

H-17

January 7, 2020

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record, conclude the public hearing, and adopt a Resolution approving and certifying Mitigated Negative Declaration (ND13-19) for the 300 Studebaker Road Industrial Park Project, consisting of the demolition of existing structures and development of two concrete tilt-up industrial buildings, in accordance with the provisions of the California Environmental Quality Act (CEQA) and State and local guidelines; making certain CEQA Findings and Determinations relative thereto; and adopting a Mitigation Monitoring and Reporting Program in accordance with those measures set forth in ND13-19; and,

Deny the appeals by Ann Cantrell, Joe Weinstein and Corliss Lee (Citizens About Responsible Planning) (APL19-009) and Anna Christensen and Ann Cantrell (Sierra Club Los Cerritos Wetlands Task Force) (APL19-010); and approve a Site Plan Review (SPR18-056), Local Coastal Development Permit (LCDP18-034), Standards Variance (SV18-004), and Lot Line Adjustment (LLA18-002) for the demolition of existing structures and development of two concrete tilt-up industrial buildings (91,700 square feet and 47,500 square feet, respectively) with surface parking, associated landscaping, and offsite open space on a site located in the Coastal Zone at 300 Studebaker Road within the Southeast Area Development and Improvement Plan (PD-1) area. (District 3)

DISCUSSION

At its November 7, 2019 meeting, the Planning Commission approved, with conditions, a Site Plan Review (SPR), Local Coastal Development Permit (LCDP), Standards Variance (SV), and Lot Line Adjustment (LLA) request for a project consisting of the demolition of existing structures and development of two concrete tilt-up industrial buildings on a 6.69-acre site at 300 Studebaker Road within the Southeast Area Development and Improvement Plan (PD-1) (Project) (Attachment A).

The Project is located at the intersection of Loynes Drive and Studebaker Road and encompasses 6.69 acres of land situated east of 300 Studebaker Road (eastern project area), and 1.81 acres at the northwest and southwest corner of Studebaker Road and Loynes Drive (western project area), for a total project area of 8.5 acres (Project Site) (Attachment B). The western project area is partially situated within an appealable area of the Coastal Zone, while the remainder of the site is in the City's jurisdiction of the Coastal Zone.

The Project includes a proposal to construct two new concrete tilt-up industrial buildings of 91,700 square feet and 47,500 square feet, respectively, with 168 parking spaces (Attachment C). An additional 43 optional parking spaces are provided in the form of grasscrete parking. Each building will have a height of 35 feet. The project would support potential uses such as light manufacturing, warehousing, assembly and distribution, with ancillary office uses.

Under the recently adopted Land Use Element (LUE) (2019), the eastern project area would be designated as the "Industrial" placetype, and the western project area would be designated as the "Open Space" placetype. The California Coastal Commission (CCC) has not amended the City's Local Coastal Program (LCP) with the 2019 LUE. Therefore, the previous General Plan Land Use Element (1989), designation of Land Use District Number 7 – Mixed Uses (LUD 7), remains applicable for combinations of land uses.

Site Plan Review

Both buildings are sited to front on Studebaker Road, with vehicular access and parking located in front of, between, and at the rear of the two buildings. Vehicles will access the Project Site via a new 61-foot-wide driveway that creates a fourth leg of the signalized intersection of Studebaker Road and Loynes Drive. A second driveway will be provided at the northern limits of the Project Site along Studebaker Road, that is right-turn in and out only. The truck bays will be located at the rear of the property, adjacent to the Alamitos Energy Center.

Both buildings are oriented to eliminate visibility of loading docks from Studebaker Road. The elevations along Studebaker Road are given the greatest level of architectural detail, creating facades that are attractive from the public right-of-way. Bird-safe window and glass treatments are required by the Southeast Area Development and Improvement Plan (SEADIP) and are included as a condition of approval.

Based on positive SPR findings that the proposed Project is harmonious and consistent within itself and compatible with the surrounding community, staff is supportive of the project design (Attachments D, E). The Project is designed to conform with all applicable development standards and is consistent with the level and intensity of development intended by the SEADIP.

Standards Variance

SEADIP requires 30 percent of the 6.69-acre Project Site to be developed as open space. The Project would provide a portion of the required open space onsite and the developer would dedicate the remaining 1.81-acres of open space offsite on the west side of Studebaker Road, contiguous with the Los Cerritos Wetlands (Subarea 24). No reduction in open space is requested. The standards variance deals only with whether the open space can be provided offsite to the benefit of wildlife, and the public, or if it must be incorporated onto the Project Site. This transference of privately-owned land to a Joint Powers Authority, Los Cerritos Wetlands

Authority (LCWA), or State or local government agency would fulfill the remaining portion of the onsite open space requirement, while also furthering the goals and policies of SEADIP and the LCP for the preservation, maintenance, and restoration of the open space areas west of Studebaker Road. Vegetation restoration for the 1.81-acres would be scheduled in accordance with the LCWA's plan for the greater Los Cerritos Wetlands complex.

Local Coastal Development Permit

A LCDP is required for any discretionary action within the coastal zone. The Project Site is located in the SEADIP area of the LCP. As noted above, the eastern project area is slated for development in Subarea 19, which is designated for industrial development. Subarea 24 includes the western open space parcels, which are designated for restoration to native wetland habitat. The proposed industrial portion of the Project is consistent with the intended uses for Subarea 19 of SEADIP and meets all current use requirements. The industrial development would be setback and located adjacent to existing industrial uses in a manner that would not obstruct public views of water areas or public open spaces.

A standards variance is sought for the provision of offsite open space to fulfill the SEADIP open space requirement. The granting of this variance would be consistent with the SEADIP and LCP, as the dedication of open space to the Los Cerritos Wetlands Authority, State, or City would be consistent with the intent for open space preservation in Subarea 24.

Lot Line Adjustment

According to the record of survey, while there are five parcels shown on the existing Los Angeles County Assessor Map, there are three existing legal parcels on the Project Site (Attachment F). The proposed Project would reposition the north-south property line on the west side of Studebaker Road between existing parcels A and B to the east side of Studebaker Road (Attachment G). The adjusted property line would be located between both buildings (Proposed Lots 1 and 2). Currently, there are three legal parcels: two parcels west of Studebaker Road, and one parcel east of Studebaker Road. The proposed Project would adjust the lot lines to one parcel west of Studebaker Road and two parcels east of Studebaker Road.

Initial Study/Mitigated Negative Declaration

In accordance with CEQA Guidelines, an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the proposed Project (Attachment H). The IS/MND provided mitigation measures addressing Aesthetics, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, and Tribal Cultural Resources. The IS/MND determined that mitigation measures would not result in any significant adverse environmental impacts. The IS/MND was distributed to public agencies and made available for public review and comment for a CEQA-required 30-day review period from September 6, 2019 to October 7, 2019. The Notice of Intent (NOI) was filed with the Los Angeles County Clerk on September

5, 2019, mailed out to various local and State agencies on September 5, 2019, and published in the Press-Telegram on September 6, 2019.

The City received seven letters during the IS/MND public comment period and responses to the letters sent during the IS/MND public comment period. None of the comments raised issues with the analysis contained in the IS/MND that warranted new impacts or mitigation not identified in the environmental document. The preparation and public availability of this MND has been carried out in compliance with the provisions of CEQA and the CEQA Guidelines.

On November 7, 2019, the Planning Commission adopted the Initial Study/Mitigated Negative Declaration and conditionally approved the SPR, LCDP, SV, and LLA at the Public Hearing (Attachment I). Four pieces of written correspondence were received prior to the Planning Commission Hearing. Comments in support and opposition to the Project were also made at the Public Hearing (Attachment J).

Appeal

Two appeals of the Planning Commission's approval of the Project, filed by Ann Cantrell, Joe Weinstein, and Corliss Lee (Citizens About Responsible Planning) (APL19-009) and Anna Christensen and Ann Cantrell (Sierra Club Los Cerritos Wetlands Task Force) (APL19-010), assert that the Project introduces environmental and coastal impacts and that an EIR must be prepared (Attachment K).

Staff's response to the appeal is attached and demonstrates that the Project would not result in an adverse effect on the environment, and that the Project is consistent with all required findings (Attachment L). A IS/MND was prepared for this Project in accordance with Section 15070 of the CEQA Guidelines. The IS/MND analyzed the proposed Project in accordance with the CEQA Guidelines and determined that the Project will not result in any significant and unavoidable impacts, with mitigation measures included. Additionally, the development is subject to the Mitigation Monitoring and Reporting Program (MMRP), which is designed to ensure compliance with applicable mitigation measures during Project implementation. For each mitigation measure recommended in the IS/MND that applies to the proposed Project, specifications identify the action required, the monitoring that must occur, and the party responsible for verifying compliance.

Staff analyzed the Project, in accordance with the required findings for SPR, LCDP, SV, and LLA entitlements, and finds that positive findings can be made for each approval. The appeal materials provided by the appellant are consistent with the materials considered by the Planning Commission, which ultimately approved the Project.

Public Hearing notices were distributed on December 26, 2019, in accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code. No written correspondence has been received prior to the City Council hearing.

HONORABLE MAYOR AND CITY COUNCIL

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This matter was reviewed by Assistant City Attorney Michael J. Mais and Budget Analysis Officer Julissa José-Murray on December 3, 2019.

TIMING CONSIDERATIONS

City Council action is requested on January 7, 2020. Section 21.21.504.B of the Zoning Regulations requires a Public Hearing for an appeal to the City Council to take place within 60 days of receipt of an appeal, the first of which was filed on November 14, 2019.

FISCAL IMPACT

The recommended action has no staffing impact beyond the normal budgeted scope of duties and is consistent with City Council priorities. There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



LINDA F. TATUM, FAICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:



THOMAS B. MODICA
ACTING CITY MANAGER

ATTACHMENTS: CITY COUNCIL RESOLUTION

- ATTACHMENT A – PLANNING COMMISSION STAFF REPORT (NOVEMBER 7, 2019)
- ATTACHMENT B – VICINITY MAP
- ATTACHMENT C – PLANS AND PROJECT RENDERINGS
- ATTACHMENT D – FINDINGS
- ATTACHMENT E – CONDITIONS OF APPROVAL
- ATTACHMENT F – PARCEL LAYOUT
- ATTACHMENT G – LOT LINE ADJUSTMENT
- ATTACHMENT H – INITIAL STUDY/MITIGATED NEGATIVE DECLARATION ND13-19 (SCH # 2019099005)
- ATTACHMENT I – FINAL IS/MND
- ATTACHMENT J – PLANNING COMMISSION PUBLIC COMMENTS
- ATTACHMENT K – APPLICATIONS FOR APPEAL
- ATTACHMENT L – STAFF RESPONSE TO THE APPEALS

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Lona Beach, CA 90802

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH APPROVING AND CERTIFYING THE MITIGATED NEGATIVE DECLARATION (MND13-19) FOR THE 300 STUDEBAKER ROAD INDUSTRIAL PARK PROJECT IN THE CITY OF LONG BEACH; MAKING CERTAIN CEQA FINDINGS; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, the City prepared a Draft Initial Study/Mitigated Negative Declaration (MND) for the 300 Studebaker Road Industrial Park Project ("Project") dated September 2019, which reflects the independent judgment of the City as to the potential environmental impacts of the Project. The Draft Initial Study/ Mitigated Negative Declaration was circulated for public review and comment from September 6, 2019 to October 7, 2019, for a 30-day comment period; and

WHEREAS, on November 7, 2019, the Planning Commission held a properly noticed public hearing on the Project at which time all interested parties had the opportunity to present evidence and be heard regarding the Project before the Planning Commission. Thereafter, the Planning Commission certified and approved the Mitigated Negative Declaration as being compliant with the California Environmental Quality Act (CEQA), and likewise, approved the Proposed Project with conditions. The action of the Planning Commission was subsequently appealed to the City Council for its review and determination; and

WHEREAS, on January 7, 2020, the City Council held a properly noticed public hearing on the Appeals and the Project at which time all interested parties had the opportunity to present evidence and be heard; and

WHEREAS, the City has incorporated public comments and revisions, if

1 any, to the Initial Study/Mitigated Negative Declaration as recirculated; and

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

4 Section 1. The City Council adopts and certifies the Mitigated Negative
5 Declaration presented to the City Council after reviewing and considering the information
6 contained in said Mitigated Negative Declaration and prior to deciding whether to approve
7 the proposed Project. The Mitigated Negative Declaration has been thoroughly reviewed
8 and analyzed by the City's staff, Planning Commission, and the City Council. The draft
9 documents circulated for public review reflect the City's own independent judgment, and
10 the Mitigated Negative Declaration as approved and certified by this Resolution also
11 reflects the independent judgment of the City Council.

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

16 Section 3. That the mitigation measures and the Mitigation Monitoring
17 and Reporting Program ("MMRP") set forth in the MND will mitigate or avoid all significant
18 environmental effects that can feasibly be mitigated or avoided. The City Council hereby
19 adopts the MMRP attached hereto as Exhibit "A," and incorporated herein by this
20 reference as though set forth in full, word for word.

21 Section 4. The City Council has made its decision to adopt, approve, and
22 certify the Mitigated Negative Declaration in light of all the testimony and evidence
23 presented at or prior to the close of the noticed public hearing, including letters, reports,
24 comments, analyses, etc., which the City Council after review and comment by its staff
25 critically reviewed, corrected, and augmented where necessary, as set forth in the record
26 and procedural findings on this Project.

27 Section 5. The City Council, in adopting and certifying the Mitigated
28 Negative Declaration for this Project, of which these findings are a part, did so through

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1 the exercise of their independent judgment and review after finding substantial evidence,
2 in light of the record as a whole, to support the adoption of the Mitigated Negative
3 Declaration.

4 Section 6. Consistent with Public Resources Code Section
5 21081.6(a)(2), the documents which constitute the record of proceedings for approving
6 this project and the Mitigated Negative Declaration are located in the Development
7 Services Department, Planning Bureau, 411 W. Ocean Blvd., 3rd Floor, Long Beach, CA
8 90802.

9 Section 7. This resolution shall take effect immediately upon its adoption
10 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

11 I hereby certify that the foregoing resolution was adopted by the City
12 Council of the City of Long Beach at its meeting of _____, 20__ by the
13 following vote:

14 Ayes: Councilmembers: _____

15 Noes: Councilmembers: _____

16 Absent: Councilmembers: _____

_____ City Clerk

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28

Exhibit A

3 Mitigation Monitoring and Reporting Program

This document is the Mitigation Monitoring and Reporting Program (MMRP) for the 300 Studebaker Road Industrial Park Project (proposed project) proposed in the City of Long Beach. The purpose of the MMRP is to ensure that the required mitigation measures identified in the Initial Study – Mitigated Negative Declaration (IS-MND) are implemented as part of the overall project implementation. In addition, the MMRP provides feedback to agency staff and decision-makers during project implementation and identifies the need for enforcement action before irreversible environmental damage occurs.

The following table summarizes the mitigation measures for each issue area identified in the IS-MND for the proposed project. The table identifies the actions required for the measure to be implemented, the time at which the monitoring is to occur, the monitoring frequency, and the agency or party responsible for ensuring that the monitoring is performed. In addition, the table includes columns for compliance verification. These columns will be filled out by the monitoring agency or party and would document monitoring compliance. Where an impact was identified to be less than significant, no mitigation measures were required.

This MMRP will be used by City staff or the City’s consultant to determine compliance with permit conditions. Violations of these conditions may cause the City to revoke the operating permit.

City of Long Beach
300 Studebaker Road Industrial Park Project

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
Aesthetics							
AES-1 Outdoor Lighting Plan Prior to issuance of building permits for the project, the project Applicant shall submit a photometric plan to the Department of Development Services demonstrating that the project will be designed and shielded so that the project's contribution of nighttime lighting shall be no greater than 0.10 foot-candles at the edge of the Los Cerritos Wetlands.	Applicant shall demonstrate in photometric plan that the project will be designed and shielded so that the project's contribution of nighttime lighting shall be no greater than 0.10 foot-candles at the edge of the Los Cerritos Wetlands	Review and verification of photometric plan prior to issuance of any building permit	Review and verification once prior to issuance of any building permit	City of Long Beach Department of Development Services			
Biological Resources							
BIO-1 Pre-construction Nesting Bird Surveys and Avoidance If initial clearing activities prior to the start of construction take place during the bird nesting season (generally February 1 through August 31, but variable based on seasonal and annual climatic conditions), a nesting bird survey should be performed by a qualified biologist within seven days of such activities to determine the presence/absence, location, and status of any active nests on-site or within 100 feet of the site. The findings of the survey should be summarized in a report to be submitted to the City of Long Beach prior to undertaking construction activities at the site. If nesting birds are found on-site, a construction buffer of 500 feet for nesting raptors or threatened or endangered species and 100 feet of all other nesting birds should be implemented around the active nests and demarcated with fencing or flagging. Nests should be monitored at a minimum of once per week by the qualified biologist until it	Verify that construction is scheduled outside of the bird breeding season; if construction is to occur during the bird breeding season, verify and review completion of a nesting bird survey and review survey results; if nests are found, field verify compliance with established buffer	Review and verification prior to issuance of any construction permit; field verification during construction.	Review and verification once prior to issuance of any construction permit; field verification periodically during construction	City of Long Beach Department of Development Services			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>has been determined that the nest is no longer being used by either the young or adults. No ground disturbance should occur within this buffer until the qualified biologist confirms that the breeding/nesting is completed and all the young have fledged. If project activities must occur within the buffer, they should be conducted at the discretion of the qualified biologist.</p> <p>If no nesting birds are observed during pre-construction surveys, no further actions would be necessary.</p>							
Cultural Resources							
<p>CR-1 Unanticipated Discovery of Cultural Resources</p> <p>If cultural resources are encountered during ground-disturbing activities, work in the immediate area shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work such as data recovery excavation and Native American consultation and archaeological monitoring may be warranted to mitigate any significant impacts to cultural resources.</p>	<p>If cultural resources encountered on-site during ground-disturbing activities, verify that construction activities are halted and that the find is evaluated by a qualified paleontologist</p>	<p>Field verification during construction</p>	<p>Field verification during construction</p>	<p>City of Long Beach Department of Development Services</p>			
Geology and Soils							
<p>GEO-1 Liquefiable Soils</p> <p>Prior to the proposed ground improvement technique as recommended in the site-specific Geotechnical investigation (Appendix F), consisting of vibro-replacement stone columns, copies of the preliminary grading and foundation plans shall be provided to a geotechnical engineer for review. A deep foundation system shall be built from the medium dense to very dense, non-liquefiable soils present at depths between 32 and at least 51 ½ feet, to support the proposed structures. The deep foundation shall be</p>	<p>Review of grading and foundation plans by geotechnical engineer; implementation of deep foundation system</p>	<p>Review prior to implementation of ground improvement technique; implementation of deep foundation system during construction</p>	<p>Review and implementation once prior to issuance of any building permit</p>	<p>City of Long Beach Department of Development Services</p>			

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300 Studebaker Road Industrial Park Project

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>embedded at least five feet within non-liquefiable, low compressibility, suitable bearing soils. The existing soils in the proposed building area shall be overexcavated to a depth of at least 1 foot below the proposed building pad subgrade elevation and to a depth of at least 1 foot below the existing grade, whichever is greater. The overexcavation areas shall be extend at least 5 feet beyond the building perimeters. Following completion of the overexcavation, the subgrade soils within the building area shall be evaluated by a geotechnical engineer to verify the suitability to serve as the structural fill subgrade.</p>							
<p>GEO-2 Expansive Soils As referenced in the project specific Geotechnical Investigation (Appendix F), a structural engineer shall be retained to determine the floor slab reinforcement required for the proposed buildings based on the imposed slab loading and the potential liquefaction settlements. The minimum floor slab reinforcement shall consist of No. 3 rebars at 18-inches on center in both directions to account for the presence of low to medium expansive soils. Structural floor slab supported on the deep foundation system shall be at minimum five inches thick. Materials with high expansion potential, low strength, poor gradation or containing organic materials may require removal from the site or selective placement and/or mixing to the satisfaction of the Geotechnical Engineer. Bare soil within five feet of proposed structures shall be sloped at a minimum five percent gradient away from the structure (about three inches of fall in five feet), or the same area could be paved with a minimum surface gradient of one percent. Additional expansion index testing shall be conducted at the completion of rough grading to verify the expansion potential of the as-graded building pad. All soils shall be evaluated and tested by the Geotechnical Engineer.</p>	<p>Determination of the floor slab reinforcement required by structural engineer; evaluation and testing of soils by geotechnical engineer</p>	<p>Determination of the floor slab reinforcement required prior to construction; evaluation and testing of soils prior to construction</p>	<p>Determination floor slab reinforcement and evaluation of soils once prior to issuance of any building permit</p>	<p>City of Long Beach Department of Development Services</p>			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>GEO-3 Unanticipated Discovery of Paleontological Resources</p> <p>In the event an unanticipated fossil discovery is made during the course of project development, then in accordance with SVP (2010) guidelines, it is the responsibility of any worker who observes fossils within the project site to stop work in the immediate vicinity of the find and notify a qualified professional paleontologist who shall be retained to evaluate the discovery, determine its significance and if additional mitigation or treatment is warranted. Work in the area of the discovery will resume once the find is properly documented and authorization is given to resume construction work. Any significant paleontological resources found during construction monitoring will be prepared, identified, analyzed, and permanently curated in an approved regional museum repository.</p>	<p>If paleontological resources are discovered on-site during construction, verify that construction activities are halted and the find is evaluated by a qualified paleontologist</p>	<p>Field verification during construction</p>	<p>Field verification during construction</p>	<p>City of Long Beach Department of Development Services</p>			
<p>Hazards and Hazardous Materials</p>							
<p>HAZ-1 Existing Toxic/Hazardous Materials</p> <p>Removal of residual large-diameter pipelines shall be performed on-site, as well as abatement of related material that may have become entrained in surrounding soils. If additional ACMs are found to be present, all asbestos removal operations shall be performed by a California Division of Occupational Safety and Health (Cal/OSHA-DOSH)-registered and California-licensed asbestos contractor. All disturbance of ACMs, and/or abatement operations, shall be performed under the surveillance of a third-party Cal/OSHA Certified Asbestos Consultant. All disturbances of ACMs, and/or abatement operations, shall be performed in accordance with the Cal/OSHA requirements set forth in 8 CCR 1529. Given the location of the project site, all asbestos abatement must also be performed in accordance with SCAQMD requirements set forth in Rule 1403 as well as all other applicable State and federal rules and regulations. In addition, methane sampling shall be implemented throughout the eastern project area</p>	<p>Removal of residual pipelines and abatement of associated material; asbestos abatement; methane sampling in eastern section of the project site</p>	<p>Prior to issuance of any demolition permits</p>	<p>Once prior to the issuance of any demolition permits</p>	<p>City of Long Beach Department of Development Services</p>			

City of Long Beach
300 Studebaker Road Industrial Park Project

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
of the project site, in order to account for the lack of specific information associated with the prior sampling. Contingency plans shall be in place to manage the removal and appropriate disposal of unanticipated subsurface infrastructure that could be encountered during site grading activities.							
<p>HAZ-2 Soil Management Plan</p> <p>No ground-disturbing activities shall be allowed on the project site without a Soil Management Plan prepared by the project Applicant and approved by the Department of Toxic Substances Control. In order to mitigate any potentially significant impacts pertaining to RECs and OEFs present on-site, any soil brought to the surface by grading, excavation, trenching, or backfilling shall be managed in accordance with all applicable provisions of state and federal law. In order to verify compliance with the LUC, annual inspections and annual reporting requirements shall be enforced by the City.</p>	Preparation of a Soil Management Plan; approval by Department of Toxic Substances Control; annual inspections and reporting to verify LUC compliance	Preparation and approval of a Soil Management Plan prior to ground-disturbing activities; annual inspections and reporting	Preparation and approval of a Soil Management Plan once prior to ground-disturbing activities; annual inspections and reporting	City of Long Beach Department of Development Services			
Noise							
<p>NOI-1 Construction Noise Reduction</p> <p>Prior to Grading Permit issuance, the Applicant shall demonstrate, to the satisfaction of the City of Long Beach City Engineer, that the project complies with the following measures to reduce construction-related noise.</p> <ul style="list-style-type: none"> Property owners and occupants located within 100 feet of the project boundary shall be sent a notice, at least 15 days prior to commencement of construction of each phase, regarding the construction schedule of the proposed project. A sign, legible at a distance of 50 feet shall also be posted at the project construction site. All notices and signs shall be reviewed and approved by the City of Long Beach Development Services Department, prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and telephone number where residents can inquire about the construction process and register 	Applicant shall provide notice of construction to properties within 100 feet of the project boundary, designate a Noise Disturbance Coordinator and provide evidence that construction noise reduction measures will be used prior to construction; Applicant shall equip stationary	Provide notice of construction, designate a Noise Disturbance Coordinator and demonstrate use of construction noise reduction measures prior to issuance of construction permits; Equip stationary equipment with mufflers, direct	Provide notice of construction, designate a Noise Disturbance Coordinator and demonstrate use of construction noise reduction measures once prior to issuance of construction permits; Equip stationary equipment with mufflers, direct equipment away from sensitive				

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>complaints.</p> <ul style="list-style-type: none"> ▪ Prior to the issuance of any Grading or Building Permit, the contractor shall provide evidence that a construction staff member will be designated as a Noise Disturbance Coordinator and will be present during on-site construction activities. The Noise Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a noise complaint is received, the Noise Disturbance Coordinator shall notify the City within 24-hours of the complaint and determine the cause of the noise complaint and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the City of Long Beach City Engineer. All notices that are sent to residential units immediately surrounding the construction site and all signs posted at the construction site shall include the contact name and the telephone number for the Noise Disturbance Coordinator. ▪ Prior to the issuance of any Grading or Building Permit, the project applicant shall demonstrate to the satisfaction of the City of Long Beach City Engineer that construction noise reduction methods shall be used where feasible. These reduction methods include shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and electric air compressors and similar power tools. ▪ During all excavation and grading on-site, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. ▪ The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receivers (e.g., residences and wildlife) nearest to the project site. 	<p>equipment with mufflers, place stationary equipment so that emitted noise is directed away from sensitive receptors and stage equipment to avoid impacting sensitive receptors during construction; Avoidance of nesting birds during construction</p>	<p>equipment away from sensitive receptors, stage equipment to avoid impacting sensitive receptors and avoid nesting birds during construction</p>	<p>receptors, stage equipment to avoid impacting sensitive receptors and avoid nesting birds throughout construction process</p>				

City of Long Beach
300 Studebaker Road Industrial Park Project

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
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<ul style="list-style-type: none"> ▪ The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receivers (e.g., residences and wildlife) during all project construction. ▪ No construction shall occur within 500 feet of nesting raptors or threatened or endangered species and 100 feet of all other nesting birds protected by the federal Migratory Bird Treaty Act. 							
Tribal Cultural Resources							
TR-1 Retain a Native American Monitor/Consultant The Project Applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the NAHC's Tribal Contact list for the area of the project location. This list is provided by the NAHC. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.	Verify that an approved Tribal monitor/consultant has been obtained, verify completion of daily monitoring logs during the construction phase when ground disturbing activities occur.	Prior to issuance of grading permits; continuous during construction activities.	Once at plan check; periodically throughout construction	City of Long Beach Department of Development Services			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<p>TR-2 Unanticipated Discovery of Tribal Cultural and Archaeological Resources</p> <p>Upon discovery of any archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource", time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to a local</p>	<p>Verify that appropriate procedures are followed if archaeological resources are identified during demolition, grading, and/or construction.</p>	<p>Periodically during grading and ground disturbing activities.</p>	<p>Periodically throughout grading and ground disturbing activities.</p>	<p>City of Long Beach Department of Development Services</p>			

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school or historical society in the area for educational purposes.							
<p>TR-3 Unanticipated Discovery of Human Remains and Associated Funerary Objects</p> <p>Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) and PRC 5097.98 shall be followed.</p>	Verify that appropriate procedures are followed if human remains and/or associated funerary objects are identified during demolition, grading, and/or construction.	Periodically during grading and ground disturbing activities.	Periodically throughout grading and ground disturbing activities.	City of Long Beach Department of Development Services			
<p>TR-4 Resource Assessment and Continuation of Work Protocol</p> <p>Upon discovery, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the burial. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner.</p> <p>Work will continue to be diverted while the coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).</p>	Verify that appropriate procedures are followed if human remains and/or associated funerary objects are identified during demolition, grading, and/or construction.	Periodically during grading and ground disturbing activities.	Periodically throughout grading and ground disturbing activities.	City of Long Beach Department of Development Services			

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<p>TR-5 Kizh-Gabrieleño Procedures for Burials and Funerary Remains</p> <p>If the Gabrieleño Band of Mission Indians – Kizh Nation is designated MLD, the following treatment measures shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. These remains are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.</p>	<p>Verify that appropriate procedures are followed if human remains and/or associated funerary objects, as defined by the Gabrieleño Band of Mission Indians – Kizh Nation (if designated as the MLD) are identified during demolition, grading, and/or construction.</p>	<p>Periodically during grading and ground disturbing activities.</p>	<p>Periodically throughout grading and ground disturbing activities.</p>	<p>City of Long Beach Department of Development Services</p>			
<p>TR-6 Treatment Measures</p> <p>Prior to the continuation of ground disturbing activities, the land owner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum</p>	<p>Verify that appropriate procedures are followed if human remains and/or associated funerary objects are identified during demolition, grading, and/or construction.</p>	<p>Periodically during grading and ground disturbing activities.</p>	<p>Periodically throughout grading and ground disturbing activities.</p>	<p>City of Long Beach Department of Development Services</p>			

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<p>detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.</p> <p>Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.</p> <p>Professional Standards: Archaeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.</p>							