



CITY OF LONG BEACH

THE CITY PLANNING COMMISSION

H-2

333 W. Ocean Boulevard Long Beach, California 90802 562-570-6194 FAX 562-570-6068

October 3, 2006

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Conduct a hearing on the appeal of the Planning Commission certification of the Final Environmental Impact Report (FEIR) and approval of the Site Plan Review, Conditional Use Permit, Tentative Tract Map and Standards Variances related to a proposed Retail-Commercial Center located at 400 Studebaker Road (0308-11)(District 3); and

1. Receive the supporting documentation into the record, conclude the public hearing, deny the appeals and sustain the decision of the Planning Commission to adopt a Resolution certifying Final Environmental Impact Report 10-04/SCH #2004031093, and adopt a Statement of Overriding Considerations and Mitigation Monitoring Program; and
2. Approve the Site Plan Review, Conditional Use Permit, Tentative Tract Map and Standards Variances for the Retail-Commercial Center, subject to conditions.

DISCUSSION

The proposal consists of the development of a retail-commercial center that includes a 140,000 (approximate) square foot home improvement and garden center, 12,000 square feet of retail space, and a 6,000 square foot restaurant building, with 752 ground-level off-street parking spaces (see Attachment 1 for additional background information).

The entitlements necessary in order to allow the development to proceed are as follows:

- Final Environmental Impact Report, including Findings of Fact, Mitigation Monitoring Program and Statements of Overriding Consideration – To provide the decision-making body and the public with information about the effect the proposed project is likely to have on the environment.
- Site Plan Review – Approval of the site plan and overall project design.
- Conditional Use Permit – To allow the operation of retail uses in an industrial zone.
- Tentative Parcel Map – Approval of the subdivision of the property into two lots.

- Local Coastal Development Permit – The property is in the Appealable Area of the Coastal Zone and requires approval of a coastal permit from the City of Long Beach.
- Standards Variance – The applicant has requested relief from the following standards:
 1. Wider curb cuts - The Zoning Ordinance limits driveway and curb cuts to twenty-four feet (24') in width. The applicant is proposing driveways and curb cuts of sixty-eight feet (68'), and thirty feet (30') in width.
 2. Less than required open space – PD-1, the Southeast Area Development and Improvement Plan (SEADIP) Ordinance requires a minimum of 30% onsite, usable open space. The proposed plan provides 21.64%. To mitigate this shortfall, the applicant has acquired a 1.37-acre undeveloped parcel of land adjacent to 7th Street (the "7th Street property") and is proposing to improve it as a public park. The publicly accessible portion of the parcel adds approximately 5% of open space, for a total of 26.6% (instead of 30%).

Project Description

The proposal calls for the removal of the majority of the existing tank farm on the site. A small tank will remain in the center of the site, which will be screened from view by a solid block wall and landscaping. The project is organized with three retail pads near Studebaker Road with associated parking and outdoor patio space. The larger home improvement building is located behind the pad buildings along with the main parking area. This site arrangement provides the neighborhood-serving retail along the street frontage, with the large parking area essentially concealed from view behind these buildings.

The applicant has acquired a 59,968-square foot (1.37 acre) undeveloped parcel of land adjacent to 7th Street (the "7th Street property"), approximately 3,000 feet from the subject property. The applicant has proposed to improve this parcel with landscape and hardscape, with a portion accessible to the public, creating a connection between the 7th Street bike trail to Channel View Public Park.

Planning Commission Action

A study session was held on May 19, 2006, with the Planning Commission. Topics of discussion included the project description and the draft EIR. Comments and questions were received from the Commission as well as the public.

The Planning Commission conducted a public hearing on August 17, 2006, to consider project permits. During the hearing, 56 individuals spoke on this project with 14 speaking in favor and 39 speaking in opposition and three neutral parties.

The concerns raised by those in opposition of the project included the potential for impacts on the nearby wetlands, traffic impacts, the adequacy of the hazards and hazardous materials and the overall adequacy of the EIR.

After discussion, Commissioner Winn made a motion to certify the FEIR and adopt the Mitigation Monitoring Program. Commissioner Rouse seconded the motion. The motion was passed unanimously. Regarding the remaining permits, Commissioner Winn made a motion to approve the Site Plan Review, Conditional Use Permit, Tentative Tract Map, Standards Variances and adopt the Statement of Overriding Considerations. Commissioner Gentile seconded the motion and the motion passed 4-0.

The Planning Commission made the findings that through the design review and site plan review process of the Planning Bureau, the applicant has presented a project that is self-contained and architecturally refined. The scale of the proposed project blends well with the adjacent neighborhood without being overbearing or obtrusive, since the lower scale buildings are placed along the street and the larger home improvement center is at the rear of the site where the mass and scale are somewhat minimized.

A total of 35 appeals of the Planning Commission decision were filed within the appeal period (see Attachment 2). This includes an appeal by the applicant of staff's determination that the Local Coastal Development Permit is appealable to the California Coastal Commission (CCC). Since the hearing, CCC staff has provided a written concurrence with this determination (See Attachment 3).

ENVIRONMENTAL ANALYSIS

The appeals to the Planning Commission decision allege that the Final Environmental Impact Report (FEIR) is not adequate pursuant to CEQA guidelines. The City, as the Lead Agency, finds that the FEIR is adequate and this position was supported by the Planning Commission action.

The FEIR identified air quality, public services (solid waste) and traffic as unavoidable significant impacts that would not be reduced to less than significant level with the implementation of the mitigation measures. The Planning Commission considered and certified the FEIR, the Mitigation Monitoring Plan and adopted a Statement of Overriding Considerations for the project. In taking this action, the Planning Commission determined that the public benefits provided by this project outweigh the potential environmental impact.

This report was reviewed by Assistant City Attorney Michael J. Mais on September 15, 2006.

TIMING CONSIDERATIONS

The Long Beach Municipal Code requires appeals to Planning Commission decisions to be transmitted by the Department of Planning and Building to the City Clerk for presentation to the City Council within 60 days following of the receipt of the appeal(s) (or by October 27, 2006).

FISCAL IMPACT

The project will redevelop an aging, undesirable oil tank farm and replace it with community-serving uses that contribute property and sales tax revenues to the City. The project developer will contribute \$20,000 per year for the life of the project for the repair, maintenance or reconstruction of Loynes Drive.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

MATTHEW JENKINS, CHAIR
CITY PLANNING COMMISSION

BY:



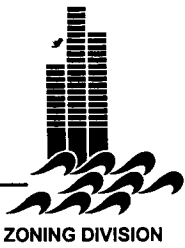
SUZANNE M. FRICK
DIRECTOR OF PLANNING AND BUILDING

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Attachments:

- 1) Planning Commission Staff Report dated August 17, 2006
- 2) Completed Appeal Forms
- 3) Correspondence
- 4) Resolution recertifying FEIR 10-04 (State Clearinghouse No. 2004031093), approving Statement of Overriding Considerations and Mitigation Monitoring Program (Previously delivered)
FEIR 10-04 (SCH#2004031093) and associated documents
Project Plans

Attachment
1



CITY OF LONG BEACH

DEPARTMENT OF PLANNING & BUILDING

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • (562) 570-6194 FAX (562)570-6068

August 17, 2006

CHAIRMAN AND PLANNING COMMISSIONERS

City of Long Beach
California

SUBJECT: Certification of Environmental Impact Report (EIR) (State Clearinghouse No. 2004031093), Adoption of a Resolution Certifying the FEIR, Adoption of a Resolution with a Statement of Overriding Considerations, Approval of Site Plan Review, Conditional Use Permit, Tentative Parcel Map No. 067384, Local Coastal Development Permit and two (2) Standards Variances to construct 140,000 square foot home improvement and garden center, a 6,000 square foot restaurant, and two retail/commercial buildings totaling 12,000 square feet, with 752 parking spaces; a subdivision of the project site in order to create a separate lot for above-ground storage tank(s); an exception from code requirements to allow three driveways that exceed the maximum allowable width; and an exception from requirements in PD-1 (Southeast Area Planned Development Improvement Plan) to provide less than 30 percent required open space. (Council District 3)

LOCATION: 400 Studebaker Road

APPLICANT: Greenberg Farrow
c/o Vasanthi Ramanathan
15101 Red Hill Avenue
Tustin, CA 92780

RECOMMENDATION

1. Certify Environmental Impact Report EIR 10-04/SCH #2004031093; and
2. Adopt a Resolution with Findings of Fact and a Mitigation Monitoring Program; and
3. Adopt a Resolution with a Statement of Overriding Consideration; and
4. Approve the Site Plan Review, Conditional Use Permit, Tentative Parcel Map, Local Coastal Development Permit and Standards Variances, subject to conditions.

REASON FOR RECOMMENDATION

1. The proposed project is compatible with the surrounding area and provides a functional community-serving shopping facility consistent with existing developments with similar characteristics.
2. The proposed development complies with the Local Coastal Program.
3. The proposed project will replace an existing tank farm with retail and restaurant uses in the east Long Beach area.
4. The project provides public benefits to offset the project impacts. Specifically, the project will contribute \$20,000 annually for the life of the project for the repair, maintenance, or reconstruction of Loynes Drive.
5. The project has been reviewed by the Site Plan Review Committee of the Department of Planning and Building with a favorable recommendation to the Planning Commission.
6. The requested Standards Variances are appropriate given the size and layout of the commercial center. In the case of the request for a Standards Variance for less than 30% open space on-site, additional public open space is provided off-site (the "7th Street Property").
7. The proposed Tentative Parcel Map is consistent with the requirements of the Subdivision Ordinance.

BACKGROUND

The environmental review was initiated on March 19, 2004 with the release of the Notice of Preparation. A Notice of Preparation was released on March 19, 2004, which circulated until April 20, 2004. As is the City's standard practice, a scoping meeting was held at Kettering Elementary School on April 7, 2004. Approximately, 250 people attended. The purpose of the meeting was to present the project to the surrounding community and to solicit input regarding potential environmental issues associated with the proposed project. The Draft Environmental Impact Report was issued for 45-day circulation on May 2, 2005. The City received approximately 180 comments from responsible public agencies and the public at large.

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A Planning Commission study session was held on May 19, 2005, to familiarize the Planning Commission with the project and the DEIR and to allow the public to make comments for the consideration of the Planning Commission.

After the official comment period closed, the applicant changed the site plan and added an off-site open space component, which changed the project description that was circulated as part of the DEIR. In addition, the DTSC sent a second comment letter, which superseded the letter they had submitted during the official comment period. This response letter indicated that the subject site was part of a consent degree that required that the DTSC be the lead agency in the remediation of the site and that the mitigation be done in compliance with the federal hazardous waste law, known as Resource Conservation and Recovery Act of 1976 (RCRA). Also, the applicant requested that a cumulative traffic study analysis be done that included the Seaport Marina Project. The Seaport Marina project was not part of the cumulative project list for the first DEIR as they had not yet submitted an application to the City at the time the NOP was issued in March 2004. For all of these reasons, the City determined that the Hazards and Hazardous Materials, Project Description, and Public Services sections of the DEIR be reanalyzed and send out as a Recirculated DEIR.

The Recirculated DEIR was issued on June 2, 2006, and circulated until July 17, 2006. Approximately 90 comments were received. Another Planning Commission Study session was held on July 6, 2006, to allow public comment. It is important to note that the City maintained a database of interested parties, approximately 750 people, all of whom received notice of the Recirculated DEIR and the Planning Commission public hearing. The application for this project was deemed complete on July 28, 2006 when the fees were paid for the submittal of the Tentative Map.

PROJECT DESCRIPTION

The project site is a 16.46-acre parcel of land located at the intersection of Studebaker Road and Loynes Drive. The subject property currently is used as an oil tank farm that contains six (6) tanks. Five (5) of the existing six (6) tanks are to be demolished. AES Alamos L.L.C. owns the remaining tank and the land that it occupies (AES Alamos L.L.C. is a wholesale seller of electric energy).

The project is located in subarea 19 of PD-1 (SEADIP, or Southeast Area Development and Improvement Plan). This subarea of SEADIP permits development and uses consistent with the provisions of the General Industrial (IG) zoning district. The entitlement application filed with the Planning Bureau included a Site Plan Review, Conditional Use Permit, Tentative Parcel Map, Local Coastal Development Permit and

two (2) Standards Variances to allow three driveways that exceed the maximum allowable width and to provide less than 30 percent open space as required by PD-1.

The proposal consists of the development of a retail-commercial center that includes 12,000 square feet of retail space, a 6,000 square foot restaurant pad and 140,000 (approximate) square foot home improvement and garden center with 752 ground-level off-street parking spaces.

The following is a summary of the zoning, general plan, and land uses in the vicinity:

	ZONING	GENERAL PLAN	LAND USE
SITE	PD-1 (Subarea 19)	LUD # 7 - Mixed Uses	Industrial (Tank Farm)
NORTH	PD-1 (Subarea 19)	LUD # 7 - Mixed Uses	Industrial
SOUTH	PD-1 (Subarea 19)	LUD # 7 - Mixed Uses	Industrial
EAST	PD-1 (Subarea 19)	LUD # 7 - Mixed Uses	San Gabriel River Channel
WEST	PD-1 (Subarea 14, 23 & 24)	LUD # 11 – Open Space/Parks	Park and wetlands

The project has four (4) concentrated areas of development. Fronting Studebaker Road will be three (3) commercial pads. Pad A will be a 6,000 square foot restaurant with an outdoor patio, for a total area of approximately 9,000 square feet. Pad B contains a 4,800 square foot retail building. Pad B will be adjacent to the primary entrance and driveway into the center. Pad C is 7,200 square feet retail structure the fronts on Studebaker Road. Pad C will be the most visible structure of the proposed development when traveling northbound on Studebaker Road from 2nd Street. The final component of the development is a 104,886 home improvement center building with a 34,643 outdoor garden center attached to the rear (see project plans, Attachment 3).

The applicant is also requesting to subdivide the site into two parcels. Parcel 1 contains the proposed commercial development and is approximately 16 acres in area. Parcel 2 contains the tanks that are to remain, and is approximately 1 acre in area (see Tentative Parcel Map No. 67384, Attachment 4).

The home improvement center will be located at the rear of the subject property, facing the primary driveway and parking lot. The front facade of the building will be approximately 404' in length with the outdoor garden center having a frontage of 192'. The loading area of the building will be at the southeast portion of the building with access to this area from a thirty feet (30') wide driveway at the southern property line. The building material storage area/will call will be at the southwest end of the building. The building material storage area/will call/pick up area will be screened by a forty foot (40') wide landscape planter and screen wall.

The proposed operator (Home Depot) has characterized its home improvement center as a "Design Center". The applicant reports that this format offers an interior design and layout that is different than their typical store model. The display of items and products will be focused toward interior designers, architects and individual property owners in the process of remodeling. The aisles will be set-up for more enhanced viewing of products and less conducive to mass purchases of building supplies. The operator has acknowledged that while contractors will still frequent the facilities they will not be the dominant type of patrons due to this format. The operator has provided a description of a "Design Center" (see Attachment No. 5).

PARKING

A total of 752 parking spaces are provided in a surface parking lot. The Zoning Regulations requires five (5) spaces per 1,000 square feet (for a requirement of 525 spaces based on gross building area) and four (4) spaces per 1,000 square feet of garden center (for a requirement of 139 spaces). Required parking thus totals 664 spaces. A summary of the off-street parking is as follows:

Parking Required for Commercial (104,886 sq.ft.) -	525
<u>Parking Required for Garden Center (34,643 sq.ft.) -</u>	<u>139</u>
Total Required -	664
Total Provided -	752

The proposed development provides three driveways from Studebaker Road. The proposed curb cuts will be sixty-eight feet (68') for the main entry and thirty feet (30') for the other two curb cuts. Section 21.41.253 of the Long Beach Municipal Code limits curb cuts of parcels in excess of 400' in width to three (3) and a maximum width of twenty-four feet (24'). The applicant is requesting approval of a Standards Variance to permit the proposed all curb cuts to exceed the twenty-four feet (24') limit in order to improve access to the site.

OPEN SPACE

PD-1, the Southeast Area Development and Improvement Plan (SEADIP) requires that a minimum of thirty percent of the project site area is to be developed and maintained as usable and publicly accessible open space. Building footprint, streets, parking areas and sidewalks adjacent to streets cannot be counted toward this requirement, although bicycle and pedestrian trails (not included within the public right-of-way) may be considered for purposes of this calculation. Minimum width of any area to be counted as open space cannot be less than five feet. PD-1 also requires that all buildings be set back a minimum of twenty feet from all public streets and further requires that within this minimum twenty-foot setback area, a ten-foot wide landscape strip be provided.

The area of the project site, which does not include the proposed lot in the center containing the existing tanks, is 16.41 acres (not including the right-of-way dedication) and requires 214,415 square feet of open space (30%). The project has been designed to provide 21.64% open space, which includes the front setback along Studebaker Road, the landscaping along the perimeter of the site and surrounding the tank lot, and the large hardscape and landscape areas within the shopping center. It does not include public walkways adjacent to the store entrances, or the tree wells and minor landscaping features in the parking lots.

The applicant is seeking approval of a Standards Variance to allow less than 30% on-site open space. In order to compensate for this shortfall, the applicant has acquired a 59,968 square foot total (1.37 acre) undeveloped parcel of land adjacent to 7th Street (the "7th Street property") and approximately 3,000' from the subject property. The applicant has proposed to improve this parcel with landscape and hardscape, with a portion accessible to the public creating a connection between the 7th Street bike trail to Channel View Public Park. The open space for both on- and off-site breaks down as follows (note all numbers are approximate):

Total area of project site (16.41 acres; does not include Parcel 2)	714,820 sf
30 % of total site area	214,445 sf
Open space provided on-site (21.64 %)	154,698 sf
Open space provide off-site ("7 th Street property"):	
Total area of "7 th Street Property" (1.37 acres)	59,677 sf
CALTRANS (Inaccessible to public)	13,814 sf
LA County Flood Control (Inaccessible to public)	10,375 sf
La Country Flood Control (Accessible to public)	8,355 sf
Private Property (Accessible to public)	27,424 sf
Public Accessible Open Space provided on "7 th Street Property"	35,779 sf
Total on- and off-site usable open space (26.6%)	190,447 sf

The Parks, Recreation and Marine Department has been involved in the design of the "7th Street property" and a condition of approval requires their review and approval of the final detailed landscaping and irrigation plan. The applicant is offering to deed this property to the City and the City will then dedicate the parcel as a public park. Improvements must be completed prior to issuance of the first certificate of occupancy for the project.

DESIGN

The project is organized with three (3) retail pads at the west end near Studebaker Road with associated parking and some outdoor patio space. The main building is located behind, oriented east/west along the south of the site with the main parking just north of the main store. This site arrangement provides for neighborhood serving retail visible from the street, with the large parking area essentially concealed from view behind the remaining on-site tank facility, which will be screened from view by a solid block wall and landscaping. In addition, there is a landscape buffer with pedestrian walkway and water feature provided along Studebaker, along with some outdoor space associated with the retail pads. While this will provide a true amenity for the community, staff recommends the water feature be reconsidered since it is not a sustainable feature. Staff also recommends that the landscape design for the project be more reflective of the natural features and the landscape and outdoor plaza areas be more fully integrated.

The building design is reflective of a contemporary style. The retail elements along Studebaker are primarily oriented internally toward the parking; the street elevations are well articulated with glazing, canopies and other elements in order to properly address the street. The main building is similarly designed in a contemporary style and primarily addresses the parking to the north with two main entries, canopy elements and the indoor/outdoor garden center. However, the south and west elevations are primarily blank walls. The south elevation is of concern since it is more visible, and is more than 430 feet long with a single entry point and very little articulation. A condition has been included to provide additional articulation and fenestration to improve this elevation.

Overall the design appears livelier than a traditional big-box retail, as it exhibits contemporary elements of entry, canopy, and fenestration. However, the color palate, particularly the use of cream and yellow tones appears to be less appropriate for the contemporary design than alternative color choices. A condition has been added to require modification to the color palette to better complement the contemporary design. The project also incorporates numerous "green building" features. These are outlined in detail in Attachment No. 6.

TRAFFIC AND CIRCULATION

The Final Environmental Impact Report (FEIR) provides a detailed discussion and analysis of the street network in the vicinity of the proposed project. The FEIR analyzes 16 intersections to determine the effect project traffic will have on delay times and general circulation in the vicinity of the project. Most of the impacted intersections can be mitigated, with the exception of Studebaker and 2nd street, Studebaker and 7th Street, and Studebaker and the eastbound and westbound SR-22. As noted in the "Environmental Review" section of this report, these impacts cannot be mitigated or mitigation is outside the control of the applicant and therefore these intersections will require a Statement of Overriding Considerations if the project is approved.

Based on overwhelming concerns from the adjacent residential neighborhoods regarding the safety and condition of Loynes Drive, staff did extra study and analysis regarding the functionality of Loynes Drive. This analysis focused on the Loynes Drive street classification (function) and accident rate.

The section of Loynes Drive, between Bixby Village Drive, is characterized by a "rolling-hill-like" topography as a result of its location on a former landfill and the release of methane gas. It is classified as a collector street, which has a maximum carrying capacity of 20,000 vehicles per day. The Traffic Impact Analysis (TIA), found in the FEIR, projected that the proposed project would create an additional 1,807 daily trips on Loynes Drive. Currently, Loynes Drive carries approximately 8408 daily trips (per the City's Transportation Bureau). Existing conditions with the proposed project added, are 10,215 Average Daily Trips or 22% increase in daily traffic volumes.

The Loynes Drive/Bixby Village Drive intersection experienced two accidents from 2000 to 2005. The Loynes Drive/PCH intersection averages fewer than six accidents per year. These intersections are considered to be performing well based on a comparison with other controlled intersections in the City.

In reviewing the specific accident records for Loynes Drive between Studebaker Road and PCH, this 0.82-mile segment experienced 46 mid-block collisions in the last ten years. Over 70 percent of the accidents during this ten year period were classified as single car "Hit Object" type collisions, with "Unsafe Speed" determined to be the primary collision factor.

It is clear from the above statistics that the intersections along Loynes Drive have an excellent safety performance history. However, the segment between Palo Verde Avenue and Bixby Village Drive does experience a higher than usual incidence of single car accidents.

ENVIRONMENTAL REVIEW

The Planning Commission must decide on the Final EIR, which contains the DEIR the Recirculated DEIR, Response to Comments from the DEIR, Response to Comments from the Recirculated DEIR, and the Errata. There are several environmental impacts that cannot be mitigated below a level of significance. They are as follows:

Air Quality – Short term construction related and long-term operational produced from additional vehicle activity in the area. Mobile sources would exceed CO, ROC, and Nox.

Traffic – Volume to Capacity Ratio (V/C) exceeds threshold at:

- Studebaker and 7th Street
- Studebaker and 2nd Street
- Studebaker and eastbound SR-22
- Studebaker and westbound SR-22

Public Services and Utilities – Solid Waste Disposal Capacity in Los Angeles County. There may not be adequate landfill facilities to accommodate cumulative solid waste.

STATEMENTS OF OVERRIDING CONSIDERATIONS

In order to approve the project, the Planning Commission must adopt a Resolution for Necessary Statements of Overriding Considerations. CEQA requires a public agency to balance the benefits of a proposed project against its unavoidable, adverse environmental impacts in determining whether to approve the project. Staff has attached a Resolution that enumerates the public benefits of the project.

ANALYSIS

COMPLIANCE WITH POLICY AND ZONING REGULATIONS

The General Plan designation identifies this site as a location for large, vital centers for such uses as retail and office, medical facilities, high density residential, visitor serving or recreational facilities. The site is zoned industrial, but with approval of a conditional use permit, commercial uses, such as retail and restaurants, are permitted. The proposed project is consistent with the long-range vision for the site as identified in the General Plan and SEADIP (PD-1). The Standards Variance for on-site open space is justified with the addition of the 7th Street open space. With the addition of this open

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space, the project provides 26.6% of accessible open space (or 30% if the entire "7th Street property" is included). The Standards Variance for the driveway width is appropriate for the location and configuration of this type of development project.

POTENTIAL ISSUES

Throughout the course of the public review on the project, concern has been expressed over the relationship of the project to Loynes Drive. The EIR analysis concluded the project does not create significant impacts on Loynes Drive. Even so, the applicant has proposed to contribute to the City \$20,000 annually to support the repair, maintenance or reconstruction of Loynes Drive. This is a public benefit, a contribution beyond mitigations for the project.

Another issue raised, relates to the congregation of day laborers around the site. The applicant indicates the business model for this center is different than the typical Home Depot and therefore day laborers will be less likely to be present. However, there is no guarantee this will be the case. In the event day laborers do congregate, there is little either Home Depot or the City can do to control the problem. It is extremely difficult (and expensive) for cities to develop a legal method to keep people from congregating on public property unless they are blocking sidewalks, access etc. This is illustrated by the fact that typically day laborers congregate around stores that cater to contractors or which sell building materials. The Home Depot in Signal Hill is a good example. If there were easy solutions, or if cities could legally ban this activity, the problem would not be so prevalent. Even if Home Depot implemented specific measures such as additional security guards, or outreach to the day laborers, the problem would still exist. A security guard can only control activity on Home Depot's property. A security guard has no authority over adjacent public rights of way or the individuals congregating in such areas. If the project is approved, and there is a problem with day laborers, the responsibility to fund and manage the situation will rest with the City. As noted above, there are no effective solutions that will fully address the problem.

PUBLIC BENEFITS

Staff is recommending approval of the Statement of Overriding Consideration because the project provides public benefits above the mitigations required for the project. Specifically, the project is proposing to contribute \$20,000 per year for the life of the project for the repair, maintenance, or reconstruction of Loynes Drive. As noted in the

previous analysis, the project traffic does not result in a significant environmental impact, yet, in recognition of concerns expressed by residents, the additional vehicle travel on Loynes Drive, and recognizing the City has on-going repair and maintenance costs, the applicant has proposed a contribution to help off-set City expenditures related to Loynes Drive.

In addition to the Loynes Drive contribution, the project also incorporates many energy and environmental design features and/or LEED (Leadership in Energy and Environmental Design) techniques that reduce air and water pollution, minimize the depletion of finite resources and provide for healthier, safer indoor and outdoor environments. These standards are not required; instead, the applicant has chosen to design an environmentally responsible building. To ensure this occurs, a condition has been added to the conditions of approval.

And finally, the project will redevelop an aging, undesirable oil tank farm and replace it with community serving uses that contribute property and sales tax revenues to the City. In addition, the current environmental condition of the site will be remediated under the direction of the Department of Toxic Substances Control (DTSC). The site is outside the wetlands area, the historic use has been oil related industry, and the zoning and planning designations identify the site for industrial use. Utilizing the site for commercial activities instead of a heavy industrial uses provides greater compatibility with the surrounding neighborhood, and in the long term, is a benefit to the City.

CONCLUSION

The site is currently developed as an oil tank farm consisting of six tanks on 16.46 acres. The project will demolish five of the oil tanks, clean up the contaminated soil and replace a heavy industrial use with community serving retail. Overall, the project will improve the area by replacing a heavy industrial use with retail and restaurants, expand open space resources by converting a remnant parcel into publicly accessible open space, contribute to the maintenance and repair of Loynes Drive, and mitigate all but six of the identified environmental impacts. Moreover, the site is isolated from sensitive land uses and is well suited for commercial development. The project design provides smaller-scale buildings along Studebaker Road that reduces the impact of the largest structure, the home improvement center, which is located toward the rear of the site. The building design is attractive, with quality materials. For these reasons, staff is recommending approval of the project.

CURRENT ACTION REQUESTED

There are a number of entitlements necessary in order to allow the development to proceed. These entitlements are as follows:

- Site Plan Review – Approval of the site plan and overall project design.
- Conditional Use Permit – To allow the operation of commercial uses in an industrial zone.
- Tentative Parcel Map – Approval of the subdivision of the property into two (2) lots.
- Local Coastal Development Permit – The property is in the Appealable Area of the Coastal Zone and requires approval of a coastal permit from the City of Long Beach.
- Standards Variance – The applicant has requested relief from the following standards:
 1. Wider curb cuts - The Title 21 Zoning Ordinance limits driveway and curb cuts to twenty-four feet (24') in width. The applicant is proposing driveways and curb cuts of sixty-eight feet (68'), thirty feet (30') and thirty feet (30') in width. Positive findings can be made in support of the variance requests. In order to accommodate the volume and type of traffic anticipated for the proposed development, it is the opinion of staff that the additional width will improve vehicular circulation.
 2. Less than required open space – PD-1 requires a minimum 30% of open space and the applicant is proposing 21.64%. To mitigate this shortfall, the applicant has acquired a 1.37 acre undeveloped parcel of land adjacent to 7th Street (the "7th Street property") and is proposing to improve the vacant parcel with landscaping and a paved path to connect the 7th Street bike trail to Channel View Public Park. The publicly accessible portion of the parcel adds approximately 5% of open space, for a total of 26.6% (instead of 30%).

In order for the Planning Commission to approve the requested entitlements, the Commission must conclude that the subject request is consistent with the required findings set forth by the Zoning Regulations, as follows:

SITE PLAN REVIEW FINDINGS

- A. 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; and**

The proposed commercial center will be located on a property that currently contains six (6) aboveground storage tanks. Through the design review and site plan review process of the Planning Bureau the applicant has presented a project that is self-contained and architecturally refined. The scale of the proposed project blends well with the adjacent neighborhood without being overbearing or obtrusive, since the lower scale buildings are placed along the street and the larger home improvement center is at the rear of the site where the mass and scale are somewhat minimized.

- B. The design conforms to any applicable special design guidelines or specific plan requirements, PD guidelines or the General Plan;**

The project is located in the subarea 19 of the Southeast Area Development and Improvement Plan (SEADIP) Planned Development District. The project complies with the approved design parameters and building height limitations contained in PD-1, but is requesting approval of Standards Variances for driveway widths and less than thirty percent (30%) open space. Apart from these requests, the project design provides smaller-scale buildings along Studebaker Road that reduces the impact of the largest structure, the home improvement center, which is located toward the rear of the site. In general, the building design is attractive, with quality materials and generous landscape and hardscape areas throughout the site.

- C. The design will not remove significant mature trees or street trees, unless no alternative design is possible;**

There is currently no mature vegetation that will be removed as a result of the project. A detailed landscaping plan must be submitted by the applicant that will include the landscape and hardscape for the subject property as well as improvements on the vacant parcel of land ("7th Street property") to be converted into publicly accessible open space.

D. There is an essential nexus between the public improvement requirements established by the Ordinance and the likely impacts of the proposed development; and

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the Planning Bureau has prepared Environmental Impact Report No. 10-04 to address the environmental impacts of the project. This includes a Draft Environmental Impact Report which was released for circulation on May 2, 2005; a Recirculated Draft Environmental Impact Report, which was released on June 2, 2006; Responses to Comments on both Draft documents; and Errata. The conditions of approval for the project include all mitigation measures from the environmental impact report to reduce impacts where feasible.

However, there are several environmental impacts that were identified in these documents that cannot be mitigated below a level of significance, including Air Quality (short term construction related and long-term operational produced from additional vehicle activity in the area. Mobile sources would exceed CO, ROC, and N_{ox}.); Traffic (Volume to Capacity Ratio (V/C) exceeds threshold at Studebaker and 7th Street, Studebaker and 2nd Street, Studebaker and eastbound SR-22, and Studebaker and westbound SR-22); and Public Services and Utilities (solid waste disposal capacity in Los Angeles County. There may not be adequate landfill facilities to accommodate cumulative solid waste.) The Planning Commission must adopt Statements of Overriding consideration with regard to those impacts that cannot be mitigated below a level of significance.

E. The project conforms to all requirements set forth in Chapter 21.64 (Transportation Demand Management).

A condition of approval requires that the project comply with the transportation demand measures required for a project of this size, including provision of a transportation information area, carpool/vanpool parking and loading zones, bicycle access and parking, pedestrian access, and bus stop improvements, and transit review. Compliance with these measures will be determined prior to issuance of a building permit.

CONDITIONAL USE PERMIT FINDINGS

A. THE APPROVAL IS CONSISTENT WITH AND CARRIES OUT THE GENERAL PLAN, ANY APPLICABLE SPECIFIC PLANS SUCH AS THE LOCAL COASTAL PROGRAM AND ALL ZONING REGULATIONS OF THE APPLICABLE DISTRICT;

The subject site General Plan land use designation is LUD #7, Mixed Uses. This district is intended for use in large, vital activity centers, not in strips along major arterials. Combination of land uses intended by this district are employment centers such as retail, offices, medical facilities; high density residences; visitor-serving facilities; personal and professional services; and recreational facilities. The proposed retail-commercial center is consistent with the intent of the general plan. Retail-commercial center are considered permitted land uses in this district.

B. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY OR GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE; AND

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the Planning Bureau has prepared Environmental Impact Report No. 10-04 to address the environmental impacts of the project. This includes a Draft Environmental Impact Report that was released for circulation on May 2, 2005; a Recirculated Draft Environmental Impact Report, which was released on June 2, 2006; Responses to Comments on both Draft documents; and Errata. The conditions of approval for the project include all mitigation measures from the environmental impact report to reduce impacts where feasible.

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Planning Commission must adopt Statements of Overriding consideration with regard to those impacts that cannot be mitigated below a level of significance.

C. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USES, AS LISTED IN CHAPTER 21.52.

There are no special conditions for approval of a Conditional Use Permit to establish a commercial use in an industrial zone.

TENTATIVE PARCEL MAP FINDINGS

A. That the proposed map is consistent with applicable general and specific plans;

The subdivision map will divide the existing parcel of land into two lots in order to retain a portion of an existing tank farm now located on the interior of the site. No specific development standards are contained in either the General Plan or in PD-1 regarding this type of subdivision, and the tentative map has been prepared in compliance with the applicable requirements of the Long Beach Municipal Code.

B. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans;

The subdivision map will divide the existing parcel of land into two lots in order to retain a portion of an existing tank farm now located on the interior of the site. No specific development standards are contained in either the General Plan or in PD-1 regarding this type of subdivision, and the tentative map has been prepared in compliance with the applicable requirements of the Long Beach Municipal Code.

C. That the site is physically suitable for the type of development;

The site is relatively flat and has no unusual topographic features. Due to its location on a major arterial, Studebaker Road, close proximity to the SR-22 and the SR-405, as well as the adjacency of non-sensitive industrial land uses, the site is appropriate for commercial development of this type and scale.

D. That the site is physically suitable for the proposed density of development;

The project site is a 16.46-acre parcel of land. The proposed project is designed to comply with development standards contained in PD-1 and in the Long Beach Municipal Code (except for the Standards Variance requests for wider driveways and less than 30% open space.)

- E. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish and wildlife or their habitat;**

The Planning Bureau has prepared Environmental Impact No. 10-04. No negative environmental impacts were identified to fish, wildlife, or their habitat that could not be fully mitigated.

- F. That the design of the subdivision or the type of improvement is not likely to cause serious public health or safety problems; and**

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the Planning Bureau has prepared Environmental Impact Report No. 10-04 to address the environmental impacts of the project. This includes a Draft Environmental Impact Report that was released for circulation on May 2, 2005; a Recirculated Draft Environmental Impact Report, which was released on June 2, 2006; Responses to Comments on both Draft documents; and Errata. The conditions of approval for the project include all mitigation measures from the environmental impact report to reduce impacts where feasible.

However, there are several environmental impacts that were identified in these documents that cannot be mitigated below a level of significance, including Air Quality (short term construction related and long-term operational produced from additional vehicle activity in the area. Mobile sources would exceed CO, ROC, and Nox.); Traffic (Volume to Capacity Ratio (V/C) exceeds threshold at Studebaker and 7th Street, Studebaker and 2nd Street, Studebaker and eastbound SR-22, and Studebaker and westbound SR-22); and Public Services and Utilities (solid waste disposal capacity in Los Angeles County. There may not be adequate landfill facilities to accommodate cumulative solid waste.) The Planning Commission must adopt Statements of Overriding consideration with regard to those impacts that cannot be mitigated below a level of significance.

- G. 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.**

There are no easements acquired by the public at large for access through or use of the property.

LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS

A. THE PROPOSED DEVELOPMENT CONFORMS TO THE CERTIFIED LOCAL COASTAL PROGRAM INCLUDING BUT LIMITED TO ALL REQUIREMENTS FOR REPLACEMENT OF LOW AND MODERATE-INCOME HOUSING.

The proposed project is for the development of a retail-commercial center on a parcel of land that currently contains aboveground storage tanks. The proposal also includes the development of retail commercial and restaurant uses. The proposed development complies with the Certified Coastal Program. There are no residential uses proposed with this application.

B. 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.

The site is currently used for industrial purposes and is secured and inaccessible to the public. The proposed project is the development of a retail-commercial center; as such, access will be provided to the site. Primary access to the proposed project is from Studebaker and Loynes. Portions of these roadways are in the Coastal Zone, however, neither one of them provides direct access to the shoreline. In addition, the proposed project is not seaward of the nearest public highway (Pacific Coast Highway and 2nd Street) that provides access to the shoreline.

STANDARDS VARIANCE FINDINGS

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

The site and the proposed improvements are physically unique when compared to other sites and uses in PD-1 (SEADIP). The majority of the SEADIP area is used for residential purposes, energy production or as open space/oil extraction. The subject site contains a existing storage tanks that will remain in operation. The presence of these tanks created unique constraints on site design, specifically as to provision of the 30% open space requirement.

With regard to the request for wider curb cuts, the proposed use, a home improvement and garden center, relies on truck traffic for pick-ups as well as deliveries and requires slightly larger curb cuts. This creates unique demands for access.

- B. 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 THE LIMITATIONS IMPOSED ON SIMILARLY ZONED PROPERTIES OR INCONSISTENT WITH THE PURPOSE OF THE ZONING REGULATIONS.**

Many of the existing commercial uses in SEADIP are nonconforming as to parking and to compliance with the requirement for 30% open space. Also, the wider curb cuts sought by the applicant for this project are similar to those approved at other large-scale commercial developments within the City Long Beach. With regard to open space, staff feels that there is public benefit to providing open space where it provides a meaningful public connection. The proposal to provide a walkway connection along the frontage of the property, and the proposed green belt connection provided by improvement of the "7th Street Property" are consistent with the intent of the requirement for open space.

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

The request for wider curb cuts will improve vehicular circulation by accommodating the volume and type of traffic anticipated for the proposed development. In addition, the applicant has proposed to use alternative methods for mitigating the shortage of open space. The applicant has acquired a 1.37 acre undeveloped parcel of land adjacent to 7th Street and approximated 3,000' from the subject property. The applicant has proposed to improve this property with a public walkway and landscaping connecting the 7th street bike path to Channel View Public Park.

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

The project site is located in the Appealable Area of the Coastal Zone as it is within 100 feet of a waterway. This waterway is a cooling channel for the AES plant and is not a recreational site. There is no coastline visually or physically in or around the proposed site.

PUBLIC HEARING NOTICE

A total of 791 Public Hearing Notices were mailed on July 31, 2006, to all owners of properties within a 500-foot radius of the project site and occupants within a 100-foot radius. Also notified were the Alamitos Heights Improvement Association, the College Park Estates Association, the Island Village Home Owners Association, University Park Estates Neighborhood Association, Bay Harbor Home Owners Association, Del Lago Home Owners Association, Marina Pacifica Home Owners Association, Stoneybrook Villas Owners Association, Bixby Village Community Association, Imperial Estates Neighborhood Association, Spinnaker Bay Home Owners Association as well as the elected representative of the 3rd Council District.

A number of letters were received regarding the proposed project which are included as Attachment No. 7.

ENVIRONMENTAL REVIEW

According to the guidelines to implement the California Environmental Quality Act, Final Environmental Impact Report (EIR 10-04/SCH #2004031093) has been prepared and is forwarded to the City Planning Commission for concurrent consideration.

REDEVELOPMENT REVIEW

The project site is not located in a Redevelopment Project Area.

RECOMMENDATION

It is recommended that the Planning Commission:

1. Certify Environmental Impact Report No. 10-04/SCH #2004031093; and
2. Adopt a Resolution with Findings of Fact and a Mitigation Monitoring Program; and
3. Adopt a Resolution with a Statement of Overriding Consideration; and

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4. Approve the Site Plan Review, Conditional Use Permit, Tentative Parcel Map, Local Coastal Development Permit and Standards Variances, subject to conditions.

Respectfully submitted,

SUZANNE FRICK,
DIRECTOR OF PLANNING AND BUILDING

By: 

LEMUEL HAWKINS
PLANNER IV

By: 

CAROLYNE BIHN
ZONING OFFICER

Attachments:

1. Conditions of Approval
2. Vicinity map
3. Plans of Site
 - a. Home Depot Elevation Drawing
 - b. Retail A Elevation Drawing
 - c. Retail B & C Elevation-1 Drawing
 - d. Retail B & C Elevation-2 Drawing
 - e. Site Plan/Open Space Calculation Plan
 - f. 7th Street Park Plan
 - g. Floor Plan of Existing Home Depot
 - i. Floor Plan of Proposed Home Depot "Design Center"
4. Tentative Parcel Map No. 067384
5. Design Center Synopsis from Applicant
6. Proposed Green Building Techniques
7. Letters from the public
8. Resolution Certifying the EIR and Adopting Findings of Fact and a Mitigation Monitoring Program,
9. Resolution Adopting Statement of Overriding Considerations
10. Final EIR 10-04/SCH #2004031093 with Statement of Overriding Considerations, Mitigation Monitoring Program (Previously distributed)

**SITE PLAN REVIEW, CONITIONAL USE PERMIT, TENTATIVE MAP,
LOCAL COASTAL DEVELOPMENT PERMIT AND STANDARDS VARIANCE
CONDITIONS OF APPROVAL
CASE NO. 0308-11
August 17, 2006**

GENERAL CONDITIONS OF APPROVAL

1. The use permitted on the site, in addition to other uses permitted in Subarea 19 of the Southeast Area Development and Improvement Plan (SEADIP) Planned Development District (PD-1) shall be a 140,000 square foot home improvement and garden center, a 6,000 square foot restaurant, and two retail-commercial buildings totaling 12,000 square feet, with 752 parking spaces.
2. The code exceptions approved for this project are as follows:
 - a. To allow three (3) driveways and curb cuts of sixty-eight feet (68'), thirty feet (30') and thirty feet (30') in width (instead of a maximum of twenty-four feet (24') in width), and
 - b. To allow twenty-two percent (21.6%) of site area to be used as open space (instead of not less than thirty percent {30%}).
3. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, at the discretion of city officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council.
4. This permit and all development rights hereunder shall terminate three years from the effective date (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date) of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the three year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
5. This permit shall be invalid if the owner(s) and 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 form 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.

6. 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.
7. 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.
8. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Planning and Building Department. These conditions must be printed on the site plan or a subsequent reference page.
9. The Director of Planning and Building 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 and if no detrimental effects to neighboring properties are caused by said modifications. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.
10. Site development, including landscaping, shall conform to the approved plans on file in the Department of Planning and Building. 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.
11. The occupant of the building agrees to contribute \$20,000 on an annual basis towards the repair, maintenance or reconstruction of Loynes Drive. The City shall collect this amount on an annual basis, with an invoice to Home Depot, or any other tenant that generates equivalent daily trips, so long as the building is occupied. These funds shall be used only for the maintenance, repair or reconstruction of Loynes Drive and no other purpose.
12. Prior to the issuance of a certificate of occupancy for any of the buildings, the applicant shall be responsible for providing for the replacement of the 8-inch sewer line with a 10 inch sewer line as described on page 4, 10 – 17 of the EIR to the satisfaction of the Director of Planning and Building.

DESIGN/APPEARANCE

13. 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. The plans shall display an approval stamp or signature from the respective agency requiring such apparatus. These devices shall be located on private property and not be placed in required landscaped setbacks and shall be screened by landscaping or other screening method approved by the Director of Planning and Building.
14. Prior to the issuance of a building permit, the applicant must submit complete landscape and irrigation plans for the discretionary approval of the Director of Planning and Building. Such plans shall conform to municipal code Section 21.42 in particular plant and tree sizes and other provisions.
15. All landscaped areas shall be planted with drought tolerant plant materials. All landscaped areas shall be provided with water conserving automatic irrigation systems designed to provide complete and adequate coverage to sustain and promote healthy plant life. The irrigation system shall not cause water to spray or flow across a public sidewalk.
16. All landscaped areas must be maintained in a neat and healthy condition, including public parkways and street trees. Any dying or dead plant materials must be replaced with the minimum size and height plant(s) required by Chapter 21.42 (Landscaping) of the Zoning Regulations. At the discretion of city officials, a yearly inspection shall be conducted to verify that all irrigation systems are working properly and that the landscaping is in good healthy condition. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council.
17. The Developer shall provide for landscaping and irrigation system improvements within the public right-of-way along Studebaker Road, adjacent to the project site.
18. The Developer will be responsible for the following site plan improvements, prior to the issuance of building permits and to the satisfaction of the Director of Planning and Building:
 - a. Revise design of the home improvement center to provide meaningful articulation to break up the mass, including revised fenestration, at the south elevation.
 - b. Provide revised color palette to better reflect the proposed contemporary design.

- c. Provide Sign Program for the entire complex.
 - d. Revise plaza landscape design to modify water feature and provide alternative landscape design which reinforces the concept of a neighborhood gathering place, including drought tolerant landscape features.
 - e. Provide additional landscaping on the east side of the existing tank facilities that are to remain.
 - f. Provide green building and sustainable design features described in Attachment 6.
19. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).
20. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
21. Any graffiti found on site must be removed within 24 hours of its appearance.
22. All rooftop mechanical equipment shall be fully screened from public view. Said screening must be architecturally compatible with the building 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 Planning and Building prior to the issuance of a building permit.
23. 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.
24. The final design of the driveways and ingress and egress into all parking areas on Studebaker Road shall be subject to the review and approval of the Director of Planning and Building and the Director of Public Works. The ingress, egress and adjacent areas shall provide pedestrian amenities where the driveways intersect the street such as enriched pavement, landscaping, decorative bollards or other appropriate street furniture to identify, protect and enhance the pedestrian pathway.

25. Parcel 2 shall be enclosed on all sides by a solid decorative masonry wall. Landscaping shall be provided on the exterior of the enclosure as shown on approved landscaping plans.
26. A decorative fence consisting of 10'0" high wrought iron with masonry pilasters occurring at 25'0" intervals shall be constructed on the perimeter of Parcel 1.

PERMITTING/CONSTRUCTION

27. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
28. Separate building permits are required for signs, fences, retaining walls, trash enclosures, flagpoles, pole-mounted yard lighting foundations and planters.
29. 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.
30. 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.
31. 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

In accordance with the City of Long Beach's standards, no construction activities are permitted outside of these hours, and no construction is permitted on Sundays without a special work permit. At the time of plan check, prior to issuance of grading and building permits, the City of Long Beach Zoning Administrator shall verify that construction hour limitations are noted on building and grading plans.

32. Prior to issuance of a building permit, the Developer shall enter into an easement agreement with the City to provide a meandering 5-foot wide sidewalk along the Studebaker Road frontage. Said easement shall specify that the property owner shall maintain the sidewalk, landscaping, and irrigation system within the street right-of-way and additional easement area to the satisfaction of the Director of Public Works and the Director of Planning and Building. All sidewalk improvements shall be constructed with minimum 3-inch concrete pavement.
33. Demolition and reconstruction of curb and gutter, driveways, sidewalks, wheelchair ramps, roadway and alley pavements, removal and relocation of utilities, traffic striping and signing, street tree removals and plantings in the public right-of-way, shall be performed under Public Works street improvement permit. Permits to perform work within the public right-of-way must be obtained from the Public Work Permit Section of the City of Long Beach Development Services Center, 4th Floor of City Hall, 333 West Ocean Boulevard, telephone (562) 570-7082 or 7084.
34. All work within the public right-of-way shall be performed by a contractor holding a valid State of California contractor's license and City of Long Beach Business License sufficient to qualify the contractor to do the work. The contractor shall have on file with the City Engineer Certification of General Liability Insurance and an endorsement evidencing minimum limits of required general liability insurance.
35. The Developer 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 Developer to the satisfaction of the Director of Public Works.
36. A lighting plan shall be designed to prevent light spillage in excess of that which has been referenced and analyzed in this EIR. A qualified lighting engineer/consultant to the city of Long Beach Department of Planning and Building shall verify that the plan calls for energy-efficient luminaries that control light energy and for exterior lighting to be directed downward and away from adjacent streets and adjoining land uses in a manner designed to minimize off-site spillage. Prior to issuance of building permits, the lighting plan shall be reviewed and approved by a City of Long Beach Director of Planning and Building, demonstrating that project lighting is consistent with the EIR. (mitigation measure)

37. Prior to issuance of certificates of occupancy the applicant shall provide to the City of Long Beach Building Official shall verify that the lighting plan restricts operational hours as follows: 100 percent illumination from dusk to close of commercial activities; 50 percent illumination from the close of commercial activities until one hour after close time; and only security-level lighting from one hour after closure until dawn. (mitigation measure)
38. The project contractor shall comply with SCAQMD Rule 1166 with regard to the handling of potential VOC-contaminated soils during construction. Prior to issuance of building permits, the City of Long Beach Building Official shall verify that construction plans include a statement stipulating that the construction contractor shall be responsible for compliance with applicable SCAQMD Rules and Regulations. (mitigation measure)
39. The project contractor shall comply with regional rules that assist in reducing short-term air pollutant emissions. SCAQMD Rule 403 requires that fugitive dust be controlled with best-available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. In addition, SCAQMD Rule 402 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off site. Applicable dust suppression techniques from Rule 403 are summarized below. The City of Long Beach Building Official shall ensure that notes are included on grading and construction plans and referenced in the Construction Contractor's Agreement stipulating that the construction contractor shall be responsible for compliance with SCAQMD Rules 402 and 403. (mitigation measure)

Applicable Rule 403 measures include the following requirements:

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

- Traffic speeds on all unpaved roads shall be reduced to 15 mph or less.
 - Water grading and cover materials being transported.
 - Maintain grading and construction equipment in proper tune.
 - Schedule truck trips to avoid peak hours (7-9 a.m. and 4-6 p.m., weekdays).
 - Discontinue construction during stage II smog alerts (ozone more than or equal to 0.35 ppm.).
40. Prior to issuance of a building permit, the applicant shall provide to the City of Long Beach Building Official construction documents and the Construction Contractor's Agreement that require use of dust suppression measures in the SCAQMD CEQA Air Quality Handbook during grading and construction. The construction contractor shall be responsible for implementation of dust suppression measures. (mitigation measure)
- Revegetate disturbed areas as quickly as possible.
 - All excavating and grading operations shall be suspended when wind speeds (as instantaneous gusts) exceed 25 mph.
 - All streets shall be swept once per day if visible soil materials are carried to adjacent streets (recommended water sweepers with reclaimed water).
 - Install wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash trucks and any equipment leaving the site each trip.
 - All on-site roads shall be paved as soon as feasible, watered periodically, or chemically stabilized.
 - The area disturbed by clearing, grading, earthmoving, or excavation operations shall be minimized at all times.
41. The construction contractor shall select the construction equipment used on site based on low-emission factors and high-energy efficiency. Prior to issuance of grading and building permit, the contractor shall provide to the City of Long Beach Building Official that grading and construction plans include a statement that all construction equipment will be tuned and maintained in accordance with manufacturers' specifications. (mitigation measure)

42. Prior to issuance of grading permits, the City of Long Beach Building Official shall verify that construction and grading plans include a statement that the construction contractor shall utilize electric- or diesel-powered equipment in lieu of gasoline-powered engines where feasible. (mitigation measure)
43. Prior to issuance of grading and building permits, the city of Long Beach Building Officials shall verify that grading and construction plans include a statement that work crews will shut off equipment when not in use. During smog season (May through October), the overall length of the construction period will be extended, thereby decreasing the size of the area prepared each day, to minimize vehicles and equipment operating at the same time. (mitigation measure)
44. Prior to issuance of grading permits, the City of Long Beach Building Officials shall verify that construction and grading plans include a statement stipulation that the construction contractor shall time construction activities so as to not interfere with peak-hour traffic and minimize obstruction of through-traffic lanes adjacent to the site; if necessary, a flag person shall be retained to maintain safety adjacent to existing roadways. (mitigation measure)
45. Prior to issuance of grading permits, the City of Long Beach Building Official shall verify that construction and grading plans include a statement stipulating that the construction contractor shall support and encourage ridesharing and transit incentives for the construction crew. (mitigation measure)
46. The City of Long Beach shall ensure that the project complies with Title 24 of the California Code of Regulations established by the Energy Commission regarding energy conservation standards. During Plan Check, the City of Long Beach Building Official shall verify that the following measures are incorporated into project building plans: (mitigation measure)
 - Trees will be planted to provide shade and shadow to buildings.
 - Energy-efficient parking lot lights, such as low-pressure sodium or metal halide, will be used.
 - Solar or low-emission water heaters shall be used with combined space/water heater units where feasible.
 - Double-paned glass or window treatment for energy conservation shall be used all exterior windows where feasible.
 - Buildings shall be oriented north/south where feasible

47. Prior to commencement of demolition or grading activities, the construction contractor shall install protective barriers (e.g., snow or silt fencing) between the project site and the adjacent water supply channels and along both banks of the Los Cerritos Channel north of the Loynes Drive Bridge. Prior to issuance of demolition permits, the City of Long Beach Environmental Officer shall verify that a qualified biologist has been retained by the project applicant to supervise the installation of the barriers and ensure that the barriers are installed in the proper location and are clearly visible to equipment operators and other construction personnel. The barriers shall be a bright color (e.g., fluorescent orange) to ensure clear visibility. No construction activity shall occur beyond the limits marked by the barriers, and the construction contractor shall ensure that no construction debris, trash, or other material passes beyond the barriers. The City-retained biologist shall monitor the site on a weekly basis throughout project construction and file written reports on the condition of the barriers to the City of Long Beach Environmental Officer on a monthly basis. The cost of the biologist shall be reimbursed by the applicant. (mitigation measure)
48. In Conjunction with the submittal of applications for rough grading permits for the proposed project, the City of Long Beach Director of Planning and Building shall verify that a paleontologist who is listed on the County of Los Angeles list of certified paleontologists has been retained by the applicant and will be on site during all rough grading and other significant ground-disturbing activities paleontologically sensitive sediments. In the event that fossil resources are noted within the project area, construction in the vicinity of the find will be halted until the discovery can be evaluated. If the discovery is determined to be important, the project proponent shall initiate a paleontological recovery program to collect the fossil specimens and all relevant lithologic and locality information about the specimen. This may include the collection and the washing and picking of up to 6,000 pounds per locality of mass samples to recover small invertebrate and vertebrate fossils. The results of the fossil recovery program will be documented in a technical report that will include an itemized inventory of specimens. Specimens recovered during grading activity shall be prepared to a point of identification and permanent preservation. All recovered fossils shall be placed within a museum repository that is capable of accepting the recovered fossils and that has a permanent retrievable storage. The project proponent shall be responsible for all costs associated with the recovery program and report preparation. (mitigation measure)
49. If human remains are encountered, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made determination of the origin and disposition of the remains pursuant to public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which

will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and

nondestructive analysis of the human remains and items associated with Native American Burials. (mitigation measure)

50. In conjunction with the submittal of applications for rough grading permits, the Director, Department of Planning and Building, shall verify that a Los Angeles County certified archaeologist has been retained by the applicant and shall be present at the pregrading conference and shall establish procedures for temporarily halting or redirecting work if unrecorded archaeological resources are discovered during grading to permit the sampling, identification, and evaluation of archaeological materials as appropriate. The cultural resource management program will include resource monitoring during project grading of archaeologically sensitive sediments to ensure that unidentified cultural resources are not affected by the proposed undertaking. If archaeological materials are identified during construction, standard professional archaeological practices shall be initiated to characterize the resources and mitigate any impacts to those resources. Included within this program will be the development of a curation agreement for the permanent care of materials collected from the project. This agreement would be negotiated with a suitable repository. (mitigation measure)
51. Prior to issuance of building permits, the applicant shall obtain approval of the City of Long Beach Building Officials (or designee) and the City of Long Beach Director of Public Works of final design plans to ensure that earthquake-resistant design has been incorporated into final site drawings in accordance with the most current California Building Code and the recommended seismic design parameters of the Structural Engineers Association of California. Ultimate site seismic design acceleration shall be determined by the project structural engineer during the project design phase. (mitigation measure)
52. A detailed geotechnical investigation of the site shall be conducted prior to submittal of the plan check application and shall be submitted with the grading or plan check application. This investigation shall evaluate liquefaction potential, lateral spreading hazards, and soil expansiveness and shall determine appropriate design consistent with the most current California Building Code. A corrosion engineer shall design measures for corrosion protection. Site-specific final design evaluation and grading plan review shall be performed by the project geotechnical consultant prior to the start of grading to verify that recommendations developed during the geotechnical design process are appropriately incorporated in the project plan. Design and grading

- construction shall be performed in accordance with the requirements of California Building Code applicable at the time of grading, appropriate local grading regulations, and the recommendation of the project geotechnical consultant as summarized in a final report, subject to review by the City of Long Beach Building Official prior to issuance of grading permits. (mitigation measure)
53. Site preparation (removal of existing facilities, excavation, subgrade preparation, placement and compaction of fill, foundation preparation, floor slab preparation, positive surface gradient preparation, and pavement of other areas) shall be conducted consistent with the recommendations of the design-level detailed geotechnical investigation summarized in a final report, subject to review and approval by a City of Long Beach Building Official prior to issuance of grading permits. The project geotechnical engineer shall observe all excavations, subgrade preparation, and fill activities and shall conduct soils testing as necessary, consistent with local, State, and federal regulations. (mitigation measure)
 54. Prior to project approval, the project applicant shall enter into a Consent Agreement with DTSC for remediation of the project site consistent with the Scope of Work for an RCRA RFI. (mitigation measure)
 55. Prior to issuance of a grading permit, the project applicant shall provide evidence to the City that DTSC has issued a closure status for the project site and that no land use restrictions would prevent the site from being used for commercial/retail purposes. (mitigation measure)
 56. Prior to issuance of any demolition permits, the project applicant shall submit an application to the City of Long Beach Fire Department for approval to remove Tanks Nos. 1-4 and 6 and associated pipeline conveyance systems from the property. The applications package shall include documentation of approval of the removal process by AES Alamitos and Pacific Energy. The City of Long Beach Fire Department shall review the application for compliance with local, State, and federal requirements with tank-handling procedures including sampling and disposal of tank contents, sampling of subsurface soils, and transport and disposal of tanks and soils/liquids. The City of Long Beach Fire Department and DTSC shall oversee and monitor the operation in accordance with local, State, and federal requirements. (mitigation measure)
 57. Prior to issuance of any demolition permits, predemolition surveys for ACMs and LBPs (including sampling and analysis of all suspected building materials) and inspections for mercury-containing fixtures, PCB-containing electrical features shall be performed. All inspections, surveys, and analyses shall be performed by appropriately licensed and qualified individuals in accordance with

applicable regulations (i.e.: ASTM E 1527-00, and 40 CFR, Subchapter R, Toxic Substances Control Act [TSCA], Part 716). All identified ACMs, LBPs, and PCB-containing electrical fixtures shall be removed, handled, and properly disposed of by appropriately licensed contractors according to all applicable regulations during demolition of structures. (40 CFR, Subchapter R, TSCA, Parts 745, 761, and 763). Air monitoring shall be completed by appropriately licensed and qualified individuals in accordance with applicable regulations both to ensure adherence to applicable regulations (e.g., SCAQMD) and to provide safety to workers and the adjacent community. The project applicant shall provide documentation (e.g., all required waste manifests, sampling, and air monitoring analytical results) to the City of Long Beach Health Department showing that abatement of any ACMs, LBPs, or mercury-containing fixtures or PCB-containing electrical fixtures identified in these structures has been completed in full compliance with all applicable regulations and approved by the appropriate regulatory agency(ies) (40 CFR, Subchapter R, TSCA, Parts 716, 745, 761, 763, and 795 and CCR Title 8, Article 2.6). An Operating & Maintenance Plan (O&M) shall be prepared for any ACM, LBP, or PCB-containing fixtures to remain in place and would be reviewed and approved by the City Health Department. (mitigation measure)

58. Prior to issuance of any demolition permits, the project applicant shall submit an Emergency Action Plan to the City of Long Beach Fire Department for review and approval. The plan shall include documentation of review and approval by Pacific Energy. The Plan shall be consistent with local, State, and federal regulations and shall provide detailed procedures in the event of a hazardous substance leak or spill from on-site facilities, including Tank No. 5 and associated equipment. (mitigation measure)
59. Prior to issuance of a grading permit, the project site shall be remediated in accordance with the scope of work for an RCRA RFI. DTSC shall oversee and approve all phases of the investigation including the Current Conditions Report, RCRA RFI Work plan, RCRA RFI Report, Health and Safety Plan. Soils and groundwater shall be tested for VOCs, SVOCs, PAHs, metals, asbestos, and PCBs in accordance with the DTSC-approved work plan. Soil and groundwater removal, transport, and disposal shall be conducted in accordance with local, State and federal regulations; documentation shall be provided to DTSC. All remediation activity shall be completed to the satisfaction of DTSC, as well as RWQCB and CUPA as applicable. (mitigation measure)
60. After rough grading and prior to issuance of a building permit or utility installation, a detailed methane soil gas investigation work plan shall be prepared by the project applicant and submitted to the City of Long Beach Fire Department for review and approval. The methane soil gas investigation shall be performed in accordance with local industry standards. The results shall be

presented in a formal report that includes recommendations to mitigate potential hazards from methane, if required. The report shall be reviewed and approved by the City of Long Beach Fire Department. Based on the results of this detailed investigation, additional mitigation design may be necessary, including providing conventional vapor barriers and venting systems beneath buildings and confined spaces. Methane mitigation design shall be approved by the City of Long Beach Fire Department. (mitigation measure)

61. Prior to issuance of a grading permit, the project applicant shall submit a Soil and Air Monitoring Program and associated Health and Safety Plan to the City of Long Beach Planning and Building Department and the SCAQMD for review and approval. The program shall be consistent with local, State, and federal regulations and shall encompass all soil-disturbance activities. The Health and Safety Plan shall include the following components: (mitigation measure)
- A summary of all potential risks to construction workers, monitoring programs, maximum exposure limits for all site chemicals, and emergency procedure.
 - The identification of a site health and safety officer.
 - Methods of contact, phone number, office location, and responsibilities of the site health and safety officer.
 - Specification that the site health and safety officer will be contacted immediately by the construction contractor should any potentially toxic chemical be detected above the exposure limits or if evidence of soil contamination is encountered during site preparation and construction.
 - Specification that DTSC Will be notified if evidence of soil contamination is encountered.
 - Specification that DTSC will be notified if contaminated groundwater is encountered during excavation activities.
 - Specification that an on-site monitor will be present to perform monitoring and/or soil and air sampling during grading, trenching, or cut or fill operations.
 - The Health and Safety Plan shall be provided to all contractors on site. The Health and Safety Plan is required to be amended as needed if different site conditions are encountered by the site health and safety officer.

62. Prior to issuance of a certificate of occupancy, the project applicant shall submit a Business Plan including a Hazardous Materials Release Response Plan and Inventory to the Long Beach CUPA for approval and permit. The Business Plan shall include a description of emergency response procedures and coordination with AGS with respect to alarms and public address systems. (mitigation measure)
63. Prior to issuance of certificates of occupancy, the City of Long Beach Health Department and the Long Beach CUPA shall review the existing Business Emergency Plan, Hazardous Materials Release Response Plan and Inventory, and the Risk Management Plan for the AES Alamitos Plant and shall determine whether additional measures/revisions are necessary based on proposed project implementation, consistent with the California Health and Safety Code Section 25500, et seq. The City of Long Beach Police Department shall review the plans to determine whether security for the plant, tanks, and distribution system is in compliance with pertinent regulations. (mitigation measure)
64. Prior to issuance of a certificate of occupancy, the project applicant shall submit an Emergency Response and Evacuation Employee Training Program to the Long Beach CUPA for review and approval. The business owner shall conduct
65. drills as required by CUPA and shall submit training documentation as part of the annual review of the Business Plan. (mitigation measure)
66. Prior to issuance of certificates of occupancy, the applicant shall submit the updated Hazardous Materials Release Response Plan and Inventory for the Pacific Energy tanks and distribution system to the Long Beach CUPA for review. The CUPA shall determine whether revisions are necessary due to proposed project implementation. The City of Long Beach Fire and Police Department shall review and approve the proposed project plans, including the pipeline relocation for adequate emergency access and egress procedures. (mitigation measures)
67. The grading plans shall include features meeting the applicable construction activity BMPs and erosion and sediment control BMPs published in the *California Stormwater BMP Handbook – Construction Activity* or equivalent. The construction contractor shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the City that includes the BMP types listed in the handbook or equivalent. The SWPPP shall be prepared by a civil or environmental engineer and will be reviewed and approved by the City Building Official prior to the issuance of any grading or building permits. The SWPPP shall reduce the discharge of pollutants to the maximum extent practicable using BMPs, control

techniques and systems, design and engineering methods, and such other provisions as appropriate. A copy of the SWPPP shall be kept at the project site.

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

68. During demolition, grading and construction, the construction contractor shall ensure that the project complies with the requirements of the State General Construction Activity NPDES Permit. Prior to issuance of demolition and grading permits, the construction contractor shall demonstrate to the City of Long Beach that coverage has been obtained under the State General Construction Activity NPDES Permit by providing a copy of the NOI submitted to the SWRCB and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) number or other proof of filing to the City of Long Beach Building Official. (mitigation measure)
69. Prior to commencement of grading activities, the construction contractor shall determine whether dewatering of groundwater will be necessary during construction of the project. Any dewatering will require compliance with the State General Permit for discharges to land with a low threat to water quality or an individual permit from the Los Angeles RWQCB, consistent with NPDES requirements. Once it receives and reviews the NOI, the RWQCB will decide which permit is applicable and whether sampling is required. A copy of the permit shall be kept at the project site, available for City and/or RWQCB review upon request. (mitigation measure)

70. Prior issuance of a building permit the applicant shall provide a project SUSMP to the City of Long Beach Director of Planning and Building for review and approval. The project SUSMP shall identify all of the nonstructural and structural BMPs that will be implemented as part of the project in order to reduce impacts to water quality to the maximum extent practicable by addressing typical land use pollutants and pollutants that have impaired Los Cerritos Channel and Reach I of the San Gabriel River. (mitigation measure)
71. Prior to issuance of a building permit, the applicant shall provide a plan to ensure on going maintenance for permanent BMPs to the City of Long Beach Director of Planning and Building for review and approval. This plan shall include a statement from the applicant accepting responsibility for all Structural and Treatment Control BMP maintenance until the time the property is transferred. All future transfers of the property to a private or public owner shall have conditions requiring the recipient to assume responsibility for the maintenance of any structural or Treatment Control BMP. The condition of transfer shall include a provision requiring the property owner to conduct a maintenance inspection at least once a year and retain proof of inspection. In addition, educational materials indicating locations of storm water facilities and how maintenance can be performed shall accompany first deed transfers. (mitigation measure)
72. Prior to issuance of a building permit, the applicant shall provide a final Hydrology Plan to the City of Long Beach Director of Planning and Building-City Engineer for review and approval. The Hydrology Plan shall include any on-site structures or modifications of existing drainage facilities necessary to accommodate increased runoff resulting from the proposed project and shall indicate project contributions to the regional storm water drainage system. The Hydrology Plan shall show all structural BMPs, consistent with the project SUSMP. (mitigation measure)
73. Prior to issuance of a building or grading permit, the City of Long Beach Zoning Administrator shall verify that project plans include a six-foot concrete block or Plexiglas wall between Studebaker Road and any project outdoor eating areas (adjacent to Studebaker Road). (mitigation measure)
74. A Solid Waste Management Plan for the proposed project shall be developed and submitted to the City of Long Beach Environmental Services Bureau for review and approval prior to issuance of grading permits. The plan shall identify methods to promote recycling and reuse of construction materials as well as safe disposal consistent with the policies and programs outlined by the City of Long Beach. The plan shall identify methods of incorporating source reduction and recycling techniques into project construction and operation in compliance with State and local requirements such as those described in Chapter 14 of the

California code of Regulations and AB 939. (mitigation measure)

75. Prior to issuance of building permits, the City of Long Beach Director of Planning and Building shall verify that adequate storage space for the collection and loading of recyclable materials has been included in the design of buildings as well as waste collection points throughout the project site to encourage recycling. (mitigation measure)
76. The project applicant shall submit a Security Plan for the review and approval of the City of Long Beach Chief of Police prior to the issuance of any building permits. The Security Plan shall incorporate CPTED principles and other crime-prevention features that shall include, but not be limited to, the following: (mitigation measure)
- Interior and exterior security lighting.
 - Alarm systems.
 - Locking doors for all employee locations.
 - Use of vines and other landscaping to discourage graffiti and unauthorized access.
 - Bonded security guards.
 - "No Loitering" signs posted at various locations throughout the project site.
 - Surveillance cameras for each business and all on-site parking areas.
 - Surveillance cameras located on-site that are capable of thoroughly monitoring Channel View Park, the Vista Street/Loynes Drive intersection, and the Vista/Silvera intersection.
 - All surveillance cameras shall continuously monitor all on-site and off-site locations on a 24-hour basis, and all surveillance camera video recording equipment shall have a minimum continuous two-week capacity to the satisfaction of the City of Long Beach Chief of Police. The City of Long Beach Director of Planning and Building shall verify inclusion of all required physical public safety improvements prior to issuance of any building permits. All physical requirements in the approved Security Plan shall be installed and fully operational prior to issuance of any Certificate of Occupancy.

77. Prior to the issuance of a grading permit, the project applicant shall, under the direction of the City of Long Beach Traffic Engineer, design and implement a construction area Traffic Management Plan. The plan shall be designed by a registered Traffic Engineer and shall address traffic control for any street closure, detour, or other disruption to traffic circulation and public transit routes. The plan shall identify the routes that construction vehicles will use to access the site, the hours of construction traffic, traffic controls and detours, off-site vehicle staging areas, and parking areas for the project. The plan shall also require project contractors to keep all haul routes clean and free of debris including but not limited to gravel and dirt. (mitigation measure)
78. **Studebaker Road/2nd Street.** Prior to issuance of any Certificates of Occupancy, the applicant, to the satisfaction of the City of Long Beach Director of Public Works, shall convert the existing westbound right-turn lane into a through lane and shall construct an exclusive westbound right-turn lane with a raised island that allows a "free right turn: from westbound 2nd Street to northbound Studebaker Road into the newly striped third through lane, with reimbursement if possible, according to the Boeing Specific Plan's fair-share commitment. (mitigation measure)
79. **Studebaker Road/Loynes Drive.** Prior to issuance of any certificates of occupancy, the applicant, to the satisfaction of the City of Long Beach Director of Public Works, shall complete the following: (mitigation measure)
- Provide one westbound left-turn lane, one westbound through lane, and one westbound right-turn lane at the project driveway at the Studebaker Road/Loynes Drive intersection and two receiving lanes into the project site. In addition, a northbound right-turn lane and a southbound left-turn lane shall be constructed. The inside eastbound right-turn lane shall be converted to an eastbound through lane for vehicles entering the project site.
 - Change the traffic signal phasing for the northbound and southbound left-turn movements at Studebaker Road/Loynes Drive to protected-permissive turn movements.
 - Restripe northbound and southbound Studebaker Road (36 feet wide) between 2nd Street and the SR-22 eastbound ramps to provide three (12-foot-wide) through lanes. The third northbound through lane will terminate at the northbound right-turn lane at the SR-22 eastbound ramps. The third southbound through lane will terminate at the 2nd Street intersection. Any encroachment into State right-of-way will require review and approval by Caltrans.

80. Prior to issuance of any certificates of occupancy, the applicant, in conjunction with and upon approval by Caltrans and the City Public Works Director, shall install traffic signal interconnect along Studebaker Road from 2nd Street to the SR-22 westbound ramp signal. This will allow vehicles from 2nd Street to have progressive flow to the freeway on-ramp on Studebaker Road. (mitigation measure)
81. Prior to issuance of any certificates of occupancy, the applicant, in conjunction with an upon approval by Caltrans and the City Public Works Director, shall develop and implement new traffic signal coordination timing for Studebaker Road for both weekday and weekend traffic conditions. This will provide signal coordination utilizing the new interconnect described above. (mitigation measure)
82. Prior to issuance of any certificates of occupancy, the applicant, in conjunction with and upon approval by Caltrans and the City Public Work Director, shall develop and implement (with Caltrans) new traffic signal coordination timing along 2nd Street from Marina Drive to Studebaker Road using existing interconnects. This should reduce delay and queuing at PCH/2nd Street. (mitigation measure)
83. Prior to issuance of any certificates of occupancy, the applicant, in conjunction with and upon approval by Caltrans and the City Public Works Director, shall develop and implement (with Caltrans) new coordination timing along PCH between Studebaker Road and 7th Street for both weekday and weekend traffic conditions. (mitigation measure)
84. Prior to issuance of any certificates of occupancy, the applicant shall reconstruct the two traffic signals at Studebaker Road and SR-22/7th Street ramps in accordance with current traffic signal design standards, subject to the approval of the City Traffic Engineer and Caltrans. (mitigation measure)
85. Prior to issuance of any certificates of occupancy, the applicant shall upgrade all 8-inch traffic signal indications to 12-inch LED indications for the five intersections along 7th Street between and including East Campus Drive and Pacific Coast Highway. (mitigation measure)
86. The operator must clean the parking and landscaping areas of trash debris on a daily basis. Failure to do so shall be grounds for permit revocation. If loitering problems develop, the Director of Planning and Building may require additional preventative measures such as but not limited to, additional lighting or private security guards. (mitigation measure)
87. 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 after the final map is filed 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 shall be executed by the third-party easement holder prior to the filing of the final map. (mitigation measure)

88. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach. (mitigation measure)
89. The Developer shall submit and obtain approval of the required engineering and street improvement plans to the Department of Public Works prior to issuance of a building permit.
90. All unused driveways shall be removed and replaced with full-height curb and gutter to the satisfaction of the Director of Public Works. The size and configuration of all proposed driveways shall be subject to review and approval of the Director of Public Works.
91. After completion of the required off-site improvements, the Developer or project representative shall contact Jorge Magaña, Civil Engineering Associate, at (562) 570-6678 to initiate the process of clearing all Public Works holds attached to the development project.
92. The project shall comply with the requirements of Chapter 21.64 of the Long Beach Municipal Code for Transportation Demand and Trip Reduction. A plan demonstrating compliance with these requirements shall be submitted for review and approval by the Director of Planning and Building prior to the issuance of a building permit.
93. To ensure compliance with the MBTA and the U. S. Fish and Game Code, the City conditions the project applicants to retain a qualified biologist to survey project areas for nesting migratory birds where vegetation removal is to occur

between January 1 and August 15. The biologist is required to survey the area no more than 30 days prior to the beginning of construction and to monitor the area for active nests during the initial clearing and grubbing procedures. In the event of discovery of active nests in an area to be cleared, protective measures are taken to avoid any impacts to the nests until the young have fledged and nesting activity is completed. Since a burrowing owl was previously observed on the site, the City will require preconstruction surveys according to protocol established by the California burrowing Owl Consortium.

94. The "7th Street property" shall be improved by the applicant with landscaping and hardscape generally as shown on preliminary landscaping plan L-1 dated March 17, 2006. Improvements shall be installed prior to issuance of the first Certificate of Occupancy for the site.
95. The bikeway and pedestrian walkway layout of the "7th Street Property" shall be designed to the satisfaction of the Director of Parks, Recreation, and Marine and the City Traffic Engineer.
96. Final detailed landscaping and irrigation plans shall be submitted for the review and approval of the Director of Park, Recreation, and Marine, and the Director of Planning and Building, and shall include drought-tolerant plant materials, hardscape, gateway signage visible from vehicular traffic on 7th Street, a minimum of 4 benches, entry elements such as gates or bollards, and sufficient trees to screen the school property from 7th Street.
97. The developer shall obtain a Coastal Development Permit from the California Coastal Commission for construction of the proposed sewer pipe attached to the Loynes Drive Bridge.
98. A new fence designed to CALTRANS standards shall be installed to replace the existing deteriorated fence, to the satisfaction of the Director of Parks, Recreation, and Marine.
99. The applicant shall deed the "7th Street property" to the City of Long Beach for use as a public park, and the property shall be dedicated by the City for park purposes.
100. The applicant shall maintain the improvements until such time as the "7th Street property" is deeded to the City, and in any case, no less than 90 days following completion of improvements to allow a plant establishment period.
101. The applicant shall obtain approval from CALTRANS and the Los Angeles County Flood Control District for all proposed improvements, including maintenance as applicable.

BUSINESS OPERATION

102. Hours of Operation for the Home Improvement Center are as follows: 5 a.m. to 11:00 p.m. Monday through Friday, 6 a.m. to 10:00 p.m. on Saturday, and 7:00 a.m. to 10:00 p.m. on Sunday.
103. Prior to issuance of a certificate of occupancy, a physical cart containment system shall be installed to the satisfaction of the Director of Planning and Building. Such system shall be in conformance with Ordinance 06-0013, including any amendments.
104. All required on-site parking shall be accessible and available during the hours any use on the site is open for business. Parking spaces or drive isles shall not be blocked off or reduced as a result of the installation of cart stations, outdoor displays, or other activities or improvements occurring during business hours.
105. Outdoor display of merchandise is prohibited.



Date: September 25, 2006
To: Planning Commissioners
From: Angela Reynolds, AICP Planning Officer
Subject: Corrections for the Staff Report, Statement of Overriding Considerations, and the Mitigation Monitoring Plan, Response to Comments Volume IV

Following are corrections for the Staff Report, Statement of Overriding Considerations, and the Mitigation Monitoring Plan.

Staff Report

Page 5	Parking Required for Commercial (104,886 sq. ft.) -	525
	Parking Required for Garden Center (34,643 sq. ft.) -	139
<hr/>		
	Total Required -	664
	Total Provided -	752

Should Read

	Parking Required for Commercial (122,866 sq. ft.) -	603
	Parking Required for Garden Center (34,643 sq. ft.) -	139
<hr/>		
	Total Required -	742
	Total Provided -	752

Page 9 Traffic – Volume to Capacity Ration (V/C) exceeds threshold at:

- Studebaker and 7th Street
- Studebaker and 2nd Street
- Studebaker and eastbound SR-22
- Studebaker and westbound SR-22

Should Read

Traffic – Volume to Capacity Ration (V/C) exceeds threshold at:

- PCH and 2nd
- PCH and 7th
- Studebaker and eastbound SR-22
- Studebaker and westbound SR-22
- Studebaker and 2nd St. (requires aquisition of right-of-way to mitigate)

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Resolution – Statement of Overriding Considerations

Page 3 **Weekday Peak Hour**

Studebaker Road/SR22 westbound ramps. Improvements to Studebaker Road/SR22 westbound ramps would require potential encroachment into the Los Cerritos Channel immediately adjacent and parallel to Studebaker Road. In addition, Caltrans has no plan to improve this facility. As such, there are no feasible improvements at this location that would mitigate the project's impact. Therefore, this intersection would experience a significant unavoidable impact during the weekday period.

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

Mitigation Monitoring Plan

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

4.1.2 ~~Prior to issuance of certificates of occupancy the applicant shall provide to the , a City of Long Beach Building Official shall verify verification that the~~ lighting plan restricts operational hours as follows: 100 percent illumination from dusk to close of commercial activities; 50 percent illumination from

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the close of commercial activities until one hour after close time; and only security-level lighting from one hour after closure until dawn.

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

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

Applicable Rule 403 measures include the following requirements:

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

4.2.3 ~~The City of Long Beach Building Official shall ensure that~~ Prior to issuance of a building permit, the applicant shall provide to the City of Long Beach Building Official construction documents and the

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Construction Contractor's Agreement that —require use of dust suppression measures in the SCAQMD CEQA Air Quality Handbook during grading and construction. The construction contractor shall be responsible for implementation of dust suppression measures.

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

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

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

reports on the condition of the barriers to the City of Long Beach Environmental Officer on a monthly basis. The cost of the biologist shall be reimbursed by the applicant.

- 4.4.3 In conjunction with the submittal of applications for rough grading permits, the Director, Department of Planning and Building, shall verify that a Los Angeles County certified archaeologist has been retained by the applicant and—shall be present at the pregrading conference and shall establish procedures for temporarily halting or redirecting work if unrecorded archaeological resources are discovered during grading to permit the sampling, identification, and evaluation of archaeological materials as appropriate. The cultural resource management program will include resource monitoring during project grading of archaeologically sensitive sediments to ensure that unidentified cultural resources are not affected by the proposed undertaking. If archaeological materials are identified during construction, standard professional archaeological practices shall be initiated to characterize the resources and mitigate any impacts to those resources. Included within this program will be the development of a curation agreement for the permanent care of materials collected from the project. This agreement would be negotiated with a suitable repository.
- 4.5.1 Prior to issuance of building permits, the applicant shall obtain approval of the City of Long Beach Building Official (or designee) and the City of Long Beach Director of Public Works ~~of are required to review and approve final design plans~~ to ensure that earthquake-resistant design has been incorporated into final site drawings in accordance with the most current California Building Code and the recommended seismic design parameters of the Structural Engineers Association of California. Ultimate site seismic design acceleration shall be determined by the project structural engineer during the project design phase.
- 4.5.2 A detailed geotechnical investigation of the site shall be conducted prior to ~~the project design phases~~ submittal of the plan check application and shall be submitted with the grading or plan check application. This investigation shall evaluate liquefaction potential, lateral spreading hazards, and soil expansiveness and shall determine appropriate design consistent with the most current California Building Code. A corrosion engineer shall design measures for corrosion protection. Site-specific final design evaluation and grading plan review shall be performed by the project geotechnical consultant prior to the start of grading to verify that recommendations developed during the geotechnical design process are appropriately incorporated in the project plan. Design and grading construction shall be performed in accordance with the requirements of the California Building Code applicable at the time of grading, appropriate local grading regulations, and the recommendations of the project geotechnical consultant as summarized in a final report, subject to review by the City of Long Beach Building Official prior to issuance of grading permits.

- 4.6.7 ~~After rough grading and prior to building construction and issuance of a building permit or utility installation,~~ a detailed methane soil gas investigation workplan shall be prepared by the project applicant and submitted to the City of Long Beach Fire Department for review and approval. The methane soil gas investigation shall be performed in accordance with local industry standards. The results shall be presented in a formal report that includes recommendations to mitigate potential hazards from methane, if required. The report shall be reviewed and approved by the City of Long Beach Fire Department. Based on the results of this detailed investigation, additional mitigation design may be necessary, including providing conventional vapor barriers and venting systems beneath buildings and confined spaces. Methane mitigation design shall be approved by the City of Long Beach Fire Department.
- 4.6.9 ~~Prior to application for a business license and/or issuance of a~~ certificate of occupancy, the project applicant shall submit a Business Plan including a Hazardous Materials Release Response Plan and Inventory to the Long Beach CUPA for approval and permit. The Business Plan shall include a description of emergency response procedures and coordination with AGS with respect to alarms and public address systems.
- 4.6.11 ~~Prior to application for a business license and/or issuance of a~~ certificate of occupancy, the project applicant shall submit an Emergency Response and Evacuation Employee Training Program to the Long Beach CUPA for review and approval. The business owner shall conduct drills as required by CUPA and shall submit training documentation as part of the annual review of the Business Plan
- 4.7.1 ~~Prior to issuance of a grading permit,~~ the City of Long Beach shall ensure that ~~construction plans for the project~~The grading plans shall include features meeting the applicable construction activity best management practices (BMPs) and erosion and sediment control BMPs published in the *California Stormwater BMP Handbook—Construction Activity* or equivalent. The construction contractor shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the City that includes the BMP types listed in the handbook or equivalent. The SWPPP shall be prepared by a civil or environmental engineer and will be reviewed and approved by the City Building Official prior to the issuance of any grading or building permits. The SWPPP shall reduce the discharge of pollutants to the maximum extent practicable using BMPs, control techniques and systems, design and engineering methods, and such other provisions as appropriate. A copy of the SWPPP shall be kept at the project site.

The construction contractor shall be responsible for performing and documenting the application of BMPs identified in the SWPPP. The construction contractor shall inspect BMP facilities before and after every rainfall event predicted to produce observable runoff and at 24-hour

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

- 4.7.4 ~~Prior to issuance of a building permit, the applicant shall provide a project SUSMP to the City of Long Beach Director of Planning and Building shall for review and approve approval a project Standard Urban Storm Water Mitigation Plan (SUSMP).~~ The project SUSMP shall identify all of the nonstructural and structural BMPs that will be implemented as part of the project in order to reduce impacts to water quality to the maximum extent practicable by addressing typical land use pollutants and pollutants that have impaired Los Cerritos Channel and Reach 1 of the San Gabriel River
- 4.7.5 ~~Prior to issuance of a building permit, the applicant shall provide a plan to ensure on going maintenance for permanent BMPs to the the City of Long Beach shall, under the direction of the City of Long Beach Director of Planning and Building Public Works for review and approval, approve a plan to ensure ongoing maintenance for permanent BMPs.~~ This plan shall include a statement from the applicant accepting responsibility for all Structural and Treatment Control BMP maintenance until the time the property is transferred. All future transfers of the property to a private or public owner shall have conditions requiring the recipient to assume responsibility for the maintenance of any structural or Treatment Control BMP. The condition of transfer shall include a provision requiring the property owner to conduct a maintenance inspection at least once a year and retain proof of inspection. In addition, educational materials indicating locations of storm water facilities and how maintenance can be performed shall accompany first deed transfers.
- 4.7.6 ~~Prior to issuance of a building permit, the City of Long Beach Director of Planning and Building/City Engineer shall review and approve a final Hydrology Plan.~~ the applicant shall provide a final Hydrology Plan to the Long Beach Director of Public Works for review and approval. The Hydrology Plan shall include any on-site structures or modifications of existing drainage facilities necessary to accommodate increased runoff resulting from the proposed project and shall indicate project contributions

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to the regional storm water drainage system. The Hydrology Plan shall show all structural BMPs, consistent with the project SUSMP.

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

Response to Comments-Recirculated Volume IV

See attachment for response to comment by Ken Seiff.

(Attachment)

This communication is a response, commentary, and filing of certain rejections of and objections to aspects of the so-called Home Depot of East Long Beach Recirculated Draft EIR. I would expect that my concerns will be comprehensively and appropriately addressed as is expected by this process.

I believe this document to demonstrate multiple and extensive deficiencies and inadequacies in a great many essential areas of concern for a project of such impact. Such issues include open space preservation, air and noise pollution, and impacts upon wetland areas, to name a few. These issues are magnified greatly especially given the close proximity of many schools, residential areas, waterways, and the ocean. In particular, the plans as discussed in the document regarding the possible mitigation of toxic pollution on the site are woefully inadequate I believe, especially related to the presence of nearby schools, and this problem in particular requires its own specific independent study by public agencies or at least funded by them; the developer and the proposed vendors for the site should be required to help pay for this, but through public agencies and not via their own handpicked consulting firms.

The extensive "inventory of significant unavoidable adverse impacts" referred to in this document is unacceptable and indicates a willingness to avoid addressing very difficult and important problems that will effect the quality of life severely for those many people who live in and around the area and travel to and/or through it. Rather than coming up with possible solutions to such adverse impacts, however difficult, the document defines these as "unavoidable", implying that nothing can be done. This attitude must be disputed. The use in this document of tools such as "variances", "conditional use permits", and "statement of overriding conditions" as well as other similar devices are approaches that are no longer appropriate in the current period of planning and development in a relatively mature urban setting and reflect an approach of avoidance of the difficult problems necessary to improve in order to just get the development approved; this may have worked in the past but is no longer appropriate. The developer and potential vendors on the site, local and regional planners, and the cities and other governmental bodies involved cannot avoid these responsibilities by dismissing these as "unavoidable impacts" that cannot or should not otherwise be addressed for the best plan. Notwithstanding all the above, however, the overriding glaring deficiency in the plans as indicated in this document relates to the local and regional traffic flow, access, safety, and infrastructure issues.

It is very well known that the so called Studebaker Road corridor from 2nd St. on the south to 22 Fwy/7th St. Interchange on the north has been dilapidated, distressed, deteriorated, dangerous, and an antiquated/neglected eyesore for a great many years. Minimal improvements have taken place at times, but for the most part residents of the area have been caught among a lack of cooperation of the governmental bodies and agencies involved in the area that has resulted in ongoing poor response and inadequate addressing of the issues. The city, state (CalTrans), counties, water agencies, and others have all claimed lack of money, lack of jurisdiction, and/or both to justify their inaction on plans to improve the area. Meantime, the use of the roads and infrastructure has continued to skyrocket with ever increasing pressure on the traffic resources, streets, roadbeds, and etc. The situation is already often almost intolerable as far as traffic congestion at peak hours. The 22 and 405 Freeways, 7th St., 2nd St., and PCH (as cars try to get to and from the freeways) as well as ever growing Long Beach State University all continue to increasingly impact the roads and related infrastructure making driving ever more miserable for residents and commuters alike. It is appalling that the 22 Fwy/7th St. Intersection at the Studebaker bridge over 7th St. was apparently not even included in the sphere of the project! What an opportunity missed to include an area that sorely needs great attention and that might be addressed as part of

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this nearby project that will impact that already distressed intersection; this certainly represents a lack of creative and common sense planning as I see it. Despite this, the discussion of potential mitigation for the various traffic issues mentioned in the document for this area are obviously further stopgap type temporary fixes that do not approach the admittedly difficult problems ("fixes" such as lane restriping, traffic flow readjustments, lane alignments, traffic signal improvements, and etc.)

This area needs a Master Plan especially as related to traffic or else the "fixes" proposed would be just more of what we have been subjected to for probably 20 years or more, and that is not acceptable. The traffic studies did not take enough into account the safety and circulation hazards of night driving in the area, bad weather and wet road conditions there, and unique weekend driving characteristics there including the large number of boats being towed on their trailers with larger trucks and SUVs as the weekend boaters try to get from the freeways to the boat launch ramp at Marine Stadium north of 2nd St. on Marina Drive. Anyone who drives in these areas regularly and including at night and on the weekend knows the unique and dangerous "quirks" and poor conditions of the roads, roadbeds, turning and lane characteristics, and traffic flow. Those of us who live in the area carefully remind each other to be very careful there but since we live there, we have to drive it more than anyone it seems.

Recent fatal accidents of young people in these areas have only tragically reinforced this, and I would invite anyone who might want to take me up on it to accompany me on a tour of these roads and see what they think first hand. Even the installation of more substantial barriers along the Los Cerritos Channel beside Studebaker Road may have prevented one of these deaths, horribly that of a young Long Beach girl. Why was that not done before, instead of the weaker old chain link fencing that has been there for years? Why cannot issues like that be included in the traffic aspects of this project? This is the forward looking and creative planning that we should expect and the emergence of this project, rather than presenting just more "unavoidable adverse impacts" that "cannot be mitigated" for whatever reasons, should be offered as a catalyst to finally truly and meaningfully approach these problems and issues which loom very large to those many who live and travel in the area; there will even be many more once this project and others planned and even already near completion in the greater area finish up. Traffic and road improvements should be more master planned as part of this project, especially given the history of the area as mentioned in these particular regards. Not to do so at this time of opportunity would be a severe abdication of civic responsibility in my view.

The time for "administrative gimmicks" to "work around" so called "unmitigatable" factors has long passed and the use of "variances", "conditional usage", and "statements of overriding considerations" in such a project is a cop out, especially when actual possible solutions have not been thoroughly explored and/or have been dismissed out of hand, for whatever reasons and where the accountability for those decisions has not been made clear. As an example, in Section 8.0 of the document, on page 8.3, regarding the Studebaker/SR22 interchange, it is stated that, "CalTrans has no plans to improve this facility. As such, there are no feasible improvements at this location that would mitigate the cumulative impact." Where is the accountability there? When did CalTrans say this? Who at CalTrans said it? And is not this making some assumptions that are questionable at best by ignoring the potential response CalTrans might possibly have once we the residents as well as our cities (I would hope) use all that we can including



intense communication with our elected STATE officials, the governor, and a myriad of other possible remedies? This document, in its obvious zeal to rapidly suggest "approval" for this project, dismisses and deals with very prematurely/presumptively many possibilities that might remain open as options to convince other government agencies and other sources regarding improving the ultimate "footprint" of this development, especially as regards traffic considerations. Cost issues are always raised, of course, but I would submit that the developers and the possible vendors of the site have a responsibility to support these efforts especially given the unique history and background of this area over time, in particular regarding traffic issues, and especially given that we are now in 2006 as to planning and development in our area. It cannot be the same anymore that the use of "variances", "special conditions", and "overriding considerations" can be utilized to ignore major impacts...not anymore.

Finally, I would like to mention a particular aspect of the traffic situation and that relates to the 22 Fwy/7th St /Studebaker interchange as it impacts upon the College Park West area of Seal Beach and Long Beach residents in the immediate surrounding areas. The residents there have only 1 way out, over College Park Drive, that amazingly egresses on the exit ramp of the westbound 22/7th St freeway to Studebaker Road. The visibility at that intersection as that exit ramp curves toward the stop sign is appalling, especially at night. It is time to fix that, even with a traffic light, and the emergence of this project is the reason to do it finally. There are other traffic related issues that are in dire need of attention also, in addition to the fact that the land surrounding the roads has been blighted for years, which no one really wants I would think and tends to lower property values. Again, I invite anyone who has not experienced it to take a tour with me. Those who live in the area have no choice but to navigate more than others the unsafe, poorly designed, antiquated, and eyesore area along with increasing numbers of LB State commuters during the week and resultant traffic jams and increasing boaters on the weekends. This type of "only one way out" neighborhood on the border of two counties and cities would never be allowed to be designed today and the access and infrastructure is long overdue for improvement at the 22/7th St. intersection necessary to traverse to access the neighborhood. Unfortunately, over the many years, CPW Seal Beach residents have gotten caught between the various public entities even more than most, since the interchange is actually not in OC or Seal Beach, but Long Beach/L.A. County, and in fact most is state (CalTrans) land. However, this Home Depot project will even more severely impact that interchange and it would seem that this neighborhood should not be even further disenfranchised and that it would benefit from a Master Plan for Traffic and regional approach with cooperation amongst all the public entities involved in a mature and optimizing way that would offer the best alternatives for all. The 22/7th/Studebaker interchange should be part of the project area, but even that would not be enough unless a "real" approach to possible solutions was utilized for planning (the Loynes Drive/Studebaker Rd. intersection, for example, is apparently within the actual project boundary but the approach there is also inadequate I feel, as dealt with in the EIR document, but that is a related topic that has been further addressed by others.)

Thank you for the opportunity to submit these comments and I look forward to their being addressed and perhaps even some of these most difficult problems actually being more looked at.

Sincerely--Ken Seiff
 121 Yale Lane
 Seal Beach, CA 90740



KEN SEIFF

R-P-80-1

This comment introduces the comment letter and expresses a negative opinion of the CEQA analysis for the proposed project stating that open space preservation, air and noise pollution, impacts to wetlands areas, and toxic pollution were inadequately addressed. The Draft EIR and Recirculated Draft EIR addressed open space requirements, potential air and noise impacts, and potential impacts to wetlands in accordance with local regulations (e.g., SEADIP, City Noise Ordinance) and State CEQA Guidelines. In addition, Section 4.6 of the Recirculated Draft EIR includes 12 mitigation measures that reduce all potential impacts related to hazards and hazardous materials to a less than significant level. The comment is not substantiated with any facts or additional information and is therefore considered an opinion. Opinions expressed regarding the proposed project and the CEQA analysis will be made available for consideration by the decision makers.

R-P-80-2

The comment states that the inventory of significant unavoidable adverse impacts is unacceptable and indicates a willingness to avoid addressing difficult issues. The Traffic Study for the proposed project was prepared consistent with the City's policies and the requirements of CEQA and mitigation measures were developed to mitigate specific project impacts. However, in developing mitigation requirements the City must be cognizant of the feasibility of specific mitigation. CEQA and the State CEQA Guidelines provide that a mitigation measure to minimize a project's impacts may only be imposed by a local agency if it is feasible (Title 14, CCR § 15126.4(a)(1)). CEQA defines a feasible mitigation measure as one which is "capable of being accomplished in a successful manner within a reasonable period of time, taking in account economic, environmental, legal, social, and technological factors (CCR §15364). DEIR 2005 and the Recirculated Draft EIR provide information on each of the significant unavoidable impacts explaining why the impact cannot be mitigated to below a level of significance. Therefore, finding an impact to be "significant and unavoidable" because it cannot be feasibly mitigated to below a level of significance is not the result of avoidance of issues, but rather compliance with the law.

R-P-80-3

This comment expresses concerns regarding impacts to Studebaker Road between 2nd Street and the SR-22 westbound ramps and alleges that Studebaker Road at the SR-22 ramps were not analyzed in DEIR 2005 or the Recirculated Draft EIR. Transportation and Circulations impacts were analyzed in Section 4.11 of DEIR 2005 and Chapter 6.0 of the Recirculated Draft EIR and feasible mitigation measures were provided. Refer to Responses to Comments L-2-5, S-4-4, R-P-35-5, and R-P-35-6.

R-P-80-4

The comment states that a Master Plan for the project area is needed, especially as it related to traffic. The project is located within the SEADIP. SEADIP provides both the land use planning and zoning/development regulations for this portion of the City. City policy decisions regarding future area planning efforts are beyond the scope of the proposed project. Please refer to Response to Comment R-P-51-1 for additional information.

R-P-80-5

This comment expresses concerns regarding existing conditions involving night driving hazards, boat trailers, and fatal accidents in the area. Road maintenance and enforcement of traffic violations is the responsibility of the City and is not tied to implementation of the proposed project. Transportation and Circulations impacts were analyzed in Section 4.11 of DEIR 2005 and Chapter 6.0 of the Recirculated Draft EIR and feasible mitigation measures were provided. Refer to Common Response 1: Loynes Drive. Opinions expressed about the development process will be made available to the decision makers for their consideration.

R-P-80-6

Please refer to response to Comment R-P-80-2.

R-P-80-7

This comment expresses concern about the proposed project's impact on the entrance/exit to College Park West. Refer to Responses to Comments L-2-5, S-4-4, R-P-16-3, R-P-16-5, and R-P-22-1.

R-P-80-8

This comment states that the approach to studying the intersection of Loynes Drive and Studebaker Road is inadequate the commenter's opinion. The Traffic Study for the proposed project was prepared consistent with the City's policies and the requirements of CEQA. Please also refer to Common Response 1: Loynes Drive for additional information. Opinions expressed regarding the CEQA analysis will be made available for consideration by the decision makers.

R-P-80-9

This comment concludes the comment letter and does not contain and substantive comments or questions about DEIR 2005 or the Recirculated Draft EIR. No further response is necessary.

R-P-79

"m cotton" <mbcotton@hotmail.com>

03/09/2006 12:49 PM

To: angela_reynolds@longbeach.gov

cc:

Subject: FW: Major Deficiencies in Recirculated Home Depot EIR - resent

Dear Angela,

I had sent the following e-mail (see below) on July 12th as my formal comment on the Recirculated Home Depot EIR.

However, I am looking through the list of individuals who sent in comments -- and do not find my name.

Apparently there was some different format or method in which I needed to send in my comments?

Could you please let me know exactly what I need to do, as I will be sending comments concerning the Home Depot proposal before Planning Commission on August 17th -- and would be upset if I again failed to do something correctly.

>From: "m cotton" <mbcotton@hotmail.com>

>To: angela_reynolds@longbeach.gov

>Subject: Major Deficiencies in Recirculated Home Depot EIR

>Date: Wed, 12 Jul 2006 00:13:16 +0000

>

>From Melinda Cotton, PO Box 3310, Long Beach, CA 90803 (562) 433-2795

>

>I have lived in Long Beach (Belmont Shore) for 23 years and been involved in numerous planning and traffic projects - including the Mayor's Transportation Task Force in the early 90s. I have been a member of the 2004 General Plan Update, Southeast Area Community Cluster which met from January 2004 until approximately June of 2005, when meetings ceased.

>

>I have ready through nearly all of the recirculated Home Depot EIR, and find that it is woefully inadequate in addressing the future of this area.

>

>On page 190 of the EIR it's stated that the Home Depot project alone will add 5783 daily trips of cars and trucks on weekdays and 8,503 on weekends!

>Studebaker and Second Street and nearby intersections are operating at D, E

>and F levels currently. At 2nd and Pacific Coast Highway we have the worst

>intersection in Long Beach, with what are often traffic nightmares. The Home Depot EIR simply throws up its hands, saying these traffic nightmares

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R-P-79

>are impossible to mitigate. It's already horrible and sorry folks we're
 >going to make it worse.

>

>In addition, the EIR fails to address major projects currently under
 >construction or in development stages that are within a half mile to two
 or
 >three miles of the proposed Home Depot project.

>

>The major project totally ignored in the EIR is the Boeing Pacific
 Gateway
 >Business Park on 2nd Street just over the Long Beach border in Seal
 Beach,
 >about half a mile from the proposed Home Depot site.

>

>The Boeing "business park" development now under construction is composed
 >of 913,000 square feet of "light industrial" buildings, however this is
 >only part of the project. A total of 107 acres of Boeing property was
 >originally subdivided into lots.

>

>More development on this site was just approved. At the Coastal
 >Commission's May 10th meeting,
 >the Commission approved an amendment to the project adding a more than
 >65,000 square foot, 110 room, four story hotel and an additional 25,000
 >square feet of retail and restaurants.

>

>The Boeing Pacific Gateway project was not even mentioned in the
 >recirculated EIR- however it will have a huge impact on traffic on 2nd
 >Street, Studebaker and the 22 Freeway/7th Street corridor.

>

>(At the end of this document I have listed the Web links to the Coastal
 >Commission Agenda and Staff Report on this project. See Note 1.)

>

>Another unmentioned project is the coming development of the so-called
 >"Pumpkin Patch" project on Pacific Coast Highway at the entrance to Long
 >Beach from Seal Beach to the south. The "Pumpkin Patch" project will be
 on
 >the east side of PCH at this location. The developer has previously
 >submitted a large scale development proposal (I believe in the
 neighborhood
 >of 400,000 square feet) which included a Best Buy big box style retail
 >store. There is no doubt that this location will encompass a large
 project
 >with huge traffic, air quality impacts and other affects.

>

>Other expected projects are an expansion of the Marketplace property, and
 >potential development at Lloynes and Studebaker if the Los Cerritos
 >Wetlands is not allowed protection.

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>The impacts of the proposed Home Depot project are unacceptable in regard
 >to traffic, air quality, sewage, trash, and environmental impacts on
 birds,
 >sea life and vegetation in the area.

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R-P-79

>Big Box retail such as Home Depot, and in addition the restaurants and
 >retail proposed for this site are the highest impact type of usage that
 >could have been proposed here.

>

>A Home Depot, restaurants and more retail are unnecessary and are not the
 >highest and best usage for this site -- located on a river and only a
 short
 >distance from the ocean.

>

>The Recirculated EIR for this project is inadequate -- and unacceptable
 in
 >the burden it would impose on the community.

>

>*****

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>To view the Coastal Commission Agenda regarding the
 >hotel/restaurant/retail go to:
 ><http://www.coastal.ca.gov/meetings/mtg-mm6-5.html>

>

>It's item 19 (d) on the Agenda.

>

>For the complete Coastal Commission staff report go to:
 ><http://www.coastal.ca.gov/epacket/2006/5/W19d-5-2006.pdf>

>

>

>

>Melinda Cotton
 >PO Box 3310
 >Long Beach, CA 90803
 >562/433-2795

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Response to Comment Letter R-P-79
M. COTTON

R-P-79-1

This comment is an explanation of why the e-mail communication with comments on the Recirculated Draft EIR was re-sent to the City. E-mail is not a guaranteed form of delivery, and the City regrets that it did not receive this comment e-mail prior to the preparation of the Response to Comments document for the Recirculated Draft EIR. The comment letter identifies concerns that were also contained in other comment letters and which are addressed in the Response to Comments document. However, the City would like to specifically address the comments raised in this e-mail, and has prepared specific responses to this e-mail communication (see below).

R-P-79-2

This comment is an introduction to comments that follow, includes background information regarding the author, and expresses the opinion that the Recirculated EIR is inadequate. The City does not agree with these allegations. Having reviewed the information contained in DEIR 2005 and the Recirculated Draft EIR, as well as the Responses to Comments, the City has determined that the CEQA documentation is complete, that there is no new significant information, and there is no need to recirculate the environmental documentation in accordance with the requirements under Section 15088.5 of the State CEQA Guidelines. Opinions expressed about the CEQA analysis will be made available to the decision makers for their consideration.

R-P-79-3

This comment restates information in the Recirculated Draft EIR regarding the traffic impacts of the proposed project. The comment expresses concern that the project-related traffic will worsen intersections that are already congested. The comment also expresses concern that not all impacts can be mitigated. DEIR 2005 and the Recirculated Draft EIR include mitigation measures to reduce significant traffic impacts to the extent feasible and identify those impacts for which there is no feasible mitigation.

R-P-79-4

The comment incorrectly indicates that the Boeing Pacific Gateway Business Park project was not addressed in the environmental documentation. This project is included as a related project in the cumulative analysis, as detailed in DEIR 2005. As stated in Section 4.11 of DEIR 2005, two cumulative projects were identified in the cumulative condition based on discussions with the City of Long Beach and City of Seal Beach Planning Departments: (1) 120 Studebaker Road, and (2) the Boeing Specific Plan. Project trip generation for both approved/pending projects was provided by the City of Long Beach and City of Seal Beach Planning Departments. In addition, the cumulative traffic analysis in the Recirculated Draft EIR includes the proposed Scaport Marina project.

R-P-79-5

The comment incorrectly indicates that the "pumpkin patch" project was not addressed in the environmental documentation. This project is included as a related project in the cumulative analysis,

as detailed in DEIR 2005. As stated in Section 4.11 of DEIR 2005, two cumulative projects were identified in the cumulative condition based on discussions with the City of Long Beach and City of Seal Beach Planning Departments: (1) 120 Studebaker Road (also known as the "pumpkin patch"), and (2) the Boeing Specific Plan. Project trip generation for both approved/pending projects was provided by the City of Long Beach and City of Seal Beach Planning Departments. In addition, the cumulative traffic analysis in the Recirculated Draft EIR includes the proposed Seaport Marina project.

R-P-79-6

This comment identifies other "expected" projects. The cumulative impact analysis conducted for the DEIR 2005 and the Recirculated Draft EIR was conducted consistent with Section 15130 of the State CEQA Guidelines and evaluated all projects that the City as Lead Agency deemed appropriate for consideration as cumulative projects. Guided by the standards of practicality and reasonableness, the City made determinations as to which projects were to be evaluated in DEIR 2005 and the Recirculated Draft EIR.

R-P-79-7

The comment expresses the opinion that the impacts associated with the proposed project are unacceptable. Opinions expressed about the project will be made available to the decision makers for their consideration.

R-P-79-8

The comment expresses the opinion that the impacts associated with the proposed project are excessive, and that the retail/restaurant component of the project is not necessary. The alternatives analysis in DEIR 2005 identified a reasonable range of alternatives, including a Reduced Project Alternative. Please refer to Chapter 6.0 of DEIR 2005 for additional information about the Reduced Project Alternative. Opinions expressed about the project will be made available to the decision makers for their consideration.

R-P-79-9

The comment concludes, summarizes the comments made above, and expresses the opinion that the Recirculated Draft EIR is inadequate and that the project impacts are unacceptable. See Responses to Comments R-P-79-1 through R-P-79-8, above. Opinions expressed about the project will be made available to the decision makers for their consideration.

R-P-79-10

This comment provides Web site information regarding California Coastal Commission agendas and staff reports. This comment is informational only and is not specific to the Recirculated Draft EIR or the analysis therein; however, the comment will be made available to the decision makers for their consideration.