improvement plans to Long Beach Transit and coordinate design and construction issues with transit staff to ensure that construction does not interfere with transit bus operations on Pacific Coast Highway.
- dd. The Subdivider shall salvage and reinstall all traffic signs that require temporary removal to accommodate new construction within the public right-of-way. All traffic signs shall be reinstalled to the satisfaction of the City Traffic Engineer.
- ee. The Subdivider shall replace all traffic signs and mounting poles damaged or misplaced as result of construction activities to the satisfaction of the City Traffic Engineer.

- ff. The Subdivider shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
- gg. The Subdivider shall contact the City Traffic & Transportation Bureau to modify the existing curb marking zones adjacent to the project site.
- hh. All traffic control device installations, including pavement markings within the private parking lot, shall be installed in accordance with the provisions of the Manual On Uniform Traffic Control Devices (MUTCD), 2003 edition (i.e., white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).
- ii. Prior to approving an engineering plan, all projects greater than one acre in size must demonstrate coverage under the State Construction General NPDES Permit. To meet this requirement, the applicant must submit a copy of the letter from the State Water Resource Control Board acknowledging receipt of the Notice of Intent (NOI) and a certification from the Subdivider or engineer that a Storm Water Pollution Prevention Plan (SWPPP) has been prepared.
- jj. The Subdivider shall submit grading and related storm drain plans with hydrology and hydraulic calculations showing building elevations and drainage pattern and slopes for review and approval by the Director of Development Services and the Director of Public Works prior to the final map approval.
- kk. Public improvements shall be constructed in accordance with approved plans. Detailed off-site improvement plans shall be submitted to the Department of Public Works for review and approval.

#### **LONG TERM MAINTENANCE**

- ii. The Subdivider and successors shall be responsible for the maintenance of the site drainage system and for the operation and maintenance of the private sewer connection to the public sewer in the abutting public right-of-way, and for the maintenance of the sidewalk, parkway, street trees and other landscaping, including irrigation, within and along the

adjacent public right-of-way. Such responsibilities shall be enumerated and specified in the project "Conditions, Covenants and Restrictions", and a recorded copy of said document shall be provided to the Director of Public Works.

24. The applicant shall comply with the following conditions to the satisfaction of the Development Services Department, Building Bureau:
- a. New construction in this project shall comply with the requirements of the current building and construction codes in the City of Long Beach. Currently, these codes are the 2007 Edition of the California Building Code (based on the 2006 Edition of the International Building Code) as amended by Title 18 of Long Beach Municipal Code, 2007 Edition of the California Mechanical Code (based on the 2006 Edition of the Uniform Mechanical Code of the IAPMO), 2007 Edition of the California Electrical Code (based on 2005 National Electrical Code of the NFPA), and 2007 Edition of the California Plumbing Code (based on the 2000 Edition of the Uniform Plumbing Code by IAPMO).
  - b. Separate building permits are required for miscellaneous structures such as, but not limited to, signs, fences, retaining walls, trash enclosures, flagpoles, and pole mounted yard lighting foundations.
  - c. Separate permit applications for electrical, plumbing, and/or mechanical plan checks are required.
  - d. A separate plan review and approval by the Planning Bureau will be required.
  - e. A separate plan review and approval by the Fire Prevention Bureau will be required.
  - f. A separate plan review and approval by the City Redevelopment Bureau may be required.
  - g. A separate plan review and approval by the Public Works Bureau will be required.
  - h. A sewerage permit or an exemption from the Los Angeles County Sanitation District sewer connection fees will be required for this project.



- i. The building and facilities must be accessible to and usable by the physically disabled per Title 24 of the 2007 Edition of the California Code of Regulations.
- j. When fully completed plans are submitted to the Development Services Department for formal building plan review, provide on the title sheet an analysis that establishes justification for the building area and height based on available yards, type of construction, sprinkler systems and occupancy group.
- k. All sheets of the plans and the first sheet of the calculations are required to be stamped and signed by the California licensed Architect and/or Engineer responsible for the design. The professional license must be current and in good standing.
- l. The Clean Water Act of 1972 requires adequate and proper design and construction measures be taken to protect the storm water system and waterways from contamination. Applicable Best Management Practices (BMP's) must be implemented during construction per the City of Long Beach Municipal Code, Chapter 18.95.
- m. If the disturbed area of the project is one acre or greater, construction plans must include features meeting the applicable Construction Activities BMP's (CA-1 through CA-40) and Erosion and Sediment Control BMP's (ESC-1 through ESC-56) of the "California Storm Water Best Management Practice Handbooks" (Construction Activity) (1993). A Storm Water Pollution Prevention Plan (SWPPP) must be submitted to and approved by the City.
- n. If the disturbed area of the project is greater than five acres, an SWPPP (**Storm Water Pollution Prevention Plan**) must be prepared and submitted to both the RWQCB (**Regional Water Quality Control Board**) and the City of Long Beach per the City of Long Beach Municipal Code, Chapter 18.95. In addition, an NOI (**Notice of Intent**) to comply with the State Construction Activity Storm Water Permit shall be filed with the RWQCB. Evidence of such filing shall be submitted to the City.

- o. The project must comply with the additional Standard Urban Storm Water Mitigation Plan (SUSMP) regulations per the City of Long Beach Municipal Code, Chapter 18.95 for 100,000+ square foot commercial developments. The first 3/4-inch volume of water produced from a rainfall event on the site must be collected and treated prior to its discharge to a storm water conveyance system.

**Special Conditions (Mitigation Measures)**

**Air Quality/Global Climate Change:**

Mitigation Measure B-1: General contractors shall ensure that all construction equipment be properly tuned and maintained at an off-site location in accordance with manufacturer's specifications. This mitigation measure would reduce all criteria pollutant emissions during construction.

Mitigation Measure B-2: General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

Mitigation Measure B-3: Construction emissions should be phased and scheduled to avoid emissions peaks and discontinued during second-stage smog alerts.

Mitigation Measure B-4: Electricity from power poles rather than temporary diesel- or gasoline-powered generators shall be used to the extent feasible.

Mitigation Measure B-5: All construction vehicles shall be prohibited from idling in excess of five minutes, both on- and off-site. Signs shall be posted limiting idling to five minutes.

Mitigation Measure B-6: The project applicant shall utilize coatings and solvents that are consistent with applicable SCAQMD rules and regulations, in particular Rule 1113 (Architectural Coatings).

Mitigation Measure B-7: Water exposed surfaces at least three times a day under calm conditions. Water as often as needed on windy days when winds are less than 25 miles per hour or during very dry weather in order to maintain a surface crust and prevent the release of visible emissions from the construction site. This mitigation measure would reduce PM<sub>10</sub> and PM<sub>2.5</sub> emissions during construction.

Mitigation Measure B-8: All trucks hauling dirt, sand, soil or other loose materials off-site shall be covered or wetted or shall maintain at least two feet of freeboard

(i.e., minimum vertical distance between the top of the material and the top of the truck). Wash mud-covered tires and under-carriages of trucks leaving construction sites. This mitigation measure would reduce PM<sub>10</sub> and PM<sub>2.5</sub> emissions during construction.

Mitigation Measure B-9: Sweep adjacent streets, as needed, to remove dirt dropped by construction vehicles or mud that would otherwise be carried off by trucks departing the site. This mitigation measure would reduce PM<sub>10</sub> and PM<sub>2.5</sub> emissions during construction.

Mitigation Measure B-10: Securely cover loads with a tight fitting tarp on any truck leaving the construction site. This mitigation measure would reduce PM<sub>10</sub> and PM<sub>2.5</sub> emissions during construction.

Mitigation Measure B-11: Building walls shall be watered prior to use of demolition equipment. This mitigation measure would reduce PM<sub>10</sub> and PM<sub>2.5</sub> emissions during construction.

Mitigation Measure B-12: All on-site construction equipment greater than 50 horsepower (hp) shall be designated as EPA Tier 3 certified engines or engine retrofits comparable to EPA Tier 3 certified engines. This mitigation measure would reduce NO<sub>x</sub> emissions during construction.

Mitigation Measure B-13: Diesel-fueled vehicles which will be on-site for 3 or more consecutive days shall be equipped with a diesel particulate filter (DPF) or other control device or technology capable of achieving comparable reductions in particulate matter (PM) emissions. The device or technology shall be properly maintained and operational at all times when on-site. This mitigation measure applies to on- and off-road vehicles, but excludes delivery or haul trucks which visit the site intermittently.

Mitigation Measure B-14: The project applicant shall, as feasible, schedule deliveries during off-peak traffic periods to encourage the reduction of trips during the most congested periods. This mitigation measure would reduce all criteria pollutant emissions during operation.

Mitigation Measure B-15: The proposed project would provide preferred parking to low-emission and flex fuel vehicles. The project applicant shall also post information on mass transit and alternative transportation options offered in the vicinity of the proposed project.

**Biological Resources:**

Mitigation Measure C-1:

The developer or a designated representative shall ensure that impacts to migratory raptor and songbird species are avoided through one or more of the following methods: (1) vegetation removal activities shall be scheduled outside the nesting season for raptor and songbird species (nesting season typically occurs from February 15 to August 31) to avoid potential impacts to nesting species (this will ensure that no active nests will be disturbed and that habitat removal could proceed rapidly); and/or (2) any construction activities that occur during the raptor and songbird nesting season shall require that all suitable habitat be thoroughly surveyed for the presence of nesting raptor and songbird species by a qualified biologist before commencement of clearing. If any active nests are detected, a buffer of at least 300 feet (500 feet for raptors) shall be delineated, flagged, and avoided until the nesting cycle is complete as determined by the qualified biologist to minimize impacts. The developer or designated representative shall submit proof of compliance with this measure to the City of Long Beach Department of Development Services prior to tree removal on-site.

**Archaeological and Paleontological Resources:**

Mitigation Measure D-1: An archaeologist meeting the Secretary of the Interior's Professional Qualification Standards (the "Archaeologist") shall be retained by the project applicant and approved by the City to oversee and carry out the mitigation measures stipulated in the EIR.

Mitigation Measure D-2: A qualified archaeological monitor shall be selected by the Archaeologist, retained by the project applicant, and approved by the City to monitor ground-disturbing activities within the project site that include digging, grubbing, or excavation into native sediments that have not been previously disturbed for this project. Ground-disturbing activities do not include movement, redistribution, or compaction of sediments excavated during the project. The Archaeologist shall attend a pre-grade meeting and develop an appropriate monitoring program and schedule.

Mitigation Measure D-3: In the event that cultural resources are unearthed during ground-disturbing activities, the archaeological monitor shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the find so that the find can be evaluated. Work shall be allowed to continue outside of the vicinity of the find.

Mitigation Measure D-4: All cultural resources unearthed by project construction activities shall be evaluated by the Archaeologist. If the Archaeologist

determines that the resources may be significant, the Archaeologist will notify the project applicant and the City and will develop an appropriate treatment plan for the resources. The Archaeologist shall consult with an appropriate Native American representative in determining appropriate treatment for unearthened cultural resources if the resources are prehistoric or Native American in nature.

Mitigation Measure D-5: Treatment plans developed for any unearthened resources shall consider preservation of the resource or resources in place as a preferred option. Feasibility and means of preservation in place shall be determined through consultation between the Archaeologist, the Native American representative, the project applicant, and the City.

Mitigation Measure D-6: The Archaeologist shall prepare a final report to be reviewed and accepted by the City. The report shall be filed with the project applicant, the City, and the California Historic Resources Information System South Central Coastal Information Center. The report shall include a description of resources unearthened, if any, treatment of the resources, and evaluation of the resources with respect to the California Register of Historic Resources and the National Register of Historic Places. The report shall also include all specialists' reports as appendices, if any. If the resources are found to be significant, a separate report including the results of the recovery and evaluation process shall be required. The City shall designate repositories in the event cultural resources are uncovered.

Mitigation Measure D-7: A qualified paleontologist shall attend a pre-grade meeting and develop a paleontological monitoring program for excavations into older Quaternary deposits. A qualified paleontologist is defined as a paleontologist meeting the criteria established by the Society for Vertebrate Paleontology. Monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. The frequency of monitoring inspections shall be based on the rate of excavation and grading activities, the materials being excavated, and the depth of excavation, and if found, the abundance and type of fossils encountered.

Mitigation Measure D-8: If a potential fossil is found, the paleontologist shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation and, if necessary, salvage.

Mitigation Measure D-9: At the paleontologist's discretion and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing.

Mitigation Measure D-10: Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are donated to

their final repository.

Mitigation Measure D-11: Any fossils collected shall be donated to a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County. Accompanying notes, maps, and photographs shall also be filed at the repository.

Mitigation Measure D-12: If fossils are found, following the completion of the above tasks, the paleontologist shall prepare a report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted by the project applicant to the lead agency, the Natural History Museum of Los Angeles County, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the project and required mitigation measures.

Mitigation Measure D-13: If human remains are encountered unexpectedly during construction excavation and grading activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent of the deceased Native American, who will then help determine what course of action should be taken in dealing with the remains. Preservation of the remains in place or project design alternatives shall be considered as possible courses of action by the project applicant, the City, and the Most Likely Descendent.

### **Geology and Soils:**

Mitigation Measure E-1: Liquefaction and Seismic-Related Ground Failure. Proposed building foundations shall be constructed utilizing driven pre-cast piles or cast-in-place pile foundations that extend through the liquefiable zones into competent material, or an equivalent foundation system, for shoring and structural support in order to reduce the potential for adverse impacts related to liquefaction, differential settlement, ground lurching, and dewatering-related ground settlement. Alternatively, densification of the liquefiable soils using vibro-displacement stone columns or compaction grouting would mitigate the liquefaction hazard, and the new structures could then be supported on shallow foundation systems. The specific building foundation method(s) to be employed shall be determined by the project geotechnical engineer, and reviewed and approved by the City Engineer prior to issuance of building permits.

Mitigation Measure E-2: Ground Settlement. If determined necessary by the project geotechnical engineer, removal and recompaction of compressible soils or in-situ ground modification shall be utilized, based on detailed design stage recommendations, in order to address potential ground settlement.

Mitigation Measure E-3: Ground Settlement. In order to address potential ground settlement during construction activities, the construction contractor shall limit the depth of construction dewatering, install sheet piles, and pump from within the excavation to reduce the impacts to groundwater levels outside the excavation, install monitoring wells to evaluate groundwater, monitor adjacent areas for indications of settlement, and/or protect settlement-sensitive structures through ground improvement or foundation underpinning, as deemed appropriate by the project geotechnical engineer.

Mitigation Measure E-4: Construction-Related Vibration. Depending upon the specific technique to be employed to mitigate liquefaction hazards, and prior to initiation of construction, a Vibration Management Plan (VMP) shall be prepared by a qualified consultant hired by the applicant for review and approval by the City. The VMP shall address the potential for specifically proposed construction activities to cause vibration induced ground settlement on off-site properties. The performance standard for vibration management shall be to prevent vibration induced ground settlement on nearby properties that would result in structural damage or damage to other sensitive off-site improvements. More specifically, the performance standard shall ensure that construction of the project would not result in off-site ground settlement greater than ½ inch in non-building areas or greater than ¼ inch building areas. If it is determined that there would be no potential for significant settlement on off-site properties due to proposed construction techniques, no further requirements for mitigation would apply. In the event potential for significant settlement is identified, the VMP shall include mitigation requirements that will ensure that the performance standard to prevent significant off-site ground settlement is met. Mitigation techniques to reduce the impacts of vibration may include avoiding construction activities that involve vibration, limiting construction involving vibration to specified distances from off-site sensitive receptors, monitoring vibration and settlement during construction, and/or protecting sensitive improvements from excessive settlement by ground stabilization or foundation underpinning. Monitoring methods include installation of ground survey points around the outside of excavations to monitor settlement and/or placing monitoring points on nearby structures or surfaces to monitor performance of the structures. If monitored movement shows potential for the performance standard to be exceeded during the course of construction, all work potentially associated with vibration induced settlement shall stop and the City shall be immediately informed. Subsequently, the contractor's methods shall be reviewed and changes made, as appropriate, with alternative methods of settlement reduction identified for implementation by the contractor to the satisfaction of the City.

## **Hazards and Hazardous Materials**

Mitigation Measure F-1: Soil Management Plan. The developer shall prepare a project-specific Soil Management Plan (SMP) that will be reviewed and approved by the City of Long Beach prior to the start of construction. The SMP will function as an umbrella plan. It shall incorporate all of the requirements associated with the mitigation measure below, and will include, but not be limited to the findings and recommendations contained in the: (1) Geophysical Survey; (2) Soil Vapor Survey/Health Risk Screening; (3) Transportation Plan; and (4) Dust Monitoring Plan. The SMP will incorporate methodologies for detecting the various environmental concerns noted in relevant hazardous materials investigations during the construction phase of the project. The SMP shall include measures to address each environmental concern, if encountered, according to the applicable regulatory standards and the mitigation measures contained herein. In addition, the SMP shall require notification and reporting, according to agency protocols, of applicable local and State regulatory agencies, including the Department of Toxic Substances Control (DTSC), the Regional Water Quality Control Board (RWQCB), CalRecycle, California Department of Oil and Gas and Geothermal Resources, Long Beach Fire Department, and the City of Long Beach.

Mitigation Measure F-2: Asbestos and Lead-Based Paint Abatement. Prior to demolition activities, a qualified contractor shall perform an asbestos and lead-based paint containing materials survey. Thereafter, the qualified contractor shall also sufficiently abate the structures to be demolished on the site according to the applicable and current local, State and federal guidelines.

Mitigation Measure F-3: Geophysical Survey. Prior to subsurface disturbance and demolition at the project site, the developer shall conduct a geophysical survey. The purpose of the geophysical survey is to locate subsurface features or anomalies, if any, that may pose an environmental concern or present a risk of upset at the site. The geophysical survey shall:

- 1) Accurately locate and mark the oil pipeline located along the northeast border of the site.
- 2) Search for, identify and mark the six abandoned oil wells and associated pipelines that are reportedly located at the project site due to historic use of the site for oil production and facilities.
- 3) Detect the presence of other subsurface anomalies, if any, such as underground vaults/features, buried debris, historical dump sites, waste drums, or tanks.



The geophysical survey will inform the site construction and remediation activities so as to remove or avoid subsurface hazardous materials or associated facilities. The results of the geophysical survey shall be included in the SMP, which shall be reviewed and approved by the City of Long Beach.

Mitigation Measure F-4: Soil Vapor Survey and Health Risk Screening.

- (A) Soil Vapor Survey: The developer shall conduct a systematic soil vapor survey of the project site prior to construction to investigate the possible presence of VOCs in site soils. The survey will be performed according to the applicable standards of the DTSC and California Environmental Protection Agency (CalEPA). Soil borings shall be placed to a depth of at least five feet below the deepest excavation to occur during site construction and soil vapor samples shall be collected at five-to-ten foot intervals. Soil samples shall also be collected at a five-foot interval from the soil borings to assess the soil for heavier petroleum hydrocarbons that may be present due to past oil field use of the site. The survey shall specifically include:
- 1) An evaluation of methane and hydrogen sulfide concentrations (due to possible methane and hydrogen sulfide gases associated with historic oil fields use) to a depth of at least five feet below the deepest excavation to occur during site construction. These soil vapor borings shall be placed in the vicinity of any abandoned oil wells located during the geophysical survey; and
  - 2) Additional soil vapor borings to test for VOCs on and in the vicinity of the land area where the former on-site gas station was located; and in locations where the off-site gas station may have impacted the site through lateral migrations of soil vapors.
- (B) Health Risk Screening. Following completion of the soil vapor survey, a qualified environmental professional shall use the results of the survey to develop a health risk screening that assesses health and safety concerns associated with VOC levels at the site for construction workers and future site users. The health risk screening assessment will be performed according to the applicable standards of the DTSC and CalEPA. If the health risk screening assessment indicates that elevated VOCs in soil pose a health risk to site users, then the developer will further define and implement additional measures, tailored to the extent of environmental contamination, that minimize soil vapor exposure to acceptable levels as established by the applicable regulatory agency, including DTSC. The potential mitigation measures could include, but not be limited to, the following:

1) During Construction – VOC levels shall be monitored closely during construction in accordance with South Coast Air Quality Management District (SCAQMD) Rule 1166. This rule requires VOC monitoring of petroleum-impacted soils during construction activities. If VOC concentrations exceed threshold levels specified in the Rule, vapor suppression shall be required by amending soil with water or chemical foam. VOC-impacted soil shall be stockpiled and covered in accordance with the Rule. Rule 1166 compliance requirements shall be included in the SMP required by Mitigation Measure F-1 above.

2) Post-Construction – In the unlikely event that concentrations of VOC persist in site soils post-construction, vapor mitigation shall be performed to protect future site users. Post-construction long-term vapor mitigation measures selected shall be determined based on the remaining extent of VOC concentrations and the associated health risk, if any. Mitigation measures associated with post-construction VOC control could include the following:

i) Soil Vapor Extraction – post-construction vapor mitigation would include a soil vapor extraction (SVE) system to remove residual VOCs from the soil. The SVE system would be employed to remediate soil vapor to a level considered safe for uses proposed on the site.

ii) Vapor Barrier/Sub-slab Depressurization – If the soil vapor survey indicates that extremely high VOCs are present at the site, post-construction, resulting in elevated human health risk, a vapor barrier and sub-slab depressurization system shall be designed and implemented for the proposed buildings to be constructed at the site.

Mitigation Measure F-5: Pre-Construction Removal Action. The developer shall perform pre-construction removal to include sampling, as necessary to characterize waste, removal action, off-site disposal of characterized waste and confirmation sampling of removal areas. The specific area to undergo pre-construction removal action includes:

1) Removal of Debris and Dirt from Satellite Enclosure. Debris and dirt located in a satellite enclosure on the southern portion of the site shall be removed prior to site construction. The mitigation shall include collection and laboratory analysis of representative soil samples from the debris and dirt to characterize the waste for off-site disposal purposes. Based on the laboratory analysis and waste characterization, the soil and debris shall be disposed of at an appropriate facility.

Mitigation Measure F-6: Construction De-Watering Permit. From review of previous environmental reports regarding the project site, groundwater at the site has likely been impacted by petroleum hydrocarbons from one or more possible sources including the former gas station on the project site, the petroleum release from the gas station located across PCH from the site, and former oil field activities. Dewatering will be required during site construction. As such, the developer shall obtain a De-Water permit through the Regional Water Quality Control Board (RWQCB) to de-water and discharge water from the site. The developer will comply with all requirements of the de-watering permit. Petroleum impacted groundwater is subject to pre-treatment during de-watering activities to meet National Pollutant Discharge Elimination System (NPDES) Construction Dewatering permit limits. The construction activities shall conform to the NPDES requirements. The RWQCB requires the water to be tested for possible pollutants. The developer shall collect groundwater samples from existing site wells to determine pre-treatment system requirements for extracted groundwater. A water treatment system shall be designed and installed for treatment of extracted groundwater removed during dewatering activities so that such water complies with the applicable RWQCB and NPDES permit standards before disposal.

Mitigation Measure F-7: Oil Sumps and Mud Pits. The previously identified oil sumps in the northern area of the site and the area of suspected mudpits and any known areas of dark stained soil noted in historical aerial photographs shall be added to site plans included in the SMP. These areas shall be excavated and the soil stockpiled on plastic sheeting at the site. The stockpiled soil shall be sampled and laboratory analyzed in accordance with requirements outlined in the SMP and pursuant to the applicable DTSC guidelines. The stockpiled soil shall be characterized in accordance with the laboratory analysis and disposed of at a facility that is licensed to accept the soil based on established site action levels.

Mitigation Measure F-8: Construction Dewatering. Construction dewatering requirements as outlined in the Construction Dewatering permit shall be included in the SMP. Construction dewatering shall be performed in accordance with the permit and SMP during site construction and demolition activities.

Mitigation Measure F-9: Construction Site Observer. A qualified construction site observer shall be present at all times during site excavation activities to observe for areas of possible contamination including, but not limited to, the presence of underground anomalies such as underground structures, pipelines, buried debris, waste drums, tanks, stained soil or odorous soil. The SMP shall provide notification protocols and specific instructions regarding the actions to be taken (i.e., sampling, testing for contamination levels, excavation and stockpiling, or halting construction for remediation) if subsurface anomalies are encountered during construction. Specific instructions shall include field monitoring to assess any safety concerns associated with the subsurface anomaly, environmental

sampling, reporting requirements, removal and confirmatory sampling. Removal action of subsurface anomalies shall be documented by the construction site observer in the daily field log including documenting all actions taken in accordance with the SMP, including photo documentation.

Mitigation Measure F-10: Abandoned Oil Wells. Mitigation measures associated with the six known on-site abandoned oil wells shall be provided in the SMP (required by Mitigation Measure F-1), including actions to perform in the event that an abandoned oil well is encountered during construction activities. A summary of these mitigation measures include the following:

1. The developer shall submit the appropriate project application documents to DOGGR to comply with its Construction Site Review process. Thereafter, DOGGR will notify the applicant of required procedures, including re-abandonment permits and procedures, and possible methane mitigation measures.
2. Known abandoned oil wells shall be uncovered during construction without disturbing the casing.
3. A DOGGR inspector shall be notified to inspect the well and provide, if necessary, re-abandonment measures.
4. The well shall be re-abandoned by a licensed contractor in accordance with current regulatory requirements of DOGGR.
5. The construction site observer shall be on the look out at all times during site excavation for abandoned oil wells. Actions to be taken to monitor the abandoned oil well with field instrumentation to assess any safety concerns shall be included in the SMP.

Mitigation Measure F-11: Former LA County Flood Control Dump Site. If, during construction, a dump site is discovered, then the developer shall implement tailored mitigation to remove the dump materials during site construction activities. Response actions to be taken by the contractor if the former dump is encountered shall be provided in the SMP (required by Mitigation Measure F-1) and may include removal through excavation of dump debris, staging of the debris on plastic, monitoring of the excavation for landfill gas, debris loading and disposal in an off-site permitted facility.

Mitigation Measure F-12: Soil Transportation Plan. The developer shall develop a Soils Transportation Plan in compliance with State of California and federal Department of Transportation requirements for the safe and legal transport to an off-site disposal facility for hazardous materials that may be encountered during construction activities.

Mitigation Measure F-13: Dust Monitoring Plan. The developer shall provide a Dust Monitoring Plan in accordance with the requirements of South Coast Air Quality Management District (SCAQMD) Rule 403 to monitor and control fugitive dust that may be generated as a result of construction activities through application of Best Available Control Measures during construction.

Mitigation Measure I-1: Blasting and impact pile driving shall not be used for construction activities. If sonic pile drivers are used for the construction of the proposed project, the other pieces of construction equipment on-site at the time shall not be operated within 600 feet of the property line closest to the noise sensitive receptor location R4.

Mitigation Measure I-2: Engine idling from construction equipment such as bulldozers and haul trucks shall be limited. Idling of haul trucks shall be limited to five (5) minutes at any given location as established by the South Coast Air Quality Management District.

Mitigation Measure I-3: Construction activities shall be scheduled so as to avoid operating several pieces of heavy equipment simultaneously (i.e., no more than six (6) pieces of equipment within 600 feet from the property line of the noise-sensitive receptor R4), which causes excessively high noise levels.

Mitigation Measure I-4: Noise-generating construction equipment operated at the project site shall be equipped with effective noise control devices, i.e., mufflers, lagging, and/or motor enclosures. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.

Mitigation Measure I-5: The project developer shall retain the services of a qualified acoustical engineer with expertise in design of building sound isolations, who shall submit a signed report to the City during plan check for review and approval, which demonstrates that the proposed building design for the residential uses and the hotel building achieves an interior sound environment of 45 dBA (CNEL), as required by the City's building code.

Mitigation Measure I-6: The project developer shall retain the services of a qualified acoustical engineer experienced in mechanical noise analysis to provide an acoustical report to City building officials during plan check, which demonstrates that the project's mechanical design meets the requirements of the City's Noise Ordinance. All noise attenuating features necessary to demonstrate compliance with the City's Noise Ordinance shall be identified in the acoustical report.

Mitigation Measure K-1: the project developer shall notify LBPD of the times of day and locations of all temporary lane closures throughout construction activities, and such closures shall be coordinated so that they do not occur during peak traffic periods, to the extent feasible.

Mitigation Measure L-1: TDM Plan. The proposed project shall implement a TDM Plan. The TDM Plan shall consist of subsidized transit passes for all residents and employees, on-site flex cars, guaranteed ride home, airport shuttle for hotel guests and a bike facility on-site.

Mitigation Measure L-2: Shuttle Service. The proposed project shall implement a shuttle service along 2<sup>nd</sup> Street between Bay Shore Avenue and the project site.

Mitigation Measure L-3: Intersection No. 6 – PCH at 7<sup>th</sup> Street. Modify the existing medians on PCH and restripe PCH to provide a second northbound left-turn lane. Modify the existing traffic signal accordingly. Implementation of this improvement completely offsets the impact of the proposed project. The installation of this mitigation measure is subject to the approval of the City of Long Beach and/or Caltrans.

Mitigation Measure L-4: Intersection No. 14 – Bay Shore Avenue at 2<sup>nd</sup> Street. Project shuttle service. Implementation of this improvement completely offsets the impact of the proposed project.

Mitigation Measure L-5: Intersection No. 17 – PCH at 2<sup>nd</sup> Street. Project shuttle service. Purchase right-of-way from the Mobil gas station located on the southeast corner of the intersection and construct an exclusive northbound right-turn lane. Restripe 2<sup>nd</sup> Street to convert the eastbound shared through/right-turn lane into an exclusive third eastbound through lane. Modify the existing traffic signal to provide an eastbound right-turn overlap phase. Modify the median and extend the left-turn storage for the dual westbound left-turn lanes on 2<sup>nd</sup> Street. The installation of these mitigation measures are subject to the approval of the City of Long Beach and/or Caltrans.

Mitigation Measure L-6: Intersection No. 8 – Studebaker Road at SR-22 Westbound Ramps. Modify the intersection to create two separate intersections. The northerly intersection will be entirely new and will consist of the SR-22 westbound off-ramp. The new intersection will provide two northbound through lanes, three southbound through lanes, dual westbound left-turn lanes and a free westbound right-turn lane controlled by a two-phase traffic signal. The existing southerly intersection will consist of the SR-22 westbound on-ramp and will provide two northbound through lanes, a free northbound right-turn lane, an exclusive southbound left-turn lane and two southbound through lanes controlled by a two phase traffic signal. Implementation of these improvements completely

offsets the impact of the proposed project. The installation of these mitigation measures are subject to the approval of the City of Long Beach and/or Caltrans.

Mitigation Measure L-7: Intersection No. 18 – Shopkeeper Road at 2<sup>nd</sup> Street. Restripe Shopkeeper Road to provide a separate northbound right-turn lane. Extend the storage capacity for the westbound left-turn lane on 2<sup>nd</sup> Street. Modify the existing traffic signal accordingly. Implementation of these improvements completely offsets the impact of the proposed project. The installation of these mitigation measures are subject to the approval of the City of Long Beach.

Mitigation Measure L-8: Construction Truck Traffic. In order to minimize the temporary construction impact at the intersection of PCH/2<sup>nd</sup> Street, construction travel patterns to the site shall be modified and trucks shall circulate the site in a “counterclockwise” manner, Trucks traveling to the site shall travel through the PCH/2<sup>nd</sup> Street intersection, make a westbound left-turn at Marina Drive and make a southbound left-turn into the site through the existing median break. This path of travel would require a flag person at the Marina Drive entrance to facilitate the safe travel of trucks through the existing median break along Marina Drive.

Mitigation Measure L-9: Transportation Improvement Fee. Pursuant to the requirements of the City of Long Beach Municipal Code, Transportation Improvement Fees shall be required of the project. The Transportation Improvement Fee, based on the size of all new residential and commercial development in the City of Long Beach, is assess as shown below:

- Residential: \$1,125.00 per unit
- Retail (City-Wide): \$3.00 per square foot
- Hotel (City-Wide): \$750 per guest room
- Movie Theater (City-Wide): \$140 per seat

The precise fee, plus any credit for existing development, shall be determined by the City of Long Beach upon issuance of project building permits.

Mitigation Measure L-10: Intersection No. 25 – Seal Beach Boulevard at PCH. Convert the westbound right turn lane into a third westbound through lane and widen to allow for an exclusive right-turn lane. Implementation of these improvements completely offsets the impact of the proposed project. The installation of this mitigation measure is subject to the approval of the City of Seal Beach and/or Caltrans.

Mitigation Measure M.3-1: Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract indicating that the construction contractor shall only contract for waste disposal services with a company that recycles demolition and construction-related wastes. The contract

specifying recycled waste service shall be presented to the Development Services Department prior to approval of the certificate of occupancy.

Mitigation Measure M.3-2: In order to facilitate on-site separation and recycling of construction related wastes, the construction contractor shall provide temporary waste separation bins on-site during demolition and construction.

Mitigation Measure M.3-3: The proposed project shall include recycling bins at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material. The bins shall be picked up and appropriately recycled as a part of the proposed project's regular trash disposal program.

Mitigation Measure M.3-4: New homeowners/tenants shall be provided with educational materials on the proper management and disposal of household hazardous waste, in accordance with educational materials made available by the County of Los Angeles Department of Public Works.